



General Assembly

January Session, 2015

Raised Bill No. 1082

LCO No. 5060



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT PERMITTING STATE AGENCIES TO ESTABLISH
ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 4-166 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 As used in this chapter:

4 (1) "Agency" means each state board, commission, department or
5 officer authorized by law to make regulations or to determine
6 contested cases, but does not include either house or any committee of
7 the General Assembly, the courts, the Council on Probate Judicial
8 Conduct, the Governor, Lieutenant Governor or Attorney General, or
9 town or regional boards of education, or automobile dispute
10 settlement panels established pursuant to section 42-181;

11 (2) "Approved regulation" means a regulation submitted to the
12 Secretary of the State in accordance with the provisions of section 4-
13 172;

14 (3) "Certification date" means the date the Secretary of the State
15 certifies, in writing, that the eRegulations System is technologically
16 sufficient to serve as the official compilation and electronic repository
17 in accordance with section 4-173b;

18 (4) "Contested case" means a proceeding, including but not
19 restricted to rate-making, price fixing and licensing, in which the legal
20 rights, duties or privileges of a party are required by state statute or
21 regulation to be determined by an agency after an opportunity for
22 hearing or in which a hearing is in fact held, but does not include
23 proceedings on a petition for a declaratory ruling under section 4-176,
24 hearings referred to in section 4-168 or hearings conducted by the
25 Department of Correction or the Board of Pardons and Paroles;

26 (5) "Final decision" means (A) the agency determination in a
27 contested case, (B) a declaratory ruling issued by an agency pursuant
28 to section 4-176, or (C) an agency decision made after reconsideration.
29 The term does not include a preliminary or intermediate ruling or
30 order of an agency, or a ruling of an agency granting or denying a
31 petition for reconsideration;

32 (6) "Hearing officer" means an individual appointed by an agency to
33 conduct a hearing in an agency proceeding. Such individual may be a
34 staff employee of the agency;

35 (7) "Intervenor" means a person, other than a party, granted status
36 as an intervenor by an agency in accordance with the provisions of
37 subsection (d) of section 4-176 or subsection (b) of section 4-177a;

38 (8) "License" includes the whole or part of any agency permit,
39 certificate, approval, registration, charter or similar form of permission
40 required by law, but does not include a license required solely for
41 revenue purposes;

42 (9) "Licensing" includes the agency process respecting the grant,
43 denial, renewal, revocation, suspension, annulment, withdrawal or

44 amendment of a license;

45 (10) "Party" means each person (A) whose legal rights, duties or
46 privileges are required by statute to be determined by an agency
47 proceeding and who is named or admitted as a party, (B) who is
48 required by law to be a party in an agency proceeding, or (C) who is
49 granted status as a party under subsection (a) of section 4-177a;

50 (11) "Person" means any individual, partnership, corporation,
51 limited liability company, association, governmental subdivision,
52 agency or public or private organization of any character, but does not
53 include the agency conducting the proceeding;

54 (12) "Personal delivery" means delivery directly to the intended
55 recipient or a recipient's designated representative and includes, but is
56 not limited to, delivery by electronic mail to an electronic mail address
57 identified by the recipient as an acceptable means of communication;

58 ~~[(12)]~~ (13) "Presiding officer" means the member of an agency or the
59 hearing officer designated by the head of the agency to preside at the
60 hearing;

61 ~~[(13)]~~ (14) "Proposed final decision" means a final decision proposed
62 by an agency or a presiding officer under section 4-179;

63 ~~[(14)]~~ (15) "Proposed regulation" means a proposal by an agency
64 under the provisions of section 4-168 for a new regulation or for a
65 change in, addition to or repeal of an existing regulation;

66 ~~[(15)]~~ (16) "Regulation" means each agency statement of general
67 applicability, without regard to its designation, that implements,
68 interprets, or prescribes law or policy, or describes the organization,
69 procedure, or practice requirements of any agency. The term includes
70 the amendment or repeal of a prior regulation, but does not include
71 (A) statements concerning only the internal management of any
72 agency and not affecting private rights or procedures available to the

73 public, (B) declaratory rulings issued pursuant to section 4-176, or (C)
74 intra-agency or interagency memoranda;

75 [(16)] (17) "Regulation-making" means the process for formulation
76 and adoption of a regulation;

77 [(17)] (18) "Regulation-making record" means the documents
78 specified in subsection (b) of section 4-168b and includes any other
79 documents created, received or considered by an agency during the
80 regulation-making process; and

81 [(18)] (19) "Regulations of Connecticut state agencies" means the
82 official compilation of all permanent regulations adopted by all state
83 agencies subsequent to October 27, 1970, organized by title number,
84 subtitle number and section number.

85 Sec. 2. Section 4-60s of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective October 1, 2015*):

87 (a) Each agency of the Executive Department of the state
88 government shall explore the feasibility of converting all applications
89 and forms used by the public to electronic format and create an
90 inventory of all forms used by such agency.

91 (b) Notwithstanding the provisions of chapter 54, an agency as
92 defined in section 4-166, as amended by this act, may suspend any
93 requirements for paper filing or service of documents requirements
94 contained in any regulation adopted by such agency pursuant to
95 subdivision (1) of subsection (a) of section 4-167 and may establish an
96 electronic filing system for formal and informal agency proceedings.
97 Such agency, before establishing such a system, shall give at least
98 thirty days' notice by posting on its Internet web site and publishing in
99 the Connecticut Law Journal a notice of its intended action and the
100 instructions for the use of such system. Any agency establishing such a
101 system shall permit a person, as defined in section 4-166, as amended
102 by this act, to request an exemption from any electronic filing

103 requirements due to a demonstrated hardship, including, but not
104 limited to, a lack of access to a device capable of electronic filing or the
105 incompatibility of a specific filing with the electronic filing system.

106 Sec. 3. Section 4-56a of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2015*):

108 Procedures prescribed pursuant to sections 4-53, 4-56 and 4-57a
109 shall not be deemed to constitute state regulations within the meaning
110 of subdivision [(15)] (16) of section 4-166, as amended by this act.

111 Sec. 4. Section 4-61ii of the general statutes is repealed and the
112 following is substituted in lieu thereof (*Effective October 1, 2015*):

113 Any state agency utilizing or contemplating the utilization of
114 volunteers shall be responsible for the development, continuation or
115 expansion of volunteer programs within the agency. Each state agency
116 may, for the purposes of fulfilling its responsibilities under sections 4-
117 61hh to 4-61mm, inclusive, do any or all of the following: (1) Utilize
118 qualified salaried professional staff to develop meaningful
119 opportunities for volunteers involved in carrying out the functions of
120 the agency; (2) develop written rules governing the recruitment,
121 screening, training, responsibility, utilization, supervision and
122 evaluation of its volunteers, but such rules shall not be deemed to be
123 regulations as defined in [subdivision (15) of] section 4-166, as
124 amended by this act; (3) take such actions as are necessary to ensure
125 that volunteers and paid employees understand their respective duties
126 and responsibilities toward one another and their respective roles in
127 fulfilling the functions of the agency; (4) develop and implement
128 orientation and training programs for volunteers; and (5) contract with
129 other state agencies, as it deems necessary.

130 Sec. 5. Subdivision (14) of subsection (a) of section 15-120cc of the
131 general statutes is repealed and the following is substituted in lieu
132 thereof (*Effective October 1, 2015*):

133 (14) Adopt rules for the conduct of its business which shall not be
134 considered regulations, as defined in [subdivision (15) of] section 4-
135 166, as amended by this act;

136 Sec. 6. Subsection (a) of section 32-435 of the general statutes is
137 repealed and the following is substituted in lieu thereof (*Effective*
138 *October 1, 2015*):

139 (a) There is hereby established and created a body politic and
140 corporate, constituting a public instrumentality and political
141 subdivision of the state of Connecticut established and created for the
142 performance of an essential public and governmental function, to be
143 known as the Connecticut Port Authority. The authority shall not be
144 construed to be a department, institution or agency of the state. The
145 purposes of the Connecticut Port Authority shall be to coordinate port
146 development, with a focus on private and public investments, pursue
147 federal and state funds for dredging and other infrastructure
148 improvements to increase cargo movement through Connecticut ports,
149 market the advantages of such ports to the domestic and international
150 shipping industry, coordinate the planning and funding of capital
151 projects promoting the development of such ports and develop
152 strategic entrepreneurial initiatives that may be available to the state.
153 The authority is authorized and empowered to:

154 (1) Have perpetual succession as a body politic and corporate and to
155 adopt bylaws for the regulation of its affairs and the conduct of its
156 business;

157 (2) Adopt an official seal and alter the same at pleasure;

158 (3) Maintain an office at such place or places as it may designate;

159 (4) Sue and be sued in its own name, and plead and be impleaded;

160 (5) Develop an organizational and management structure that will
161 best accomplish the goals of the authority concerning Connecticut

162 ports;

163 (6) Create a code of conduct for the board of directors of the
164 authority consistent with part I of chapter 10;

165 (7) Adopt rules for the conduct of its business, which shall not be
166 considered regulations as defined in [subdivision (13) of] section 4-166,
167 as amended by this act; and

168 (8) Adopt an annual budget and plan of operations, including a
169 requirement of board approval before the budget or plan may take
170 effect.

171 Sec. 7. Subsection (a) of section 32-665 of the general statutes is
172 repealed and the following is substituted in lieu thereof (*Effective*
173 *October 1, 2015*):

174 (a) Except as otherwise provided in sections 32-650 to 32-668,
175 inclusive, the following provisions of the general statutes, including
176 regulations adopted thereunder, shall not apply to the overall project:
177 Section 3-14b, subdivisions [(12), (13) and (14)] (13) to (15), inclusive, of
178 section 4-166, as amended by this act, sections 4-167 to 4-174, inclusive,
179 4-181a, 4a-1 to 4a-59a, inclusive, 4a-63 to 4a-76, inclusive, title 4b,
180 section 16a-31, chapters 97a, 124 and 126, sections 14-311 to 14-314c,
181 inclusive, 19a-37, 22a-16 and subsection (a) of section 22a-19. For the
182 purposes of section 22a-12, construction plans relating to the overall
183 project shall not be considered construction plans required to be
184 submitted by state agencies to the Council on Environmental Quality.
185 Notwithstanding any provision of any special act, charter, ordinance,
186 home rule ordinance or chapter 98, no provision of any such act,
187 charter or ordinance or said chapter 98, concerning licenses, permits or
188 approvals by a political subdivision of the state pertaining to building
189 demolition or construction shall apply to the overall project and,
190 notwithstanding any provision of the general statutes, the State
191 Building Inspector and the State Fire Marshal shall have original
192 jurisdiction with respect to the administration and enforcement of the

193 State Building Code and the Fire Safety Code, respectively, with
194 respect to all aspects of the overall project, including, without
195 limitation, the conduct of necessary reviews and inspections and the
196 issuance of any building permit, certificate of occupancy or other
197 necessary permits or certificates related to building construction,
198 occupancy or fire safety. For the purposes of part III of chapter 557, the
199 stadium facility project, the convention center project and the parking
200 project shall be deemed to be a public works project and consist of
201 public buildings except that the provisions relating to payment of
202 prevailing wages to workers in connection with a public works project
203 including, but not limited to, section 31-53 shall not apply to the
204 stadium facility project, the convention center project and the parking
205 project if the project manager or the prime construction contractor has
206 negotiated other wage terms pursuant to a project labor agreement.
207 The provisions of section 2-32c and subsection (c) of section 2-79a shall
208 not apply to any provisions of public act 99-241, as amended by public
209 act 00-140, or chapter 588x concerning the overall project. Any building
210 permit application with respect to the overall project shall be exempt
211 from the assessment of an education fee under subsection (b) of section
212 29-252a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	4-166
Sec. 2	<i>October 1, 2015</i>	4-60s
Sec. 3	<i>October 1, 2015</i>	4-56a
Sec. 4	<i>October 1, 2015</i>	4-61ii
Sec. 5	<i>October 1, 2015</i>	15-120cc(a)(14)
Sec. 6	<i>October 1, 2015</i>	32-435(a)
Sec. 7	<i>October 1, 2015</i>	32-665(a)

Statement of Purpose:

To permit agencies to use electronic methods to provide notice of final decisions and declaratory rulings and to establish electronic filing systems.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]