

Sec. 5-155a-1. Petition for declaratory ruling

(a) **Scope.** This section sets forth the commission's rules for governing the form and content of petitions for declaratory rulings, and commission proceedings on such petitions. Petitions for declaratory rulings may be filed on: (1) the validity of any regulation of the commission, and (2) the applicability to specified circumstances of a provision of the general statutes, a regulation, or a final decision (as defined in Section 4-166 (3) of the General Statutes), on a matter within the jurisdiction of the commission. Any petition for a declaratory ruling not falling in one of these two categories shall be rejected in writing by the retirement division of the comptroller's office as not being the proper subject of such a petition.

(b) **Form and Content of Petitions.**

(1) General. All petitions for declaratory rulings shall be addressed to the commission, and either mailed or hand delivered to the Commission at its official address: 55 Elm Street, Hartford, Connecticut 06106. All petitions shall be signed by the person filing the petition, unless represented by an attorney, in which case the attorney may sign the petition. The petition shall include the address of the person filing the petition, and the address of the attorney, if applicable.

(2) Petitions on validity of regulation. A petition for declaratory ruling on the validity of a regulation shall contain the following:

- (A) the section number and text of the regulation;
- (B) the specific basis for the claim of invalidity of the regulation; and
- (C) an argument by the petitioner in support of the claim of invalidity, with suggested remedy.

(3) Any petition filed which merely requests a ruling on the validity of a regulation, without a detailed claim of invalidity, shall be rejected by the retirement division of the comptroller's office as incomplete.

(4) Petitions on applicability of statute, regulation, or final decision. A petition seeking a declaratory ruling on the applicability of a statute, regulation, or final decision on a matter within the jurisdiction of the commission to specified circumstances shall contain the following:

- (A) the specific statute, regulation, or final decision upon which the petition is sought;
- (B) a brief explanation of why the petitioner believes that the particular statute, regulation, or final decision is within the jurisdiction of the Commission;
- (C) a detailed description of the specified circumstances upon which the petition is based; and

(D) an argument by the petitioner as to why the petitioner believes that the particular statute, regulation, or final decision either is or is not applicable to the specified circumstances.

(5) Any petition failing to identify the statute, regulation, or final decision in question, or failing to adequately describe the specified circumstances shall be rejected in writing by the retirement division of the comptroller's office as incomplete.

(6) Notice. The petitioner, or his attorney, shall append to the petition for a declaratory ruling a listing of all persons, with addresses, known to the petitioner who may have an interest in the declaratory ruling sought to be issued, and shall mail a copy of the petition

to all such persons. The petitioner or his attorney shall certify that a copy of the petition was mailed to all such persons together with this statement: "Should you wish to participate in the proceedings of this petition, or receive notice of such proceedings or the declaratory ruling issued as a result of this petition, you should contact the commission within thirty days of the date of this petition."

(c) **Notice.** In addition to the notice required to be given by the petitioner in subsection (b) (6) above, the commission shall, within thirty days after the receipt of such petition, provide written notice of the filing of the petition (1) to all persons required by any law to receive notice; (2) to all persons who have requested notice of the filing of such petitions on the subject matter of the petition; and (3) to all persons who have requested notice of the filing of any such petitions with the commission. The notice required by this section shall not be required where the retirement division of the comptroller's office has rejected the filing of a petition as inappropriate or incomplete in accordance with subsections (a), (b) (3), and (b) (4) above.

(d) **Rights of Persons to Proceeding.**

(1) Petitioner as party. The petitioner is automatically a party to any proceeding on the petition by virtue of having filed said petition, and need not seek designation as a party from the commission.

(2) Additional parties. Any person, whether or not he has received notice of the petition, may file a petition to become a party within forty-five days from the date of the petition. If the petition to become a party sets forth facts demonstrating that the petitioner's legal rights, duties, or privileges will be specifically affected by the declaratory ruling to be issued, the commission shall grant the petition and designate the petitioner as a party.

(3) Intervenor. Any person, whether or not he has received notice of the petition, may file a petition to become an intervenor within forty-five days from the date of the petition. If the petition sets forth facts demonstrating that the petitioner's participation is in the interest of justice and will not disrupt the orderly conduct of the proceedings, the commission shall grant the petition and designate the petitioner as an intervenor. The commission may define the extent of the intervenor's participation as appropriate to the proceedings on each particular petition for declaratory ruling.

(e) **Commission Proceedings on Petitions.**

(1) Commission action. Within sixty days after the filing of a complete petition for a declaratory ruling, but, in any case, no sooner than forty-five days after the filing of the petition, the commission shall do one of the following, in writing:

(A) issue a declaratory ruling in accordance with the request in the petition containing the names of all parties to the proceeding, the particular facts upon which it is based, and the reasons for the conclusions contained therein;

(B) order that the matter be the subject of a hearing as a contested case;

(C) notify the parties that a declaratory ruling will be issued by a certain date;

(D) decide not to issue a declaratory ruling and initiate regulation making procedures;
or

(E) decide not to issue a declaratory ruling, stating the reasons for its action.

(2) Notice. A copy of the commission action taken in accordance with subsection (e) (1) above shall be delivered to the petitioner and all other parties either in person, or by United

States mail, certified or registered, postage prepaid, return receipt requested.

(3) Effective date, appeal date. Declaratory rulings shall be effective when personally delivered or mailed, or on such later date specified by the commission in the ruling, except that for the purposes of any appeal from the declaratory ruling, the date of personal delivery or mailing shall control.

(4) Contested case appeals. Declaratory rulings shall have the same status and binding effect as an order in a contested case, and shall be a final decision in a contested case for the purposes of appeals in accordance with section 4-183 of the general statutes.

(5) Failure to act. If the commission does not issue a declaratory ruling on a complete petition within one hundred and eighty days after the filing of the petition, or later if agreed to by the parties, the Commission shall be deemed to have decided not to issue a ruling.

(Effective February 3, 1992)