



General Assembly

January Session, 2001

Raised Bill No. 6895

LCO No. 3935

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING DECISIONS OF THE CLAIMS COMMISSIONER.

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

1 Section 1. (NEW) (a) Within five days after the convening of each
2 regular session, the Claims Commissioner shall report to the General
3 Assembly on all claims that have been filed with the Office of the
4 Claims Commissioner pursuant to section 4-147 of the general statutes
5 and have not been disposed of by the Claims Commissioner within
6 two years of the date of filing or within any extension thereof granted
7 by the General Assembly pursuant to subsection (c) of this section.

8 (b) The Claims Commissioner shall give notice to all claimants
9 whose claims are the subject of a report as provided in subsection (a)
10 of this section that their claims will be considered at the next regular
11 session of the General Assembly pursuant to subsection (c) of this
12 section.

13 (c) With respect to any claim that is the subject of a report as
14 provided in subsection (a) of this section, the General Assembly may
15 (1) grant the Claims Commissioner an extension of one year to dispose

16 of such claim, or (2) grant the claimant permission to sue the state.

17 Sec. 2. Subsection (c) of section 4-160 of the general statutes is
18 repealed and the following is substituted in lieu thereof:

19 (c) In each action authorized by the Claims Commissioner pursuant
20 to subsection (a) or (b) of this section or by the General Assembly
21 pursuant to section 4-159 or section 1 of this act, the claimant shall
22 allege such authorization and the date on which it was granted. The
23 state waives its immunity from liability and from suit in each such
24 action and waives all defenses which might arise from the
25 eleemosynary or governmental nature of the activity complained of.
26 The rights and liability of the state in each such action shall be
27 coextensive with and shall equal the rights and liability of private
28 persons in like circumstances.

29 Sec. 3. Section 4-154 of the general statutes is repealed and the
30 following is substituted in lieu thereof:

31 Within ninety days after hearing a claim, the Claims Commissioner
32 shall render [his] a decision. [He] The Claims Commissioner shall
33 make a finding of fact for each claim and file such finding with [his]
34 the order or recommendation disposing of the claim. The clerk of the
35 Office of the Claims Commissioner shall deliver a copy of such finding
36 and order or recommendation to the claimant and to the representative
37 for the state, which representative may in appropriate cases be the
38 Attorney General. If such claim will be submitted to the General
39 Assembly by the Claims Commissioner pursuant to the provisions of
40 section 4-159, the clerk shall give notice to the claimant that such claim
41 will be so submitted and that the General Assembly may accept, alter
42 or reject the recommendation of the Claims Commissioner.

Statement of Purpose:

To provide that whenever the Claims Commissioner has not decided a claim within two years of its filing, the General Assembly may grant an extension or permit the claimant to sue the state.

[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.]