



General Assembly

Substitute Bill No. 6895

January Session, 2001

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) (1) Within five days after the convening of the
2 2002 regular session, the Claims Commissioner shall report to the
3 General Assembly on all claims that have been filed with the Office of
4 the Claims Commissioner pursuant to section 4-147 of the general
5 statutes and have not been disposed of by the Claims Commissioner
6 within three years of the date of filing, except claims in which the
7 parties have stipulated to an extension of time for the Claims
8 Commissioner to dispose of the claim.

9 (2) Within five days after the convening of the 2003 regular session,
10 and each regular session thereafter, the Claims Commissioner shall
11 report to the General Assembly on all claims that have been filed with
12 the Office of the Claims Commissioner pursuant to section 4-147 of the
13 general statutes and have not been disposed of by the Claims
14 Commissioner within two years of the date of filing or within any
15 extension thereof granted by the General Assembly pursuant to
16 subsection (c) of this section, except claims in which the parties have
17 stipulated to an extension of time for the Claims Commissioner to
18 dispose of the claim.

19 (b) The Claims Commissioner shall give notice to all claimants

20 whose claims are the subject of a report as provided in subsection (a)
21 of this section that their claims will be considered at the next regular
22 session of the General Assembly pursuant to subsection (c) of this
23 section.

24 (c) With respect to any claim that is the subject of a report as
25 provided in subsection (a) of this section, the General Assembly may
26 (1) grant the Claims Commissioner an extension for a period specified
27 by the General Assembly to dispose of such claim, (2) grant the
28 claimant permission to sue the state, (3) grant an award to the
29 claimant, or (4) deny the claim.

30 Sec. 2. Subsection (a) of section 4-151 of the general statutes is
31 repealed and the following is substituted in lieu thereof:

32 (a) Claims shall be heard as soon as practicable after they are filed.
33 The following claims shall be privileged with respect to assignment for
34 hearing: (1) Claims by persons who are sixty-five years or older or who
35 reach such age during the pendency of the claim, and (2) claims by
36 executors or administrators of estates. Hearings may be held at the
37 Office of the Claims Commissioner, at any available hearing facility in
38 the State Capitol or Legislative Office Building, upon request at any
39 courthouse serving a judicial district or geographical area or city or
40 town hall in the state or at such other suitable place as the Claims
41 Commissioner finds is convenient and just to the claimant and to the
42 Attorney General.

43 Sec. 3. Subsection (c) of section 4-160 of the general statutes is
44 repealed and the following is substituted in lieu thereof:

45 (c) In each action authorized by the Claims Commissioner pursuant
46 to subsection (a) or (b) of this section or by the General Assembly
47 pursuant to section 4-159 or section 1 of this act, the claimant shall
48 allege such authorization and the date on which it was granted. The
49 state waives its immunity from liability and from suit in each such
50 action and waives all defenses which might arise from the
51 eleemosynary or governmental nature of the activity complained of.

52 The rights and liability of the state in each such action shall be
53 coextensive with and shall equal the rights and liability of private
54 persons in like circumstances.

55 Sec. 4. Section 4-154 of the general statutes is repealed and the
56 following is substituted in lieu thereof:

57 Within ninety days after hearing a claim, the Claims Commissioner
58 shall render [his] a decision. [He] The Claims Commissioner shall
59 make a finding of fact for each claim and file such finding with [his]
60 the order or recommendation disposing of the claim. The clerk of the
61 Office of the Claims Commissioner shall deliver a copy of such finding
62 and order or recommendation to the claimant and to the representative
63 for the state, which representative may in appropriate cases be the
64 Attorney General. If such claim will be submitted to the General
65 Assembly by the Claims Commissioner pursuant to the provisions of
66 section 4-159, the clerk shall give notice to the claimant that such claim
67 will be so submitted and that the General Assembly may accept, alter
68 or reject the recommendation of the Claims Commissioner.

JUD JOINT FAVORABLE SUBST.

LM JOINT FAVORABLE

APP JOINT FAVORABLE