



Senate

General Assembly

File No. 552

January Session, 2003

Substitute Senate Bill No. 1003

Senate, April 28, 2003

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE CLAIMS AGAINST THE STATE OF LUDMIL CHOTKOWSKI AND FAYE A. PHILBRICK.

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

1 Section 1. (*Effective from passage*) Notwithstanding the failure to file
2 an appeal with the Employees' Review Board within the time
3 limitations specified by section 5-202 of the general statutes, and
4 notwithstanding that the subject of such appeal has once been
5 considered by the Claims Commissioner, by the Employees' Review
6 Board, by the General Assembly or in a judicial proceeding, Ludmil
7 Chotkowski is authorized to submit his appeal to the Employees'
8 Review Board, provided he submits such appeal to the board not later
9 than October 1, 2003.

10 Sec. 2. (*Effective from passage*) (a) Notwithstanding the failure to file a
11 proper notice of a claim against the state with the clerk of the Office of
12 the Claims Commissioner, as required by section 4-147 of the general
13 statutes, within the time limitations specified by subsection (a) of

14 section 4-148 of the general statutes, and notwithstanding the
 15 provisions of subsection (c) of said section 4-148 barring the
 16 presentment of a claim once considered by the Claims Commissioner,
 17 by the General Assembly or in a judicial proceeding, Faye A. Philbrick
 18 is authorized pursuant to the provisions of subsection (b) of said
 19 section 4-148 to present her claim against the state to the Claims
 20 Commissioner. The General Assembly deems such authorization to be
 21 just and equitable and finds that such authorization is supported by
 22 compelling equitable circumstances and would serve a public purpose.

23 (b) The state shall be barred from setting up the failure to comply
 24 with the provisions of sections 4-147 and 4-148 of the general statutes,
 25 from denying that notice of the claim was properly and timely given
 26 pursuant to sections 4-147 and 4-148 of the general statutes and from
 27 setting up the fact that the claim had once been considered by the
 28 Claims Commissioner, by the General Assembly or in a judicial
 29 proceeding as defenses to such claim.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Adjudicated Claims (Comptroller)	GF - Potential Cost	Significant	None
Attorney General	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill allows Ludmil Chotkowski to submit an appeal to the Employees' Review Board.¹ Potential significant costs could result to the state to the extent that Ludmil Chotkowski's appeal is successful and damages are awarded. The appeal of Ludmil Chotkowski could result in significant costs because he is seeking lost wages and interest related to the termination of his employment in 1976 by the Veterans' Home and Hospital (now the Department of Veterans' Affairs).

The bill permits Faye Philbrick to present her claim against the state to the Claims Commissioner, who may either: (1) after hearing, recommend payment or rejection of her claim to the General Assembly at the beginning of the 2004 regular session; or (2) grant her permission to sue the state.

It is anticipated that the Attorney General would represent the state in both of these matters. Consequently, there would be no additional cost to the state for legal representation. Payment would be made

¹ Per CGS Section 5-201, the Employees' Review Board is assigned to the Department of Administrative Services (DAS) for administrative purposes only. It is budgeted as an Other Current Expenses account in DAS. The board functions to resolve grievances and disciplinary action issues of permanent state employees not covered under collective bargaining.

from the Adjudicated Claims account if judgment is rendered against the state in these matters.²

² The Adjudicated Claims account is a non-appropriated, General Fund account within the State Comptroller's agency for administrative purposes. Payments from this account would reduce a surplus or increase a deficit in the General Fund.

OLR Bill Analysis

sSB-1003

***AN ACT CONCERNING THE CLAIMS AGAINST THE STATE OF
LUDMIL CHOTKOWSKI AND FAYE A. PHILBRICK.***

SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0