



House of Representatives

General Assembly

File No. 661

February Session, 2008

Substitute House Bill No. 5627

House of Representatives, April 17, 2008

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CHANGING THE NAME OF WORKERS' COMPENSATION COMMISSIONERS TO ADMINISTRATIVE LAW JUDGES.

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

1 Section 1. Subsection (c) of section 4-186 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2008*):

4 (c) The Employment Security Division and the Board of Mediation
5 and Arbitration of the state Labor Department, the Claims
6 Commissioner, and the [Workers' Compensation Commissioner]
7 Administrative Law Judges are exempt from the provisions of section
8 4-176e and sections 4-177 to 4-183, inclusive.

9 Sec. 2. Section 5-170 of the general statutes is repealed and the
10 following is substituted in lieu thereof (*Effective October 1, 2008*):

11 (a) Except as provided in subsection (i) of section 5-169, a member
12 shall not be entitled to receive or retain retirement income payments

13 made for any period for which the member has received or receives
14 disability payments and necessary medical and hospital expenses
15 because of injury incurred or disease contracted in the performance of
16 certain duties, as provided in section 5-142. Unless the Retirement
17 Commission has waived the overpayment in accordance with section
18 5-156c, in any case in which a member has received retirement income
19 payments in excess of his entitlement under this subsection, the
20 Comptroller shall act to recover such overpayments by any
21 appropriate means, including (1) withholding such sums from future
22 retirement income payments in accordance with regulations to be
23 adopted by the Retirement Commission in accordance with the
24 provisions of chapter 54, and (2) petitioning the [workers'
25 compensation commissioner] administrative law judge having
26 jurisdiction of the member's claim under section 5-142 for an order
27 reducing the member's award pursuant to said section by the amount
28 of such overpayment. The [commissioner] administrative law judge
29 may enter such order notwithstanding the provisions of section 31-320.

30 (b) Retirement income payments made to a member receiving
31 disability payments and necessary medical and hospital expenses
32 under the provisions of the Workers' Compensation Act, as set forth in
33 chapter 568, shall be reduced for any period for which such disability
34 payments are being made or have been made, except as provided in
35 subsection (c) of this section. The amount of each reduced retirement
36 income payment shall be determined in accordance with section 5-169.
37 Unless the Retirement Commission has waived the overpayment in
38 accordance with section 5-156c, in any case in which a member has
39 received retirement income payments in excess of his entitlement
40 under this subsection, the Comptroller shall act to recover such
41 overpayments by any appropriate means, including (1) withholding
42 such sums from future retirement income payments in accordance
43 with regulations to be adopted by the Retirement Commission in
44 accordance with the provisions of chapter 54, and (2) petitioning the
45 [workers' compensation commissioner] administrative law judge
46 having jurisdiction of the member's workers' compensation claim for
47 an order reducing the member's workers' compensation award by the

48 amount of such overpayment. The [commissioner] administrative law
49 judge may enter such order notwithstanding the provisions of section
50 31-320.

51 (c) Retirement income payments shall not be reduced: (1) For a
52 member receiving a specific indemnity award under section 31-307 or
53 31-308; (2) for a member who received a judgment for personal injuries
54 and pain and suffering under the provisions of section 31-293, as
55 amended by this act, provided the member has reimbursed the state in
56 full for all sums expended by it under chapter 568; or (3) by the
57 amount of any attorney's fees a member incurs to obtain benefits under
58 the Workers' Compensation Act or federal Social Security disability
59 benefits.

60 (d) This section applies to claims for workers' compensation and
61 disability retirement from injuries sustained on and after January 1,
62 1947.

63 Sec. 3. Subsection (d) of section 17b-341 of the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective*
65 *October 1, 2008*):

66 (d) Any party aggrieved by said commissioner's decision after a
67 hearing conducted pursuant to subsection (b) or (c), may appeal
68 therefrom in accordance with the provisions of section 4-183, except
69 venue shall be in the judicial district in which the home or hospital is
70 located. Such appeal shall have precedence in respect to order of trial
71 over all other cases except writs of habeas corpus, actions brought by
72 or on behalf of the state, including informations on the relation of
73 private individuals, and appeals from awards or decisions of [workers'
74 compensation commissioners] administrative law judges.

75 Sec. 4. Section 19a-641 of the general statutes is repealed and the
76 following is substituted in lieu thereof (*Effective October 1, 2008*):

77 Any health care facility or institution and any state health care
78 facility or institution aggrieved by any final decision of said office

79 under the provisions of sections 19a-630 to 19a-639e, inclusive, may
80 appeal from such decision in accordance with the provisions of section
81 4-183, except venue shall be in the judicial district in which it is
82 located. Such appeal shall have precedence in respect to order of trial
83 over all other cases except writs of habeas corpus, actions brought by
84 or on behalf of the state, including informations on the relation of
85 private individuals, and appeals from awards or decisions of [workers'
86 compensation commissioners] administrative law judges.

87 Sec. 5. Section 28-14 of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective October 1, 2008*):

89 (a) All members of any auxiliary police, auxiliary fire or other civil
90 preparedness force shall be compensated for death, disability or injury
91 incurred while in training for or on civil preparedness duty under the
92 provisions of this chapter as follows: (1) Employees of the state,
93 municipalities or political subdivisions of the state who are members
94 of civil preparedness forces and for whom such compensation is
95 provided by any provision of existing law shall be construed to be
96 acting within the scope of their employment while in training for or
97 engaged in civil preparedness duties and shall be compensated in
98 accordance with the provisions of chapter 568, section 5-142 or any
99 special act concerning compensation to certain employees: Regular
100 policemen or firemen who are members of the State Police Association
101 or the State Firemen's Association shall be construed to be acting
102 within the scope of their employment while in training for or engaged
103 in civil preparedness duties and shall be entitled to all the benefits as
104 members of said associations; (2) any persons who are engaged in
105 regular employment apart and separate from their duties as members
106 of civil preparedness forces and for whom such compensation is not so
107 provided shall, while in training for or engaged in civil preparedness
108 duty under the provisions of this chapter, be construed to be
109 employees of the state for the purposes of chapter 568 and section 5-
110 142 and shall be compensated by the state in accordance with the
111 provisions of said chapter 568 and section 5-142. For the purposes of
112 this subsection, the average weekly wage, as said term is used in said

113 chapter 568, shall be ascertained by dividing the total wages received
114 by the injured person from all employers during the twenty-six
115 calendar weeks immediately preceding that in which he was injured
116 by the number of calendar weeks during which, or any portion of
117 which, such person was actually employed, but, in making such
118 computation, absence for seven consecutive calendar days, though not
119 in the same calendar week, shall be considered as absence for a
120 calendar week. For the purpose of determining the amount of
121 compensation to be paid in the case of a minor under the age of
122 eighteen years who has sustained an injury entitling him to
123 compensation for total or partial incapacity for a period of fifty-two or
124 more weeks, or to specific indemnity for any of the injuries
125 enumerated in section 31-308, fifty per cent may be added to the
126 average weekly wage. When the injured person is a trainee or
127 apprentice receiving a subsistence allowance from the United States
128 because of war service, such allowance shall be added to his actual
129 earnings in determining the average weekly wage. All claims under
130 this subsection shall be determined according to the procedures
131 specified in chapter 568. For the purpose of this subsection, no person
132 shall be considered regularly employed unless his total employment
133 previous to injury as provided above exceeds a net period of thirteen
134 calendar weeks; (3) any member of the civil preparedness forces not
135 covered in subdivision (1) or (2) hereof, for disability or injury incurred
136 while in training or on civil preparedness duty under the provisions of
137 this chapter, or his dependents in the event of his death while in such
138 training or on such civil preparedness duty, shall be compensated by
139 the state in such amount as is determined to be just and reasonable by
140 the [compensation commissioner] administrative law judge for the
141 district in which such member resides or resided, provided a claim
142 shall be made in writing to the [commissioner] administrative law
143 judge for the district in which the claimant resides within one year
144 from the date of injury or death. In no event shall such amount exceed
145 the maximum payments provided in chapter 568 or be less than the
146 minimum wage as determined by the Labor Commissioner for a
147 period of recovery from injury to be determined by such

148 [compensation commissioner] administrative law judge.

149 (b) Any sums payable under any Act of Congress or other federal
150 program as compensation for death, disability or injury of civil
151 preparedness workers shall be deducted from the amount payable
152 under subsection (a) of this section.

153 Sec. 6. Section 29-4a of the general statutes is repealed and the
154 following is substituted in lieu thereof (*Effective October 1, 2008*):

155 Any condition of impairment of health caused by hypertension or
156 heart disease resulting in total or partial disability or death to a
157 member of the Division of State Police within the Department of Public
158 Safety who successfully passed a physical examination on entry into
159 such service, which examination failed to reveal any evidence of such
160 condition, shall be presumed to have been suffered in the performance
161 of his duty and shall be compensable in accordance with the
162 provisions of section 5-142 for a period of three months. If, at the end
163 of that period, the administrator of the state's workers' compensation
164 claims wishes to contest whether the disability occurred in the actual
165 performance of police duty as defined in subsection (a) of section 5-
166 142, he shall notify the member of his decision. The member or the
167 employee organization may then bring the matter before the [workers'
168 compensation commissioner] administrative law judge of the
169 appropriate district to determine if the disability is compensable under
170 chapter 568 or subsection (a) of section 5-142. A member who has
171 suffered such total or partial disability shall have the right to elect to
172 receive either (1) the compensation indicated in section 5-142, or (2) the
173 benefits produced under chapter 568 and the state employees
174 retirement system, but not both. The provisions of subsection (a) of
175 section 5-142 shall apply with regard to the timing of such election.

176 Sec. 7. Section 31-275 of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective October 1, 2008*):

178 As used in this chapter, unless the context otherwise provides:

179 (1) "Arising out of and in the course of his employment" means an
180 accidental injury happening to an employee or an occupational disease
181 of an employee originating while the employee has been engaged in
182 the line of the employee's duty in the business or affairs of the
183 employer upon the employer's premises, or while engaged elsewhere
184 upon the employer's business or affairs by the direction, express or
185 implied, of the employer, provided:

186 (A) (i) For a police officer or firefighter, "in the course of his
187 employment" encompasses such individual's departure from such
188 individual's place of abode to duty, such individual's duty, and the
189 return to such individual's place of abode after duty;

190 (ii) For an employee of the Department of Correction, (I) when
191 responding to a direct order to appear at his or her work assignment
192 under circumstances in which nonessential employees are excused
193 from working, or (II) following two or more mandatory overtime work
194 shifts on consecutive days, "in the course of his employment"
195 encompasses such individual's departure from such individual's place
196 of abode directly to duty, such individual's duty, and the return
197 directly to such individual's place of abode after duty;

198 (iii) Notwithstanding the provisions of clauses (i) and (ii) of this
199 subparagraph, the dependents of any deceased employee of the
200 Department of Correction who was injured in the course of his
201 employment, as defined in this subparagraph, on or after July 1, 2000,
202 and who died not later than July 15, 2000, shall be paid compensation
203 on account of the death, in accordance with the provisions of section
204 31-306, retroactively to the date of the employee's death. The cost of the
205 payment shall be paid by the employer or its insurance carrier which
206 shall be reimbursed for such cost from the Second Injury Fund as
207 provided in section 31-354 upon presentation of any vouchers and
208 information that the Treasurer may require;

209 (B) A personal injury shall not be deemed to arise out of the
210 employment unless causally traceable to the employment other than
211 through weakened resistance or lowered vitality;

212 (C) In the case of an accidental injury, a disability or a death due to
213 the use of alcohol or narcotic drugs shall not be construed to be a
214 compensable injury;

215 (D) For aggravation of a preexisting disease, compensation shall be
216 allowed only for that proportion of the disability or death due to the
217 aggravation of the preexisting disease as may be reasonably attributed
218 to the injury upon which the claim is based;

219 (E) A personal injury shall not be deemed to arise out of the
220 employment if the injury is sustained: (i) At the employee's place of
221 abode, and (ii) while the employee is engaged in a preliminary act or
222 acts in preparation for work unless such act or acts are undertaken at
223 the express direction or request of the employer;

224 (F) For purposes of subparagraph (C) of this subdivision, "narcotic
225 drugs" means all controlled substances, as designated by the
226 Commissioner of Consumer Protection pursuant to subsection (c) of
227 section 21a-243, but does not include drugs prescribed in the course of
228 medical treatment or in a program of research operated under the
229 direction of a physician or pharmacologist. For purposes of
230 subparagraph (E) of this subdivision, "place of abode" includes the
231 inside of the residential structure, the garage, the common hallways,
232 stairways, driveways, walkways and the yard;

233 (G) The Workers' Compensation Commission shall adopt
234 regulations, in accordance with the provisions of chapter 54, to
235 implement the provisions of this section and shall define the terms "a
236 preliminary act", "acts in preparation for work", "departure from place
237 of abode directly to duty" and "return directly to place of abode after
238 duty" on or before January 1, 2006.

239 (2) "Commission" means the Workers' Compensation Commission.

240 (3) ["Commissioner" means the compensation commissioner]
241 "Administrative law judge" means the administrative law judge who
242 has jurisdiction in the matter referred to in the context.

243 (4) "Compensation" means benefits or payments mandated by the
244 provisions of this chapter, including, but not limited to, indemnity,
245 medical and surgical aid or hospital and nursing service required
246 under section 31-294d, as amended by this act, and any type of
247 payment for disability, whether for total or partial disability of a
248 permanent or temporary nature, death benefit, funeral expense,
249 payments made under the provisions of section 31-284b, 31-293a or 31-
250 310, as amended by this act, or any adjustment in benefits or payments
251 required by this chapter.

252 (5) "Date of the injury" means, for an occupational disease, the date
253 of total or partial incapacity to work as a result of such disease.

254 (6) "Dependent" means a member of the injured employee's family
255 or next of kin who was wholly or partly dependent upon the earnings
256 of the employee at the time of the injury.

257 (7) "Dependent in fact" means a person determined to be a
258 dependent of an injured employee, in any case where there is no
259 presumptive dependent, in accordance with the facts existing at the
260 date of the injury.

261 (8) "Disfigurement" means impairment of or injury to the beauty,
262 symmetry or appearance of a person that renders the person unsightly,
263 misshapen or imperfect, or deforms the person in some manner, or
264 otherwise causes a detrimental change in the external form of the
265 person.

266 (9) (A) "Employee" means any person who:

267 (i) Has entered into or works under any contract of service or
268 apprenticeship with an employer, whether the contract contemplated
269 the performance of duties within or without the state;

270 (ii) Is a sole proprietor or business partner who accepts the
271 provisions of this chapter in accordance with subdivision (10) of this
272 section;

273 (iii) Is elected to serve as a member of the General Assembly of this
274 state;

275 (iv) Is a salaried officer or paid member of any police department or
276 fire department;

277 (v) Is a volunteer police officer, whether the officer is designated as
278 special or auxiliary, upon vote of the legislative body of the town, city
279 or borough in which the officer serves;

280 (vi) Is an elected or appointed official or agent of any town, city or
281 borough in the state, upon vote of the proper authority of the town,
282 city or borough, including the elected or appointed official or agent,
283 irrespective of the manner in which he or she is appointed or
284 employed. Nothing in this subdivision shall be construed as affecting
285 any existing rights as to pensions which such persons or their
286 dependents had on July 1, 1927, or as preventing any existing custom
287 of paying the full salary of any such person during disability due to
288 injury arising out of and in the course of his or her employment; or

289 (vii) Is an officer or enlisted person of the National Guard or other
290 armed forces of the state called to active duty by the Governor while
291 performing his or her active duty service.

292 (B) "Employee" shall not be construed to include:

293 (i) Any person to whom articles or material are given to be treated
294 in any way on premises not under the control or management of the
295 person who gave them out;

296 (ii) One whose employment is of a casual nature and who is
297 employed otherwise than for the purposes of the employer's trade or
298 business;

299 (iii) A member of the employer's family dwelling in his house; but,
300 if, in any contract of insurance, the wages or salary of a member of the
301 employer's family dwelling in his house is included in the payroll on
302 which the premium is based, then that person shall, if he sustains an

303 injury arising out of and in the course of his employment, be deemed
304 an employee and compensated in accordance with the provisions of
305 this chapter;

306 (iv) Any person engaged in any type of service in or about a private
307 dwelling provided he is not regularly employed by the owner or
308 occupier over twenty-six hours per week;

309 (v) An employee of a corporation who is a corporate officer and
310 who elects to be excluded from coverage under this chapter by notice
311 in writing to his employer and to the [commissioner] administrative
312 law judge; or

313 (vi) Any person who is not a resident of this state but is injured in
314 this state during the course of his employment, unless such person (I)
315 works for an employer who has a place of employment or a business
316 facility located in this state at which such person spends at least fifty
317 per cent of his employment time, or (II) works for an employer
318 pursuant to an employment contract to be performed primarily in this
319 state.

320 (10) "Employer" means any person, corporation, limited liability
321 company, firm, partnership, voluntary association, joint stock
322 association, the state and any public corporation within the state using
323 the services of one or more employees for pay, or the legal
324 representative of any such employer, but all contracts of employment
325 between an employer employing persons excluded from the definition
326 of employee and any such employee shall be conclusively presumed to
327 include the following mutual agreements between employer and
328 employee: (A) That the employer may accept and become bound by
329 the provisions of this chapter by immediately complying with section
330 31-284; (B) that, if the employer accepts the provisions of this chapter,
331 the employee shall then be deemed to accept and be bound by such
332 provisions unless the employer neglects or refuses to furnish
333 immediately to the employee, on his written request, evidence of
334 compliance with section 31-284 in the form of a certificate from the
335 [commissioner] administrative law judge, the Insurance Commissioner

336 or the insurer, as the case may be; (C) that the employee may, at any
337 time, withdraw his acceptance of, and become released from, the
338 provisions of this chapter by giving written or printed notice of his
339 withdrawal to the [commissioner] administrative law judge and to the
340 employer, and the withdrawal shall take effect immediately from the
341 time of its service on the [commissioner] administrative law judge and
342 the employer; and (D) that the employer may withdraw his acceptance
343 and the acceptance of the employee by filing a written or printed
344 notice of his withdrawal with the [commissioner] administrative law
345 judge and with the employee, and the withdrawal shall take effect
346 immediately from the time of its service on the [commissioner]
347 administrative law judge and the employee. The notices of acceptance
348 and withdrawal to be given by an employer employing persons
349 excluded from the definition of employee and the notice of withdrawal
350 to be given by the employee, as provided in this subdivision, shall be
351 served upon the [commissioner] administrative law judge, employer
352 or employee, either by personal presentation or by registered or
353 certified mail. In determining the number of employees employed by
354 an individual, the employees of a partnership of which he is a member
355 shall not be included. A person who is the sole proprietor of a business
356 may accept the provisions of this chapter by notifying the
357 [commissioner] administrative law judge, in writing, of his intent to do
358 so. If such person accepts the provisions of this chapter he shall be
359 considered to be an employer and shall insure his full liability in
360 accordance with subdivision (2) of subsection (b) of section 31-284.
361 Such person may withdraw his acceptance by giving notice of his
362 withdrawal, in writing, to the [commissioner] administrative law
363 judge. Any person who is a partner in a business shall be deemed to
364 have accepted the provisions of this chapter and shall insure his full
365 liability in accordance with subdivision (2) of subsection (b) of section
366 31-284, unless the partnership elects to be excluded from the
367 provisions of this chapter by notice, in writing and by signed
368 agreement of each partner, to the [commissioner] administrative law
369 judge.

370 (11) "Full-time student" means any student enrolled for at least

371 seventy-five per cent of a full-time student load at a postsecondary
372 educational institution which has been approved by a state-recognized
373 or federally-recognized accrediting agency or body. "Full-time student
374 load" means the number of credit hours, quarter credits or academic
375 units required for a degree from such institution, divided by the
376 number of academic terms needed to complete the degree.

377 (12) "Medical and surgical aid or hospital and nursing service",
378 when requested by an injured employee and approved by the
379 [commissioner] administrative law judge, includes treatment by prayer
380 or spiritual means through the application or use of the principles,
381 tenets or teachings of any established church without the use of any
382 drug or material remedy, provided sanitary and quarantine
383 regulations are complied with, and provided all those ministering to
384 the injured employee are bona fide members of such church.

385 (13) "Member" includes all parts of the human body referred to in
386 subsection (b) of section 31-308.

387 (14) "Nursing" means the practice of nursing as defined in
388 subsection (a) of section 20-87a, and "nurse" means a person engaged
389 in such practice.

390 (15) "Occupational disease" includes any disease peculiar to the
391 occupation in which the employee was engaged and due to causes in
392 excess of the ordinary hazards of employment as such, and includes
393 any disease due to or attributable to exposure to or contact with any
394 radioactive material by an employee in the course of his employment.

395 (16) (A) "Personal injury" or "injury" includes, in addition to
396 accidental injury that may be definitely located as to the time when
397 and the place where the accident occurred, an injury to an employee
398 that is causally connected with the employee's employment and is the
399 direct result of repetitive trauma or repetitive acts incident to such
400 employment, and occupational disease.

401 (B) "Personal injury" or "injury" shall not be construed to include:

402 (i) An injury to an employee that results from the employee's
403 voluntary participation in any activity the major purpose of which is
404 social or recreational, including, but not limited to, athletic events,
405 parties and picnics, whether or not the employer pays some or all of
406 the cost of such activity;

407 (ii) A mental or emotional impairment, unless such impairment
408 arises (I) from a physical injury or occupational disease, or (II) in the
409 case of a police officer, from such police officer's use of deadly force or
410 subjection to deadly force in the line of duty, regardless of whether
411 such police officer is physically injured, provided such police officer is
412 the subject of an attempt by another person to cause such police officer
413 serious physical injury or death through the use of deadly force, and
414 such police officer reasonably believes such police officer to be the
415 subject of such an attempt. As used in this clause, "police officer"
416 means a member of the Division of State Police within the Department
417 of Public Safety, an organized local police department or a municipal
418 constabulary, and "in the line of duty" means any action that a police
419 officer is obligated or authorized by law, rule, regulation or written
420 condition of employment service to perform, or for which the police
421 officer is compensated by the public entity such officer serves;

422 (iii) A mental or emotional impairment that results from a personnel
423 action, including, but not limited to, a transfer, promotion, demotion
424 or termination; or

425 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this
426 subdivision, "personal injury" or "injury" includes injuries to
427 employees of local or regional boards of education resulting from
428 participation in a school-sponsored activity but does not include any
429 injury incurred while going to or from such activity. As used in this
430 clause, "school-sponsored activity" means any activity sponsored,
431 recognized or authorized by a board of education and includes
432 activities conducted on or off school property and "participation"
433 means acting as a chaperone, advisor, supervisor or instructor at the
434 request of an administrator with supervisory authority over the

435 employee.

436 (17) "Physician" includes any person licensed and authorized to
437 practice a healing art, as defined in section 20-1, and licensed under the
438 provisions of chapters 370, 372 and 373 to practice in this state.

439 (18) "Podiatrist" means any practitioner of podiatry, as defined in
440 section 20-50, and duly licensed under the provisions of chapter 375 to
441 practice in this state.

442 (19) "Presumptive dependents" means the following persons who
443 are conclusively presumed to be wholly dependent for support upon a
444 deceased employee: (A) A wife upon a husband with whom she lives
445 at the time of his injury or from whom she receives support regularly;
446 (B) a husband upon a wife with whom he lives at the time of her injury
447 or from whom he receives support regularly; (C) any child under the
448 age of eighteen, or over the age of eighteen but physically or mentally
449 incapacitated from earning, upon the parent with whom he is living or
450 from whom he is receiving support regularly, at the time of the injury
451 of the parent; (D) any unmarried child who has attained the age of
452 eighteen but has not attained the age of twenty-two and who is a full-
453 time student, upon the parent with whom he is living or from whom
454 he is receiving support regularly, provided, any child who has attained
455 the age of twenty-two while a full-time student but has not completed
456 the requirements for, or received, a degree from a postsecondary
457 educational institution shall be deemed not to have attained the age of
458 twenty-two until the first day of the first month following the end of
459 the quarter or semester in which he is enrolled at the time, or if he is
460 not enrolled in a quarter or semester system, until the first day of the
461 first month following the completion of the course in which he is
462 enrolled or until the first day of the third month beginning after such
463 time, whichever occurs first.

464 (20) "Previous disability" means an employee's preexisting condition
465 caused by the total or partial loss of, or loss of use of, one hand, one
466 arm, one foot or one eye resulting from accidental injury, disease or
467 congenital causes, or other permanent physical impairment.

468 (21) "Scar" means the mark left on the skin after the healing of a
469 wound or sore, or any mark, damage or lasting effect resulting from
470 past injury.

471 (22) "Second disability" means a disability arising out of a second
472 injury.

473 (23) "Second injury" means an injury, incurred by accident,
474 repetitive trauma, repetitive acts or disease arising out of and in the
475 course of employment, to an employee with a previous disability.

476 Sec. 8. Section 31-276 of the 2008 supplement to the general statutes
477 is repealed and the following is substituted in lieu thereof (*Effective*
478 *October 1, 2008*):

479 (a) There shall be a Workers' Compensation Commission to
480 administer the workers' compensation system. There shall be sixteen
481 [workers' compensation commissioners] administrative law judges. On
482 or before the date of the expiration of the term of each [commissioner]
483 administrative law judge or upon the occurrence of a vacancy in the
484 office of any [commissioner] administrative law judge for any reason,
485 the Governor shall nominate a competent person to fill that office.
486 Subsequent to July 1, 1993, each person nominated by the Governor to
487 serve as [a commissioner] an administrative law judge shall have been
488 a member in good standing of the Connecticut bar for at least five
489 years preceding the nomination, provided the Governor shall not be
490 precluded from renominating an individual who has previously
491 served as [a commissioner] an administrative law judge. The
492 [commissioners] administrative law judges shall, upon nomination by
493 the Governor, be appointed by the General Assembly as prescribed by
494 law. They shall serve for a term of five years, but may be removed by
495 impeachment. The Governor shall from time to time select one of the
496 sixteen [commissioners] administrative law judges to serve as
497 chairman of the Workers' Compensation Commission at the pleasure
498 of the Governor. The [commissioner] administrative law judge selected
499 by the Governor to be chairman shall have previously served as a
500 compensation commissioner or administrative law judge in this state

501 for at least one year.

502 (b) Notwithstanding the provisions of subsection (a), on and after
503 October 1, 1988, any [commissioner] administrative law judge whose
504 term expires on December thirty-first shall continue to serve until the
505 next succeeding March thirty-first.

506 (c) Each nomination made by the Governor to the General Assembly
507 for [a compensation commissioner] an administrative law judge shall
508 be referred, without debate, to the committee on the judiciary, which
509 shall report thereon within thirty legislative days from the time of
510 reference, but no later than seven legislative days before the
511 adjourning of the General Assembly. Each appointment by the General
512 Assembly of [a compensation commissioner] an administrative law
513 judge shall be by concurrent resolution. The action on the passage of
514 each such resolution in the House and in the Senate shall be by vote
515 taken on the electrical roll-call device. No resolution shall contain the
516 name of more than one nominee. The Governor shall, within five days
517 after [he] the Governor has notice that any nomination for [a
518 compensation commissioner] an administrative law judge made by
519 [him] the Governor has failed to be approved by the affirmative
520 concurrent action of both houses of the General Assembly, make
521 another nomination to such office.

522 (d) Notwithstanding the provisions of section 4-19, no vacancy in
523 the position of [a compensation commissioner] an administrative law
524 judge shall be filled by the Governor when the General Assembly is
525 not in session unless, prior to such filling, the Governor submits the
526 name of the proposed vacancy appointee to the committee on the
527 judiciary. Within forty-five days, the committee on the judiciary may,
528 upon the call of either [chairman] chairperson, hold a special meeting
529 for the purpose of approving or disapproving such proposed vacancy
530 appointee by majority vote. The Governor shall not administer the
531 oath of office to such proposed vacancy appointee until the committee
532 has approved such proposed vacancy appointee. If the committee
533 determines that it cannot complete its investigation and act on such

534 proposed vacancy appointee within such forty-five-day period, [it] the
535 committee may extend such period by an additional fifteen days. The
536 committee shall notify the Governor in writing of any such extension.
537 Failure of the committee to act on such proposed vacancy appointee
538 within such forty-five-day period or any fifteen-day extension period
539 shall be deemed to be an approval.

540 (e) Each [commissioner] administrative law judge shall be sworn to
541 a faithful performance of [his] the administrative law judge's duties.
542 After notice and public hearing the Governor may remove any
543 [commissioner] administrative law judge for cause and the good of the
544 public service. Each [compensation commissioner] administrative law
545 judge shall devote [his] full time to the duties of [his] the office and
546 shall not be otherwise gainfully employed.

547 Sec. 9. Section 31-276a of the general statutes is repealed and the
548 following is substituted in lieu thereof (*Effective October 1, 2008*):

549 The [workers' compensation commissioners] administrative law
550 judges and the Workers' Compensation Commission are transferred to
551 the Labor Department for administrative purposes only.

552 Sec. 10. Section 31-277 of the general statutes is repealed and the
553 following is substituted in lieu thereof (*Effective October 1, 2008*):

554 (a) Each [commissioner] administrative law judge shall, during his
555 or her first year of service as [a commissioner] an administrative law
556 judge, receive an annual salary of six thousand dollars less than the
557 highest step level of a Superior Court judge; during his or her second
558 year of service as [a commissioner] an administrative law judge, each
559 [commissioner] administrative law judge shall receive an annual salary
560 of five thousand dollars less than the highest step level of a Superior
561 Court judge; during his or her third year of service as [a commissioner]
562 an administrative law judge, [he] each administrative law judge shall
563 receive an annual salary of four thousand dollars less than the highest
564 step level of a Superior Court judge; during his or her fourth year of
565 service as [a commissioner, he] an administrative law judge, each

566 administrative law judge shall receive an annual salary of three
567 thousand dollars less than the highest step level of a Superior Court
568 judge; during his or her fifth year of service as [a commissioner, he] an
569 administrative law judge, each administrative law judge shall receive
570 an annual salary of two thousand dollars less than the highest step
571 level of a Superior Court judge; and during his or her sixth year of
572 service as [a commissioner, he] an administrative law judge, each
573 administrative law judge shall receive an annual salary of one
574 thousand dollars less than the highest step level of a Superior Court
575 judge, together with [his] necessary clerical, office and travel expenses
576 as approved by the Comptroller; and the chairman of the Workers'
577 Compensation Commission shall receive in addition ten thousand
578 dollars annually. Each [commissioner] administrative law judge shall
579 devote his or her entire time to the duties of [his] the office and shall
580 not be otherwise gainfully employed.

581 (b) Each [commissioner] administrative law judge, who has
582 completed not less than ten years of service as [a commissioner] an
583 administrative law judge, or other state service or service as an elected
584 officer of the state, or any combination of such service, shall receive
585 semiannual longevity payments based on service completed as of the
586 first day of July and the first day of January of each year as follows:

587 (1) [A commissioner] An administrative law judge who has
588 completed ten or more years but less than fifteen years of service shall
589 receive one-quarter of three per cent of the annual salary payable
590 under subsection (a) of this section.

591 (2) [A commissioner] An administrative law judge who has
592 completed fifteen or more years but less than twenty years of service
593 shall receive one-half of three per cent of the annual salary payable
594 under subsection (a) of this section.

595 (3) [A commissioner] An administrative law judge who has
596 completed twenty or more years but less than twenty-five years of
597 service shall receive three-quarters of three per cent of the annual
598 salary payable under subsection (a) of this section.

599 (4) [A commissioner] An administrative law judge who has
600 completed twenty-five or more years of service shall receive three per
601 cent of the annual salary payable under subsection (a) of this section.

602 Sec. 11. Section 31-278 of the general statutes is repealed and the
603 following is substituted in lieu thereof (*Effective October 1, 2008*):

604 Each [commissioner] administrative law judge shall, for the
605 purposes of this chapter, have power to summon and examine under
606 oath such witnesses, and may direct the production of, and examine or
607 cause to be produced or examined, such books, records, vouchers,
608 memoranda, documents, letters, contracts or other papers in relation to
609 any matter at issue as [he] the administrative law judge may find
610 proper, and shall have the same powers in reference thereto as are
611 vested in magistrates taking depositions and shall have the power to
612 order depositions pursuant to section 52-148. [He] The administrative
613 law judge shall have power to certify to official acts and shall have all
614 powers necessary to enable [him] the administrative law judge to
615 perform the duties imposed upon [him] the administrative law judge
616 by the provisions of this chapter. Each [commissioner] administrative
617 law judge shall hear all claims and questions arising under this chapter
618 in the district to which the [commissioner] administrative law judge is
619 assigned and all such claims shall be filed in the district in which the
620 claim arises, provided, if it is uncertain in which district a claim arises,
621 or if a claim arises out of several injuries or occupational diseases
622 which occurred in one or more districts, the [commissioner]
623 administrative law judge to whom the first request for hearing is made
624 shall hear and determine such claim to the same extent as if it arose
625 solely within [his] the administrative law judge's own district. If [a
626 commissioner] an administrative law judge is disqualified or
627 temporarily incapacitated from hearing any matter, or if the parties
628 shall so request and the chairman of the Workers' Compensation
629 Commission finds that it will facilitate a speedier disposition of the
630 claim, [he] the chairman shall designate some other [commissioner]
631 administrative law judge to hear and decide such matter. The Superior
632 Court, on application of [a commissioner] an administrative law judge

633 or the chairman or the Attorney General, may enforce, by appropriate
634 decree or process, any provision of this chapter or any proper order of
635 [a commissioner] an administrative law judge or the chairman
636 rendered pursuant to any such provision. Any [compensation
637 commissioner] administrative law judge, after ceasing to hold office as
638 such [compensation commissioner] administrative law judge, may
639 settle and dispose of all matters relating to appealed cases, including
640 correcting findings and certifying records, as well as any other
641 unfinished matters pertaining to causes theretofore tried by him or her,
642 to the same extent as if he or she were still [such compensation
643 commissioner] an administrative law judge.

644 Sec. 12. Subdivision (2) of subsection (c) of section 31-279 of the
645 general statutes is repealed and the following is substituted in lieu
646 thereof (*Effective October 1, 2008*):

647 (2) The election by an employee covered by a plan established under
648 this subsection to obtain medical care and treatment from a provider of
649 medical services who is not listed in the plan shall suspend the
650 employee's right to compensation, subject to the order of the
651 [commissioner] administrative law judge.

652 Sec. 13. Section 31-280 of the 2008 supplement to the general statutes
653 is repealed and the following is substituted in lieu thereof (*Effective*
654 *October 1, 2008*):

655 (a) There shall continue to be a chairman of the Workers'
656 Compensation Commission selected by the Governor as provided in
657 section 31-276 of the 2008 supplement to the general statutes, as
658 amended by this act. The chairman may not hear any matter arising
659 under this chapter, except appeals brought before the Compensation
660 Review Board and except as provided in subdivision (14) of subsection
661 (b) of this section. The chairman shall prepare the forms used by the
662 commission, shall have custody of the insurance coverage cards, shall
663 prepare and keep a list of self-insurers, shall prepare the annual report
664 to the Governor and shall publish, when necessary, bulletins showing
665 the changes in the compensation law, with annotations to the

666 Connecticut cases. The chairman shall be provided with sufficient staff
667 to assist him in the performance of his duties. The chairman may,
668 within available appropriations, appoint acting [compensation
669 commissioners] administrative law judges on a per diem basis from
670 among former workers' compensation commissioners or
671 administrative law judges or qualified members of the bar of this state.
672 Any acting [compensation commissioner] administrative law judge
673 appointed under this subsection shall be paid on a per diem basis in an
674 amount to be determined by the Commissioner of Administrative
675 Services, subject to the provisions of section 4-40, and shall have all the
676 powers and duties of [compensation commissioners] administrative
677 law judges. The Workers' Compensation Commission shall not be
678 construed to be a commission or board subject to the provisions of
679 section 4-9a.

680 (b) The chairman of the Workers' Compensation Commission shall:

681 (1) Establish workers' compensation districts and district offices
682 within the state, assign [compensation commissioners] administrative
683 law judges to the districts to hear all matters arising under this chapter
684 within the districts and may reassign [compensation commissioners]
685 administrative law judges once each year, except that when there is a
686 vacancy, illness or other emergency, or when unexpected caseload
687 increases require, the chairman may reassign [compensation
688 commissioners] administrative law judges more than once each year;

689 (2) Adopt such rules as the chairman, in consultation with the
690 advisory board, deems necessary for the conduct of the internal affairs
691 of the Workers' Compensation Commission;

692 (3) Adopt regulations, in consultation with the advisory board and
693 in accordance with the provisions of chapter 54, to carry out his
694 responsibilities under this chapter;

695 (4) Prepare and adopt an annual budget and plan of operation in
696 consultation with the advisory board;

697 (5) Prepare and submit an annual report to the Governor and the
698 General Assembly;

699 (6) Allocate the resources of the commission to carry out the
700 purposes of this chapter;

701 (7) Establish an organizational structure and such divisions for the
702 commission, consistent with this chapter, as the chairman deems
703 necessary for the efficient and prompt operation of the commission;

704 (8) Establish policy for all matters over which the commission has
705 jurisdiction, including rehabilitation, education, statistical support and
706 administrative appeals;

707 (9) Appoint such supplementary advisory panels as the chairman
708 deems necessary and helpful;

709 (10) Establish, in consultation with the advisory board, (A) an
710 approved list of practicing physicians, surgeons, podiatrists,
711 optometrists and dentists from which an injured employee shall
712 choose for examination and treatment under the provisions of this
713 chapter, which shall include, but not be limited to, classifications of
714 approved practitioners by specialty, and (B) standards for the approval
715 and removal of physicians, surgeons, podiatrists, optometrists and
716 dentists from the list by the chairman;

717 (11) (A) Establish standards in consultation with the advisory board
718 for approving all fees for services rendered under this chapter by
719 attorneys, physicians, surgeons, podiatrists, optometrists, dentists and
720 other persons;

721 (B) In consultation with employers, their insurance carriers, union
722 representatives, physicians and third-party reimbursement
723 organizations establish, not later than October 1, 1993, and publish
724 annually thereafter, a fee schedule setting the fees payable by an
725 employer or its insurance carrier for services rendered under this
726 chapter by an approved physician, surgeon, podiatrist, optometrist,
727 dentist and other persons, provided the fee schedule shall not apply to

728 services rendered to a claimant who is participating in an employer's
729 managed care plan pursuant to section 31-279, as amended by this act.
730 On and after April 1, 2008, the chairman shall implement and annually
731 update relative values based on the Medicare resource-based relative
732 value scale and implement coding guidelines in conformance with the
733 Correct Coding Initiative used by the federal Centers for Medicare and
734 Medicaid Services. The conversion to the Medicare resource-based
735 relative value scale shall be revenue-neutral. The fee schedule shall
736 limit the annual growth in total medical fees to the annual percentage
737 increase in the consumer price index for all urban workers. The
738 chairman may make necessary adjustments to the fee schedule for
739 services rendered under this chapter where there is no established
740 Medicare resource-based relative value. Payment of the established
741 fees by the employer or its insurance carrier shall constitute payment
742 in full to the practitioner, and the practitioner may not recover any
743 additional amount from the claimant to whom services have been
744 rendered;

745 (C) Issue, not later than October 1, 1993, and publish annually
746 thereafter, guidelines for the maximum fees payable by a claimant for
747 any legal services rendered by an attorney in connection with the
748 provisions of this chapter, which fees shall be approved in accordance
749 with the standards established by the chairman pursuant to
750 subparagraph (A) of this subdivision;

751 (12) Approve applications for employer-sponsored medical care
752 plans, based on standards developed in consultation with a medical
753 advisory panel as provided in section 31-279, as amended by this act;

754 (13) Establish procedures for the hiring, dismissing or otherwise
755 disciplining and promoting employees of the commission, subject
756 where appropriate to the provisions of chapter 67;

757 (14) Control the hearing calendars of the [compensation
758 commissioners] administrative law judges, and if necessary, preside
759 over informal hearings in regard to compensation under the provisions
760 of this chapter in order to facilitate the timely and efficient processing

761 of cases;

762 (15) Enter into contracts with consultants and such other persons as
763 necessary for the proper functioning of the commission;

764 (16) Direct and supervise all administrative affairs of the
765 commission;

766 (17) Keep and maintain a record of all advisory board proceedings;

767 (18) Assign and reassign a district manager and other staff to each of
768 the commission's district offices;

769 (19) Collect and analyze statistical data concerning the
770 administration of the Workers' Compensation Commission;

771 (20) Direct and supervise the implementation of a uniform case
772 filing and processing system in each of the district offices that will
773 include, but not be limited to, the ability to provide data on the
774 number of cases having multiple hearings, the number of postponed
775 hearings and hearing schedules for each district office;

776 (21) Establish staff development, training and education programs
777 designed to improve the quality of service provided by the
778 commission, including, but not limited to, a program to train district
779 office staff in the screening of hearing requests;

780 (22) Develop standard forms for requesting hearings and standard
781 policies regarding limits on the number of informal hearings that will
782 be allowed under this chapter, and limits on the number of
783 postponements that will be permitted before a formal hearing is held
784 pursuant to section 31-297;

785 (23) Develop guidelines for expediting disputed cases;

786 (24) Establish an ongoing training program, in consultation with the
787 advisory board, designed to assist the [commissioners] administrative
788 law judges in the fulfillment of their duties pursuant to the provisions
789 of section 31-278, as amended by this act, which program shall include

790 instruction in the following areas: Discovery, evidence, statutory
791 interpretation, medical terminology, legal decision writing and the
792 purpose and procedures of informal and formal hearings;

793 (25) Evaluate, in conjunction with the advisory board, the
794 performance of each [commissioner] administrative law judge
795 biannually and, notwithstanding the provisions of subsection (b) of
796 section 1-210 of the 2008 supplement to the general statutes and
797 chapter 55, make the performance evaluation of any [commissioner]
798 administrative law judge available only to the Governor, the members
799 of the joint standing committee on the judiciary and the respective
800 [commissioner] administrative law judge prior to any public hearing
801 on the reappointment of any such [commissioner] administrative law
802 judge. Any information disclosed to such persons shall be used by
803 such persons only for the purpose for which it was given and shall not
804 be disclosed to any other person;

805 (26) (A) In consultation with insurers and practitioners, establish not
806 later than October 1, 1993, and publish annually thereafter, practitioner
807 billing guidelines for employers, workers' compensation insurance
808 carriers and practitioners approved by the chairman pursuant to
809 subdivision (10) of this subsection. The guidelines shall include
810 procedures for the resolution of billing disputes and shall prohibit a
811 practitioner from billing or soliciting payments from a claimant for
812 services rendered to the claimant under the provisions of this chapter
813 (i) during a payment dispute between the practitioner and the
814 employer or its workers' compensation insurance carrier, or (ii) in
815 excess of the maximum fees established pursuant to subparagraph (B)
816 of subdivision (11) of this subsection;

817 (B) In consultation with practitioners and insurers, develop not later
818 than July 1, 1994, practice protocols for reasonable and appropriate
819 treatment of a claimant under the provisions of this chapter, based on
820 the diagnosis of injury or illness. The commission shall annually
821 publish the practice protocols for use by approved practitioners,
822 employers, workers' compensation insurance carriers and

823 [commissioners] administrative law judges in evaluating the necessity
824 and appropriateness of care provided to a claimant under the
825 provisions of this chapter;

826 (C) In consultation with practitioners and insurers, develop not later
827 than July 1, 1994, utilization review procedures for reasonable and
828 appropriate treatment of a claimant under the provisions of this
829 chapter. The chairman shall annually publish the procedures for use
830 by approved practitioners, employers, workers' compensation
831 insurance carriers and [commissioners] administrative law judges in
832 evaluating the necessity and appropriateness of care provided to a
833 claimant under the provisions of this chapter.

834 (c) The chairman, as soon as practicable after April first of each year,
835 shall submit to the Comptroller an estimated budget of expenditures
836 which shall include all direct and indirect costs incurred by the
837 Workers' Compensation Commission for the succeeding fiscal year
838 commencing on July first next. The Workers' Compensation
839 Commission, for the purposes of administration, shall not expend
840 more than the amounts specified in such estimated budget for each
841 item of expenditure except as authorized by the Comptroller. The
842 chairman shall include in his annual report to the Governor a
843 statement showing the expenses of administering the Workers'
844 Compensation Act for the preceding fiscal year.

845 (d) The chairman and the Comptroller, as soon as practicable after
846 August first in each year, shall ascertain the total amount of expenses
847 incurred by the commission, including, in addition to the direct cost of
848 personnel services, the cost of maintenance and operation, rentals for
849 space occupied in state leased offices and all other direct and indirect
850 costs, incurred by the commission during the preceding fiscal year in
851 connection with the administration of the Workers' Compensation Act
852 and the total noncontributory payments required to be made to the
853 Treasurer towards [commissioners'] administrative law judges'
854 retirement salaries as provided in sections 51-49, 51-50, 51-50a and 51-
855 50b, as amended by this act. An itemized statement of the expenses as

856 so ascertained shall be available for public inspection in the office of
857 the chairman of the Workers' Compensation Commission for thirty
858 days after notice to all insurance carriers, and to all employers
859 permitted to pay compensation directly affected thereby.

860 Sec. 14. Subsection (d) of section 31-280a of the general statutes is
861 repealed and the following is substituted in lieu thereof (*Effective*
862 *October 1, 2008*):

863 (d) The advisory board shall submit its written recommendations
864 concerning the reappointment of each [compensation commissioner]
865 administrative law judge to the Governor and the General Assembly
866 not later than three months before the expiration of the term of the
867 [commissioner] administrative law judge.

868 Sec. 15. Section 31-280b of the general statutes is repealed and the
869 following is substituted in lieu thereof (*Effective October 1, 2008*):

870 (a) There shall be a Compensation Review Board within the
871 Workers' Compensation Commission. The chairman of the Workers'
872 Compensation Commission shall serve as chief of the Compensation
873 Review Board and shall have responsibility for the operation of the
874 board. On or before January 1, 1992, the chairman shall appoint a chief
875 clerk of the Compensation Review Board under the provisions of
876 chapter 67 who shall be responsible to the chairman for the efficient
877 operation of the board.

878 (b) The board shall review appeals of decisions made by
879 [compensation commissioners] administrative law judges pursuant to
880 this chapter. The chief shall annually select two [compensation
881 commissioners] administrative law judges to sit with him to hear such
882 appeals for a term of one year, except that no [commissioner]
883 administrative law judge may sit in review of an award or decision
884 rendered by him. The chief may select a third [compensation
885 commissioner] administrative law judge to sit on the board if one of
886 the board members is disqualified or temporarily incapacitated from
887 hearing the matter under review.

888 (c) No [compensation commissioner] administrative law judge
889 except the chief may serve as a member of the Compensation Review
890 Board for more than one year during the term for which he was
891 appointed.

892 Sec. 16. Section 31-282 of the general statutes is repealed and the
893 following is substituted in lieu thereof (*Effective October 1, 2008*):

894 If any [compensation commissioner] administrative law judge dies
895 before the final settlement of any matter in which [he] the
896 administrative law judge had been acting in [his] the administrative
897 law judge's official capacity, [his] the administrative law judge's
898 successor in office may continue such matter to its completion.

899 Sec. 17. Section 31-283 of the general statutes is repealed and the
900 following is substituted in lieu thereof (*Effective October 1, 2008*):

901 Any [compensation commissioner] administrative law judge, in the
902 state service as such [commissioner] administrative law judge twenty
903 or more years in the aggregate, who leaves such service because of
904 failure of reappointment, or because of abolition of his position, shall,
905 during the remainder of his life, receive an annual pension payable
906 from the General Fund equal to fifty per cent of his average annual
907 salary for the five years next preceding his retirement. The
908 [compensation commissioners] administrative law judges may
909 continue to contribute to the State Employees Retirement Fund and
910 shall be entitled to general retirement rights under chapter 66. The
911 acceptance of the pension herein provided for shall be in lieu of all
912 benefits under the State Employees Retirement Act, and any
913 [commissioner] administrative law judge accepting a pension under
914 this section shall not be entitled to the return of any payments made by
915 [him] the administrative law judge to the State Employees Retirement
916 Fund.

917 Sec. 18. Section 31-283f of the general statutes is repealed and the
918 following is substituted in lieu thereof (*Effective October 1, 2008*):

919 (a) A Statistical Division shall be established within the Workers'
920 Compensation Commission. The division shall compile and maintain
921 statistics concerning occupational injuries and diseases, voluntary
922 agreements, status of claims and [commissioners'] administrative law
923 judges' dockets. The division shall be administered by a full-time
924 salaried director who shall be appointed by the chairman of the
925 Workers' Compensation Commission under the provisions of chapter
926 67. The director shall report to the chairman.

927 (b) Sufficient funding for the establishment and maintenance of the
928 Workers' Compensation Statistical Division shall be supplied from the
929 Administrative Costs Fund, as provided in section 31-345.

930 Sec. 19. Section 31-284c of the general statutes is repealed and the
931 following is substituted in lieu thereof (*Effective October 1, 2008*):

932 Any employee eligible to receive or receiving workers'
933 compensation may file a complaint alleging violation of the provisions
934 of section 31-284b with the [workers' compensation commissioner]
935 administrative law judge. The [commissioner] administrative law
936 judge shall hold a hearing in accordance with the provisions of
937 sections 31-297 and 31-298. After the hearing, the [commissioner]
938 administrative law judge shall send to each party a written copy of his
939 findings and award in accordance with the provisions of section 31-
940 300. The provisions of section 31-300 concerning finality of the award
941 and an execution issued upon the award shall be applicable to an
942 award made pursuant to this section. Any appeal of an award of the
943 [commissioner] administrative law judge under this section shall be
944 taken in accordance with the provisions of section 31-301 of the 2008
945 supplement to the general statutes, as amended by this act. The
946 [commissioner] administrative law judge, in awarding benefits for
947 temporary and permanent partial and total disability, shall require the
948 provision of equivalent insurance coverage or contribution to an
949 employee welfare plan, as provided in section 31-284b, for the period
950 of the injured employee's eligibility to receive benefits under this
951 chapter.

952 Sec. 20. Section 31-286 of the general statutes is repealed and the
953 following is substituted in lieu thereof (*Effective October 1, 2008*):

954 Any employer who has complied with the provisions of section 31-
955 285 by entering into an agreement with his employees to provide a
956 system of compensation, benefit and insurance in lieu of the
957 compensation and insurance provided by this chapter, which
958 agreement has been approved by the Insurance Commissioner, or any
959 employer who has complied with the provisions of section 31-284 by
960 filing with the Insurance Commissioner security guaranteeing the
961 performance of his obligation under this chapter or by insuring his full
962 liability or by a combination of the two last-named methods approved
963 by the Insurance Commissioner, may file, in the office of the
964 [commissioner] administrative law judge who may have jurisdiction in
965 case of injury, a certificate of the Insurance Commissioner stating that
966 such substitute system has been approved or that such security
967 guaranteeing the performance of the obligations of this chapter has
968 been filed with and accepted by the Insurance Commissioner or that a
969 combination of the methods stated in section 31-284 has been
970 approved. Any employer who has insured his full liability may file a
971 certificate, in the manner prescribed in section 31-348, setting forth
972 such fact and stating the date of expiration of such insurance, which
973 certificate shall thereupon become a part of the records of the office of
974 such [compensation commissioner] administrative law judge.

975 Sec. 21. Subsection (d) of section 31-286a of the general statutes is
976 repealed and the following is substituted in lieu thereof (*Effective*
977 *October 1, 2008*):

978 (d) For purposes of this section, "sufficient evidence" means (1) a
979 certificate of self-insurance issued by [a workers' compensation
980 commissioner] an administrative law judge pursuant to section 31-284,
981 or (2) a certificate of compliance issued by the Insurance Commissioner
982 pursuant to section 31-286, as amended by this act, or (3) a certificate of
983 insurance issued by any stock or mutual insurance company or mutual
984 association authorized to write workers' compensation insurance in

985 this state or its agent.

986 Sec. 22. Section 31-286b of the general statutes is repealed and the
987 following is substituted in lieu thereof (*Effective October 1, 2008*):

988 (a) Prior to issuing a building permit pursuant to section 29-263 of
989 the 2008 supplement to the general statutes to any person other than a
990 sole proprietor or property owner unless such sole proprietor or
991 property owner is acting as a general contractor or principal employer,
992 a local building official shall require proof of workers' compensation
993 coverage for all employees, as defined in section 31-275, as amended
994 by this act, who are employed by an employer, as defined in said
995 section, who are engaged to perform services on the site of the
996 construction project for which the permit was issued.

997 (b) As used in subsection (a) of this section, "proof of workers'
998 compensation coverage" means (1) a written certificate of insurance
999 provided by the general contractor or principal employer, (2) a
1000 certificate from the [Workers' Compensation Commissioner]
1001 administrative law judge indicating that the general contractor or
1002 principal employer has properly chosen not to obtain workers'
1003 compensation coverage pursuant to section 31-275, as amended by this
1004 act, or (3) if a property owner or sole proprietor intends to act as a
1005 general contractor or principal employer, a written certificate of
1006 insurance or a sworn notarized affidavit, which he shall provide,
1007 stating that he will require proof of workers' compensation insurance
1008 for all those employed on the job site in accordance with the provisions
1009 of this chapter. A local building official shall require proof of workers'
1010 compensation coverage only at the time of the general contractor's or
1011 principal employer's initial application.

1012 Sec. 23. Section 31-288 of the 2008 supplement to the general statutes
1013 is repealed and the following is substituted in lieu thereof (*Effective*
1014 *October 1, 2008*):

1015 (a) If an employer wilfully fails to conform to any other provision of
1016 this chapter, [he] the employer shall be fined not more than two

1017 hundred fifty dollars for each such failure.

1018 (b) (1) Whenever through the fault or neglect of an employer or
1019 insurer, the adjustment or payment of compensation due under this
1020 chapter is unduly delayed, such employer or insurer may be assessed
1021 by the [commissioner] administrative law judge hearing the claim a
1022 civil penalty of not more than one thousand dollars for each such case
1023 of delay, to be paid to the claimant. (2) Whenever either party to a
1024 claim under this chapter has unreasonably, and without good cause,
1025 delayed the completion of the hearings on such claim, the delaying
1026 party or parties may be assessed a civil penalty of not more than five
1027 hundred dollars by the [commissioner] administrative law judge
1028 hearing the claim for each such case of delay. Any appeal of a penalty
1029 assessed pursuant to this subsection shall be taken in accordance with
1030 the provisions of section 31-301 of the 2008 supplement to the general
1031 statutes, as amended by this act.

1032 (c) Whenever an investigator in the investigations unit of the office
1033 of the State Treasurer, whether initiating an investigation at the request
1034 of the custodian of the Second Injury Fund, the Workers'
1035 Compensation Commission, or [a commissioner] an administrative
1036 law judge, finds that an employer is not in compliance with the
1037 insurance and self-insurance requirements of subsection (b) of section
1038 31-284, such investigator shall issue a citation to such employer
1039 requiring him to obtain insurance and fulfill the requirements of said
1040 section and notifying him of the requirement of a hearing before the
1041 [commissioner] administrative law judge and the penalties required
1042 under this subsection. The investigator shall also file an affidavit
1043 advising the [commissioner] administrative law judge of the citation
1044 and requesting a hearing on such violation. The [commissioner]
1045 administrative law judge shall conduct a hearing, after sufficient notice
1046 to the employer and within thirty days of the citation, wherein the
1047 employer shall be required to present sufficient evidence of his
1048 compliance with said requirements. Whenever the [commissioner]
1049 administrative law judge finds that the employer is not in compliance
1050 with said requirements he shall assess a civil penalty of not less than

1051 five hundred dollars per employee or five thousand dollars, whichever
1052 is less and not more than fifty thousand dollars against the employer.

1053 (d) In addition to the penalties assessed pursuant to subsection (c) of
1054 this section, the [commissioner] administrative law judge shall assess
1055 an additional penalty of one hundred dollars for each day after the
1056 finding of noncompliance that the employer fails to comply with the
1057 insurance and self-insurance requirements of subsection (b) of section
1058 31-284. Any penalties assessed under the provisions of this subsection
1059 shall not exceed fifty thousand dollars in the aggregate.

1060 (e) The chairman of the Workers' Compensation Commission shall
1061 notify the State Treasurer and the Attorney General of the imposition
1062 of any penalty, the date it was imposed, the amount and whether there
1063 has been an appeal of said penalty. Any civil penalty order issued
1064 pursuant to subsection (c) or (d) of this section shall state that payment
1065 shall be made to the Second Injury Fund of the State Treasurer, and
1066 that failure to pay within ninety days may result in civil action to
1067 double the penalty. The State Treasurer shall collect any penalty owed,
1068 and if the penalty is not paid within ninety days, the State Treasurer
1069 shall notify the chairman of the Workers' Compensation Commission
1070 and the Attorney General so that civil action may be brought pursuant
1071 to section 31-289, as amended by this act. Any appeal of a penalty
1072 assessed pursuant to the provisions of subsections (c) and (d) of this
1073 section shall be taken in accordance with the provisions of section 31-
1074 301 of the 2008 supplement to the general statutes, as amended by this
1075 act. The chairman shall adopt regulations for the [commissioners]
1076 administrative law judges to use in setting fines which shall require the
1077 [commissioners] administrative law judges to take into account the
1078 nature of the employer's business and his number of employees.

1079 (f) When any employer knowingly and wilfully fails to comply with
1080 the insurance and self-insurance requirements of subsection (b) of
1081 section 31-284, such employer, if he is an owner, in the case of a sole
1082 proprietorship, a partner, in the case of a partnership, a principal, in
1083 the case of a limited liability company or a corporate officer, in the case

1084 of a corporation, shall be guilty of a class D felony.

1085 (g) Any employer who (1) has failed to meet the requirements of
1086 subsection (b) of section 31-284, or (2) with the intent to injure, defraud
1087 or deceive any insurance company insuring the liability of such
1088 employer under this chapter, (A) knowingly misrepresents one or
1089 more employees as independent contractors, or (B) knowingly
1090 provides false, incomplete or misleading information to such company
1091 concerning the number of employees, for the purpose of paying a
1092 lower premium on a policy obtained from such company, shall be
1093 guilty of a class D felony and shall be subject to a stop work order
1094 issued by the Labor Commissioner in accordance with section 31-76a
1095 of the 2008 supplement to the general statutes.

1096 Sec. 24. Section 31-289a of the general statutes is repealed and the
1097 following is substituted in lieu thereof (*Effective October 1, 2008*):

1098 (a) If any civil penalty imposed pursuant to any provision of this
1099 chapter is not paid within ninety days of its imposition by [a workers'
1100 compensation commissioner] an administrative law judge, or within
1101 ninety days of the final disposition of an appeal, as the case may be,
1102 the chairman of the Workers' Compensation Commission shall
1103 immediately notify the Attorney General of such failure to pay. Upon
1104 such notification, the Attorney General may bring a civil action in the
1105 name of the state of Connecticut in the superior court for the judicial
1106 district where the [commissioner] administrative law judge imposed
1107 the civil penalty, to recover double the amount of the civil penalty
1108 together with reasonable attorney's fees and costs as taxed by the
1109 court. Any recovery under this section shall be disbursed in the same
1110 manner as recoveries pursuant to section 31-355, as amended by this
1111 act.

1112 (b) An affidavit sworn to or affirmed by the chairman of the
1113 Workers' Compensation Commission, or by the [commissioner]
1114 administrative law judge who imposed the civil penalty referred to in
1115 the affidavit, stating the name of the [commissioner] administrative
1116 law judge who imposed the civil penalty, the amount of the civil

1117 penalty, the name of the violator against whom the civil penalty was
1118 imposed, whether or not an appeal was taken, the disposition of the
1119 appeal and whether or not the penalty was paid, shall constitute prima
1120 facie proof of the facts contained in the affidavit. Copies of the records
1121 of the Workers' Compensation Commission, or of any [commissioner]
1122 administrative law judge, certified by said chairman or by the
1123 [commissioner] administrative law judge having custody of the
1124 records, containing the name of the [commissioner] administrative law
1125 judge who imposed a civil penalty, the amount of the civil penalty, the
1126 name of the violator against whom the civil penalty was imposed,
1127 whether or not an appeal was taken, the disposition of the appeal and
1128 whether or not the penalty was paid, shall constitute prima facie proof
1129 of the facts contained in the records.

1130 (c) Civil actions pursuant to this section shall be privileged in their
1131 assignment for trial.

1132 Sec. 25. Section 31-290a of the general statutes is repealed and the
1133 following is substituted in lieu thereof (*Effective October 1, 2008*):

1134 (a) No employer who is subject to the provisions of this chapter
1135 shall discharge, or cause to be discharged, or in any manner
1136 discriminate against any employee because the employee has filed a
1137 claim for workers' compensation benefits or otherwise exercised the
1138 rights afforded to him pursuant to the provisions of this chapter.

1139 (b) Any employee who is so discharged or discriminated against
1140 may either: (1) Bring a civil action in the superior court for the judicial
1141 district where the employer has its principal office for the
1142 reinstatement of his previous job, payment of back wages and
1143 reestablishment of employee benefits to which he would have
1144 otherwise been entitled if he had not been discriminated against or
1145 discharged and any other damages caused by such discrimination or
1146 discharge. The court may also award punitive damages. Any employee
1147 who prevails in such a civil action shall be awarded reasonable
1148 attorney's fees and costs to be taxed by the court; or (2) file a complaint
1149 with the chairman of the Workers' Compensation Commission alleging

1150 violation of the provisions of subsection (a) of this section. Upon
1151 receipt of any such complaint, the chairman shall select [a
1152 commissioner] an administrative law judge to hear the complaint,
1153 provided any [commissioner] administrative law judge who has
1154 previously rendered any decision concerning the claim shall be
1155 excluded. The hearing shall be held in the workers' compensation
1156 district where the employer has its principal office. After the hearing,
1157 the [commissioner] administrative law judge shall send each party a
1158 written copy of [his] the administrative law judge's decision. The
1159 [commissioner] administrative law judge may award the employee the
1160 reinstatement of [his] the employee's previous job, payment of back
1161 wages and reestablishment of employee benefits to which [he] the
1162 employee otherwise would have been eligible if [he] the employee had
1163 not been discriminated against or discharged. Any employee who
1164 prevails in such a complaint shall be awarded reasonable attorney's
1165 fees. Any party aggrieved by the decision of the [commissioner]
1166 administrative law judge may appeal the decision to the Appellate
1167 Court.

1168 Sec. 26. Subsection (a) of section 31-293 of the general statutes is
1169 repealed and the following is substituted in lieu thereof (*Effective*
1170 *October 1, 2008*):

1171 (a) When any injury for which compensation is payable under the
1172 provisions of this chapter has been sustained under circumstances
1173 creating in a person other than an employer who has complied with
1174 the requirements of subsection (b) of section 31-284, a legal liability to
1175 pay damages for the injury, the injured employee may claim
1176 compensation under the provisions of this chapter, but the payment or
1177 award of compensation shall not affect the claim or right of action of
1178 the injured employee against such person, but the injured employee
1179 may proceed at law against such person to recover damages for the
1180 injury; and any employer or the custodian of the Second Injury Fund,
1181 having paid, or having become obligated to pay, compensation under
1182 the provisions of this chapter may bring an action against such person
1183 to recover any amount that he has paid or has become obligated to pay

1184 as compensation to the injured employee. If the employee, the
1185 employer or the custodian of the Second Injury Fund brings an action
1186 against such person, he shall immediately notify the others, in writing,
1187 by personal presentation or by registered or certified mail, of the action
1188 and of the name of the court to which the writ is returnable, and the
1189 others may join as parties plaintiff in the action within thirty days after
1190 such notification, and, if the others fail to join as parties plaintiff, their
1191 right of action against such person shall abate. In any case in which an
1192 employee brings an action against a party other than an employer who
1193 failed to comply with the requirements of subsection (b) of section 31-
1194 284, in accordance with the provisions of this section, and the
1195 employer is a party defendant in the action, the employer may join as a
1196 party plaintiff in the action. The bringing of any action against an
1197 employer shall not constitute notice to the employer within the
1198 meaning of this section. If the employer and the employee join as
1199 parties plaintiff in the action and any damages are recovered, the
1200 damages shall be so apportioned that the claim of the employer, as
1201 defined in this section, shall take precedence over that of the injured
1202 employee in the proceeds of the recovery, after the deduction of
1203 reasonable and necessary expenditures, including attorneys' fees,
1204 incurred by the employee in effecting the recovery. The rendition of a
1205 judgment in favor of the employee or the employer against the party
1206 shall not terminate the employer's obligation to make further
1207 compensation which the [commissioner] administrative law judge
1208 thereafter deems payable to the injured employee. If the damages, after
1209 deducting the employee's expenses as provided in this subsection, are
1210 more than sufficient to reimburse the employer, damages shall be
1211 assessed in his favor in a sum sufficient to reimburse him for his claim,
1212 and the excess shall be assessed in favor of the injured employee. No
1213 compromise with the person by either the employer or the employee
1214 shall be binding upon or affect the rights of the other, unless assented
1215 to by him. For the purposes of this section, the claim of the employer
1216 shall consist of (1) the amount of any compensation which he has paid
1217 on account of the injury which is the subject of the suit and (2) an
1218 amount equal to the present worth of any probable future payments

1219 which he has by award become obligated to pay on account of the
1220 injury. The word "compensation", as used in this section, shall be
1221 construed to include incapacity payments to an injured employee,
1222 payments to the dependents of a deceased employee, sums paid out
1223 for surgical, medical and hospital services to an injured employee, the
1224 burial fee provided by subdivision (1) of subsection (a) of section 31-
1225 306, payments made under the provisions of sections 31-312 and 31-
1226 313, and payments made under the provisions of section 31-284b in the
1227 case of an action brought under this section by the employer or an
1228 action brought under this section by the employee in which the
1229 employee has alleged and been awarded such payments as damages.
1230 Each employee who brings an action against a party in accordance
1231 with the provisions of this subsection shall include in his complaint (A)
1232 the amount of any compensation paid by the employer or the Second
1233 Injury Fund on account of the injury which is the subject of the suit
1234 and (B) the amount equal to the present worth of any probable future
1235 payments which the employer or the Second Injury Fund has, by
1236 award, become obligated to pay on account of the injury.
1237 Notwithstanding the provisions of this subsection, when any injury for
1238 which compensation is payable under the provisions of this chapter
1239 has been sustained under circumstances creating in a person other
1240 than an employer who has complied with the requirements of
1241 subsection (b) of section 31-284, a legal liability to pay damages for the
1242 injury and the injured employee has received compensation for the
1243 injury from such employer, its workers' compensation insurance
1244 carrier or the Second Injury Fund pursuant to the provisions of this
1245 chapter, the employer, insurance carrier or Second Injury Fund shall
1246 have a lien upon any judgment received by the employee against the
1247 party or any settlement received by the employee from the party,
1248 provided the employer, insurance carrier or Second Injury Fund shall
1249 give written notice of the lien to the party prior to such judgment or
1250 settlement.

1251 Sec. 27. Section 31-294c of the general statutes is repealed and the
1252 following is substituted in lieu thereof (*Effective October 1, 2008*):

1253 (a) No proceedings for compensation under the provisions of this
1254 chapter shall be maintained unless a written notice of claim for
1255 compensation is given within one year from the date of the accident or
1256 within three years from the first manifestation of a symptom of the
1257 occupational disease, as the case may be, which caused the personal
1258 injury, provided, if death has resulted within two years from the date
1259 of the accident or first manifestation of a symptom of the occupational
1260 disease, a dependent or dependents, or the legal representative of the
1261 deceased employee, may make claim for compensation within the two-
1262 year period or within one year from the date of death, whichever is
1263 later. Notice of a claim for compensation may be given to the employer
1264 or any [commissioner] administrative law judge and shall state, in
1265 simple language, the date and place of the accident and the nature of
1266 the injury resulting from the accident, or the date of the first
1267 manifestation of a symptom of the occupational disease and the nature
1268 of the disease, as the case may be, and the name and address of the
1269 employee and of the person in whose interest compensation is
1270 claimed. An employee of the state shall send a copy of the notice to the
1271 Commissioner of Administrative Services. As used in this section,
1272 "manifestation of a symptom" means manifestation to an employee
1273 claiming compensation, or to some other person standing in such
1274 relation to him that the knowledge of the person would be imputed to
1275 him, in a manner that is or should be recognized by him as
1276 symptomatic of the occupational disease for which compensation is
1277 claimed.

1278 (b) Whenever liability to pay compensation is contested by the
1279 employer, [he] the employer shall file with the [commissioner]
1280 administrative law judge, on or before the twenty-eighth day after he
1281 has received a written notice of claim, a notice in accord with a form
1282 prescribed by the chairman of the Workers' Compensation
1283 Commission stating that the right to compensation is contested, the
1284 name of the claimant, the name of the employer, the date of the alleged
1285 injury or death and the specific grounds on which the right to
1286 compensation is contested. The employer shall send a copy of the
1287 notice to the employee in accordance with section 31-321. If the

1288 employer or his legal representative fails to file the notice contesting
1289 liability on or before the twenty-eighth day after he has received the
1290 written notice of claim, the employer shall commence payment of
1291 compensation for such injury or death on or before the twenty-eighth
1292 day after he has received the written notice of claim, but the employer
1293 may contest the employee's right to receive compensation on any
1294 grounds or the extent of his disability within one year from the receipt
1295 of the written notice of claim, provided the employer shall not be
1296 required to commence payment of compensation when the written
1297 notice of claim has not been properly served in accordance with
1298 section 31-321 or when the written notice of claim fails to include a
1299 warning that (1) the employer, if he has commenced payment for the
1300 alleged injury or death on or before the twenty-eighth day after
1301 receiving a written notice of claim, shall be precluded from contesting
1302 liability unless a notice contesting liability is filed within one year from
1303 the receipt of the written notice of claim, and (2) the employer shall be
1304 conclusively presumed to have accepted the compensability of the
1305 alleged injury or death unless the employer either files a notice
1306 contesting liability on or before the twenty-eighth day after receiving a
1307 written notice of claim or commences payment for the alleged injury or
1308 death on or before such twenty-eighth day. An employer shall be
1309 entitled, if he prevails, to reimbursement from the claimant of any
1310 compensation paid by the employer on and after the date the
1311 [commissioner] administrative law judge receives written notice from
1312 the employer or his legal representative, in accordance with the form
1313 prescribed by the chairman of the Workers' Compensation
1314 Commission, stating that the right to compensation is contested.
1315 Notwithstanding the provisions of this subsection, an employer who
1316 fails to contest liability for an alleged injury or death on or before the
1317 twenty-eighth day after receiving a written notice of claim and who
1318 fails to commence payment for the alleged injury or death on or before
1319 such twenty-eighth day, shall be conclusively presumed to have
1320 accepted the compensability of the alleged injury or death.

1321 (c) Failure to provide a notice of claim under subsection (a) of this
1322 section shall not bar maintenance of the proceedings if there has been a

1323 hearing or a written request for a hearing or an assignment for a
1324 hearing within a one-year period from the date of the accident or
1325 within a three-year period from the first manifestation of a symptom of
1326 the occupational disease, as the case may be, or if a voluntary
1327 agreement has been submitted within the applicable period, or if
1328 within the applicable period an employee has been furnished, for the
1329 injury with respect to which compensation is claimed, with medical or
1330 surgical care as provided in section 31-294d, as amended by this act.
1331 No defect or inaccuracy of notice of claim shall bar maintenance of
1332 proceedings unless the employer shows that he was ignorant of the
1333 facts concerning the personal injury and was prejudiced by the defect
1334 or inaccuracy of the notice. Upon satisfactory showing of ignorance
1335 and prejudice, the employer shall receive allowance to the extent of the
1336 prejudice.

1337 (d) Notwithstanding the provisions of subsection (a) of this section,
1338 a dependent or dependents of a deceased employee seeking
1339 compensation under section 31-306 who was barred by a final
1340 judgment in a court of law from filing a claim arising out of the death
1341 of the deceased employee, whose date of injury was between June 1,
1342 1991, and June 30, 1991, and whose date of death was between
1343 November 1, 1992, and November 30, 1992, because of the failure of
1344 the dependent to timely file a separate death benefits claim, shall be
1345 allowed to file a written notice of claim for compensation not later than
1346 one year after July 8, 2005, and the [commissioner] administrative law
1347 judge shall have jurisdiction to determine such dependent's claim.

1348 Sec. 28. Section 31-294d of the general statutes is repealed and the
1349 following is substituted in lieu thereof (*Effective October 1, 2008*):

1350 (a) (1) The employer, as soon as the employer has knowledge of an
1351 injury, shall provide a competent physician or surgeon to attend the
1352 injured employee and, in addition, shall furnish any medical and
1353 surgical aid or hospital and nursing service, including medical
1354 rehabilitation services and prescription drugs, as the physician or
1355 surgeon deems reasonable or necessary. The employer, any insurer

1356 acting on behalf of the employer, or any other entity acting on behalf of
1357 the employer or insurer shall be responsible for paying the cost of such
1358 prescription drugs directly to the provider.

1359 (2) If the injured employee is a local or state police officer, state
1360 marshal, judicial marshal, correction officer, emergency medical
1361 technician, paramedic, ambulance driver, firefighter, or active member
1362 of a volunteer fire company or fire department engaged in volunteer
1363 duties, who has been exposed in the line of duty to blood or bodily
1364 fluids that may carry blood-borne disease, the medical and surgical aid
1365 or hospital and nursing service provided by the employer shall include
1366 any relevant diagnostic and prophylactic procedure for and treatment
1367 of any blood-borne disease.

1368 (b) The employee shall select the physician or surgeon from an
1369 approved list of physicians and surgeons prepared by the chairman of
1370 the Workers' Compensation Commission. If the employee is unable to
1371 make the selection, the employer shall do so, subject to ratification by
1372 the employee or his next of kin. If the employer has a full-time staff
1373 physician or if a physician is available on call, the initial treatment
1374 required immediately following the injury may be rendered by that
1375 physician, but the employee may thereafter select his own physician as
1376 provided by this chapter for any further treatment without prior
1377 approval of the [commissioner] administrative law judge.

1378 (c) The [commissioner] administrative law judge may, without
1379 hearing, at the request of the employer or the injured employee, when
1380 good reason exists, or on [his] the administrative law judge's own
1381 motion, authorize or direct a change of physician or surgeon or
1382 hospital or nursing service provided pursuant to subsection (a) of this
1383 section.

1384 (d) The pecuniary liability of the employer for the medical and
1385 surgical service required by this section shall be limited to the charges
1386 that prevail in the same community or similar communities for similar
1387 treatment of injured persons of a like standard of living when the
1388 similar treatment is paid for by the injured person. The liability of the

1389 employer for hospital service shall be the amount it actually costs the
1390 hospital to render the service, as determined by the [commissioner]
1391 administrative law judge, except in the case of state humane
1392 institutions, the liability of the employer shall be the per capita cost as
1393 determined by the Comptroller under the provisions of section 17b-
1394 223. All disputes concerning liability for hospital services in workers'
1395 compensation cases shall be settled by the [commissioner]
1396 administrative law judge in accordance with this chapter.

1397 (e) If the employer fails to promptly provide a physician or surgeon
1398 or any medical and surgical aid or hospital and nursing service as
1399 required by this section, the injured employee may obtain a physician
1400 or surgeon, selected from the approved list prepared by the chairman,
1401 or such medical and surgical aid or hospital and nursing service at the
1402 expense of the employer.

1403 Sec. 29. Section 31-294f of the general statutes is repealed and the
1404 following is substituted in lieu thereof (*Effective October 1, 2008*):

1405 (a) An injured employee shall submit himself to examination by a
1406 reputable practicing physician or surgeon, at any time while claiming
1407 or receiving compensation, upon the reasonable request of the
1408 employer or at the direction of the [commissioner] administrative law
1409 judge. The examination shall be performed to determine the nature of
1410 the injury and the incapacity resulting from the injury. The physician
1411 or surgeon shall be selected by the employer from an approved list of
1412 physicians and surgeons prepared by the chairman of the Workers'
1413 Compensation Commission and shall be paid by the employer. At any
1414 examination requested by the employer or directed by the
1415 [commissioner] administrative law judge under this section, the
1416 injured employee shall be allowed to have in attendance any reputable
1417 practicing physician or surgeon that the employee obtains and pays for
1418 himself. The employee shall submit to all other physical examinations
1419 as required by this chapter. The refusal of an injured employee to
1420 submit himself to a reasonable examination under this section shall
1421 suspend his right to compensation during such refusal.

1422 (b) All medical reports concerning any injury of an employee
1423 sustained in the course of his employment shall be furnished within
1424 thirty days after the completion of the reports, at the same time and in
1425 the same manner, to the employer and the employee or his attorney.

1426 Sec. 30. Section 31-296 of the 2008 supplement to the general statutes
1427 is repealed and the following is substituted in lieu thereof (*Effective*
1428 *October 1, 2008*):

1429 (a) If an employer and an injured employee, or in case of fatal injury
1430 the employee's legal representative or dependent, at a date not earlier
1431 than the expiration of the waiting period, reach an agreement in regard
1432 to compensation, such agreement shall be submitted in writing to the
1433 [commissioner] administrative law judge by the employer with a
1434 statement of the time, place and nature of the injury upon which it is
1435 based; and, if such [commissioner] administrative law judge finds such
1436 agreement to conform to the provisions of this chapter in every regard,
1437 the [commissioner] administrative law judge shall so approve it. A
1438 copy of the agreement, with a statement of the [commissioner's]
1439 administrative law judge's approval, shall be delivered to each of the
1440 parties and thereafter it shall be as binding upon both parties as an
1441 award by the [commissioner] administrative law judge. The
1442 [commissioner's] administrative law judge's statement of approval
1443 shall also inform the employee or the employee's dependent, as the
1444 case may be, of any rights the individual may have to an annual cost-
1445 of-living adjustment or to participate in a rehabilitation program under
1446 the provisions of this chapter. The [commissioner] administrative law
1447 judge shall retain the original agreement, with the [commissioner's]
1448 administrative law judge's approval thereof, in the [commissioner's]
1449 administrative law judge's office and, if an application is made to the
1450 superior court for an execution, the [commissioner] administrative law
1451 judge shall, upon the request of said court, file in the court a certified
1452 copy of the agreement and statement of approval.

1453 (b) Before discontinuing or reducing payment on account of total or
1454 partial incapacity under any such agreement, the employer or the

1455 employer's insurer, if it is claimed by or on behalf of the injured
1456 employee that such employee's incapacity still continues, shall notify
1457 the [commissioner] administrative law judge and the employee, by
1458 certified mail, of the proposed discontinuance or reduction of such
1459 payments. Such notice shall specify the reason for the proposed
1460 discontinuance or reduction and the date such proposed
1461 discontinuance or reduction will commence. No discontinuance or
1462 reduction shall become effective unless specifically approved in
1463 writing by the [commissioner] administrative law judge. The employee
1464 may request a hearing on any such proposed discontinuance or
1465 reduction not later than fifteen days after receipt of such notice. Any
1466 such request for a hearing shall be given priority over requests for
1467 hearings on other matters. The [commissioner] administrative law
1468 judge shall not approve any such discontinuance or reduction prior to
1469 the expiration of the period for requesting a hearing or the completion
1470 of such hearing, whichever is later. In any case where the
1471 [commissioner] administrative law judge finds that an employer has
1472 discontinued or reduced any payments made in accordance with this
1473 section without the approval of the [commissioner] administrative law
1474 judge, such employer shall be required to pay to the employee the total
1475 amount of all payments so discontinued or the total amount by which
1476 such payments were reduced, as the case may be, and shall be required
1477 to pay interest to the employee, at a rate of one and one-quarter per
1478 cent per month or portion of a month, on any payments so
1479 discontinued or on the total amount by which such payments were
1480 reduced, as the case may be, plus reasonable attorney's fees incurred
1481 by the employee in relation to such discontinuance or reduction.

1482 (c) The employer's or insurer's notice of intention to discontinue or
1483 reduce payments shall (1) identify the claimant, the claimant's attorney
1484 or other representative, the employer, the insurer, and the injury,
1485 including the date of the injury, the city or town in which the injury
1486 occurred and the nature of the injury, (2) include medical
1487 documentation that (A) establishes the basis for the discontinuance or
1488 reduction of payments, and (B) identifies the claimant's attending
1489 physician, and (3) be in substantially the following form:

1490

IMPORTANT

1491 STATE OF CONNECTICUT WORKERS' COMPENSATION
1492 COMMISSION

1493 YOU ARE HEREBY NOTIFIED THAT THE EMPLOYER OR INSURER
1494 INTENDS TO REDUCE OR DISCONTINUE YOUR COMPENSATION
1495 PAYMENTS ON (date) FOR THE FOLLOWING REASONS:

1496 If you object to the reduction or discontinuance of benefits as stated
1497 in this notice, YOU MUST REQUEST A HEARING NOT LATER
1498 THAN 15 DAYS after your receipt of this notice, or this notice will
1499 automatically be approved.

1500 To request an Informal Hearing, call the Workers' Compensation
1501 Commission District Office in which your case is pending.

1502 Be prepared to provide medical and other documentation to
1503 support your objection. For your protection, note the date when you
1504 received this notice.

1505 Sec. 31. Section 31-297a of the general statutes is repealed and the
1506 following is substituted in lieu thereof (*Effective October 1, 2008*):

1507 In any informal hearing held by [the commissioner] an
1508 administrative law judge or the chairman of the Workers'
1509 Compensation Commission in regard to compensation under the
1510 provisions of this chapter, any recommendations made by the
1511 [commissioner] administrative law judge or chairman at the informal
1512 hearing shall be reduced to writing and, if the parties accept such
1513 recommendations, the recommendations shall be as binding upon both
1514 parties as an award by the [commissioner] administrative law judge or
1515 chairman. The [commissioner] administrative law judge or chairman
1516 shall not postpone any such informal hearing if one party fails to
1517 attend unless both parties agree to the postponement.

1518 Sec. 32. Section 31-298a of the general statutes is repealed and the
1519 following is substituted in lieu thereof (*Effective October 1, 2008*):

1520 (a) A medical panel shall be established for use in solving
1521 controverted medical issues in claims for workers' compensation due
1522 to occupational lung disease. The American College of Chest
1523 Physicians shall submit to the chairman of the Workers' Compensation
1524 Commission by October 10, 1981, and annually thereafter a list of five
1525 to ten physicians who are expert in the diagnosis, care and treatment
1526 of occupational lung disease for membership in the panel. In the event
1527 that no such list is submitted, the chairman shall appoint to the panel
1528 five to ten licensed physicians who are expert in the diagnosis, care
1529 and treatment of such diseases.

1530 (b) In each occupational lung disease claim for workers'
1531 compensation where there are controverted medical issues, the
1532 [commissioner] administrative law judge hearing the case may choose
1533 three members of the medical panel for assistance in the case. The
1534 [commissioner] administrative law judge shall submit, at his discretion
1535 and within thirty days after choosing said panel, interrogatories
1536 concerning the controverted medical issues to such three-member
1537 panel, along with whatever evidence and materials the [commissioner]
1538 administrative law judge deems necessary for their consideration. The
1539 three-member panel may examine the employee, who shall submit to
1540 any examination such panel may require. Within sixty days of the
1541 submission of such interrogatories to it, the three-member panel shall
1542 file with the [commissioner] administrative law judge its answers,
1543 report and findings on all such medical issues, along with any records
1544 generated from its work in the case. The answers to the interrogatories
1545 and the contents of the report shall be determined by majority vote of
1546 the three panel members.

1547 (c) The answers to the interrogatories, report, findings and records
1548 of the three-member panel shall become part of the record of the
1549 hearing before the [commissioner] administrative law judge. In
1550 making [his] a decision in such a case, the [commissioner]
1551 administrative law judge shall conform [his] the administrative law
1552 judge's decision or award to the findings of such panel as to medical
1553 issues. Either party may appeal the decision of the [commissioner]

1554 administrative law judge to the Compensation Review Board
1555 according to the provisions of section 31-301 of the 2008 supplement to
1556 the general statutes, as amended by this act.

1557 (d) The chairman of the Workers' Compensation Commission shall
1558 adopt regulations, in accordance with the provisions of chapter 54, to
1559 establish a fee schedule for the payment of medical panel members.
1560 Sufficient funding for the payment of such fees shall be supplied from
1561 the administrative costs fund, as provided in section 31-345.

1562 Sec. 33. Section 31-299 of the general statutes is repealed and the
1563 following is substituted in lieu thereof (*Effective October 1, 2008*):

1564 At any hearing before [a compensation commissioner] an
1565 administrative law judge, no written statement, and no oral statement
1566 taken by means of tape recorder or any mechanical, electrical or
1567 electronic device, concerning the facts out of which the claim arose or
1568 affecting such claim, given by either party to the other, or to his agent,
1569 attorney or insurer, shall be admissible in evidence unless a copy of the
1570 written statement or a transcript of the oral statement, as the case may
1571 be, is retained by the party giving such statement or delivered to him
1572 at the time such statement was given or within thirty days thereafter.
1573 In the case of an oral statement taken by means of tape recorder or
1574 other mechanical, electrical or electronic device, the person recording
1575 such oral statement shall prepare a full and complete transcript thereof
1576 and submit it to the person giving such statement for signature and
1577 such transcript must be signed by the employee before such statement
1578 may be used at any such hearing.

1579 Sec. 34. Subsection (b) of section 31-299a of the general statutes is
1580 repealed and the following is substituted in lieu thereof (*Effective*
1581 *October 1, 2008*):

1582 (b) Where an employer contests the compensability of an
1583 employee's claim for compensation, and the employee has also filed a
1584 claim for benefits or services under the employer's group health,
1585 medical, disability or hospitalization plan or policy, the employer's

1586 health insurer may not delay or deny payment of benefits due to the
1587 employee under the terms of the plan or policy by claiming that
1588 treatment for the employee's injury or disease is the responsibility of
1589 the employer's workers' compensation insurer. The health insurer may
1590 file a claim in its own right against the employer for the value of
1591 benefits paid by the insurer within two years from payment of the
1592 benefits. The health insurer shall not have a lien on the proceeds of any
1593 award or approval of any compromise made by the [commissioner]
1594 administrative law judge pursuant to the employee's compensation
1595 claim, in accordance with the provisions of section 38a-470, as
1596 amended by this act, unless the health insurer actually paid benefits to
1597 or on behalf of the employee.

1598 Sec. 35. Section 31-301 of the 2008 supplement to the general statutes
1599 is repealed and the following is substituted in lieu thereof (*Effective*
1600 *October 1, 2008*):

1601 (a) At any time within twenty days after entry of an award by [the
1602 commissioner] an administrative law judge, after a decision of the
1603 [commissioner] administrative law judge upon a motion or after an
1604 order by the [commissioner] administrative law judge according to the
1605 provisions of section 31-299b, either party may appeal therefrom to the
1606 Compensation Review Board by filing in the office of the
1607 [commissioner] administrative law judge from which the award or the
1608 decision on a motion originated an appeal petition and five copies
1609 thereof. The [commissioner] administrative law judge within three
1610 days thereafter shall mail the petition and three copies thereof to the
1611 chief of the Compensation Review Board and a copy thereof to the
1612 adverse party or parties. If a party files a motion subsequent to the
1613 finding and award, order or decision, the twenty-day period for filing
1614 an appeal of an award or an order by the [commissioner]
1615 administrative law judge shall commence on the date of the decision
1616 on such motion.

1617 (b) The appeal shall be heard by the Compensation Review Board as
1618 provided in section 31-280b, as amended by this act. The

1619 Compensation Review Board shall hear the appeal on the record of the
1620 hearing before the [commissioner] administrative law judge, provided,
1621 if it is shown to the satisfaction of the board that additional evidence or
1622 testimony is material and that there were good reasons for failure to
1623 present it in the proceedings before the [commissioner] administrative
1624 law judge, the Compensation Review Board may hear additional
1625 evidence or testimony.

1626 (c) Upon the final determination of the appeal by the Compensation
1627 Review Board, but no later than one year after the date the appeal
1628 petition was filed, the Compensation Review Board shall issue its
1629 decision, affirming, modifying or reversing the decision of the
1630 [commissioner] administrative law judge. The decision of the
1631 Compensation Review Board shall include its findings, conclusions of
1632 law and award.

1633 (d) When any appeal is pending, and it appears to the
1634 Compensation Review Board that any part of the award appealed from
1635 is not affected by the issues raised by the appeal, the Compensation
1636 Review Board may, on motion or of its own motion, render a judgment
1637 directing compliance with any portion of the award not affected by the
1638 appeal; or if the only issue raised by the appeal is the amount of the
1639 average weekly wage for the purpose of determining the amount of
1640 compensation, as provided in section 31-310, as amended by this act,
1641 the [commissioner] administrative law judge shall, on motion of the
1642 claimant, direct the payment of the portion of the compensation
1643 payable under his award that is not in dispute, if any, pending final
1644 adjudication of the disputed portion thereof. In all appeals in which
1645 one of the parties is not represented by counsel, and in which the party
1646 taking the appeal does not prosecute the case within a reasonable time
1647 from the date of appeal, the Compensation Review Board may, of its
1648 own motion, affirm, reverse or modify the award.

1649 (e) When an appeal is taken to the Compensation Review Board, the
1650 chief clerk thereof shall notify the [commissioner] administrative law
1651 judge from whose award the appeal was taken, in writing, of any

1652 action of the Compensation Review Board thereon and of the final
1653 disposition of the appeal, whether by judgment, withdrawal or
1654 otherwise, and shall upon the decision of the appeal, furnish the
1655 [commissioner] administrative law judge with a copy of the decision.
1656 Whenever any appeal is pending, if it appears to the Compensation
1657 Review Board that justice so requires, the Compensation Review Board
1658 shall order a certified copy of the evidence for the use of the employer,
1659 the employee or both, and the certified copy shall be made a part of the
1660 record on the appeal. The procedure in appealing from an award of the
1661 [commissioner] administrative law judge shall be the same as the
1662 procedure employed in an appeal from the Superior Court to the
1663 Supreme Court, where applicable. The chairman of the Workers'
1664 Compensation Commission shall adopt regulations, in accordance
1665 with the provisions of chapter 54, to establish rules, methods of
1666 procedure and forms as the chairman deems expedient for the
1667 purposes of this chapter.

1668 (f) During the pendency of any appeal of an award made pursuant
1669 to this chapter, the claimant shall receive all compensation and medical
1670 treatment payable under the terms of the award to the extent the
1671 compensation and medical treatment are not being paid by any health
1672 insurer or by any insurer or employer who has been ordered, pursuant
1673 to the provisions of subsection (a) of this section, to pay a portion of
1674 the award. The compensation and medical treatment shall be paid by
1675 the employer or its insurer.

1676 (g) If the final adjudication results in the denial of compensation to
1677 the claimant, and [he] the claimant has previously received
1678 compensation on the claim pursuant to subsection (f) of this section
1679 and this subsection, the claimant shall reimburse the employer or its
1680 insurer for all sums previously expended, plus interest at the rate of
1681 ten per cent per annum. Upon any such denial of compensation, the
1682 [commissioner] administrative law judge who originally heard the case
1683 or [his] administrative law judge's successor shall conduct a hearing to
1684 determine the repayment schedule for the claimant.

1685 Sec. 36. Subsection (c) of section 31-306b of the general statutes is
1686 repealed and the following is substituted in lieu thereof (*Effective*
1687 *October 1, 2008*):

1688 (c) The failure of an employer or insurer to comply with the notice
1689 requirements of subsection (a) of this section shall not excuse a
1690 dependent of a deceased employee from making a claim for
1691 compensation within the time limits prescribed by subsection (a) of
1692 section 31-294c, as amended by this act, unless the dependent of the
1693 deceased employee demonstrates, in the opinion of the [commissioner]
1694 administrative law judge, that he was prejudiced by such failure to
1695 comply. Each dependent who, in the opinion of the [commissioner]
1696 administrative law judge, demonstrates that he was prejudiced by the
1697 failure of an employer or insurer to comply with the notice
1698 requirements of subsection (a) of this section shall be granted an
1699 extension of time in which to file a notice of claim for compensation
1700 with the deceased employee's employer or insurer pursuant to section
1701 31-294c, as amended by this act, but such extension shall not exceed
1702 the period of time equal to the interim between the end of the thirty-
1703 day period set forth in subsection (a) of this section and the date the
1704 notice required under said subsection was actually mailed.

1705 Sec. 37. Subsection (a) of section 31-310 of the general statutes is
1706 repealed and the following is substituted in lieu thereof (*Effective*
1707 *October 1, 2008*):

1708 (a) For the purposes of this chapter, the average weekly wage shall
1709 be ascertained by dividing the total wages received by the injured
1710 employee from the employer in whose service the employee is injured
1711 during the fifty-two calendar weeks immediately preceding the week
1712 during which the employee was injured, by the number of calendar
1713 weeks during which, or any portion of which, the employee was
1714 actually employed by the employer, but, in making the computation,
1715 absence for seven consecutive calendar days, although not in the same
1716 calendar week, shall be considered as absence for a calendar week.
1717 When the employment commenced otherwise than at the beginning of

1718 a calendar week, that calendar week and wages earned during that
1719 week shall be excluded in making the computation. When the period
1720 of employment immediately preceding the injury is computed to be
1721 less than a net period of two calendar weeks, the employee's weekly
1722 wage shall be considered to be equivalent to the average weekly wage
1723 prevailing in the same or similar employment in the same locality at
1724 the date of the injury except that, when the employer has agreed to pay
1725 a certain hourly wage to the employee, the hourly wage so agreed
1726 upon shall be the hourly wage for the injured employee and the
1727 employee's average weekly wage shall be computed by multiplying
1728 the hourly wage by the regular number of hours that is permitted each
1729 week in accordance with the agreement. For the purpose of
1730 determining the amount of compensation to be paid in the case of a
1731 minor under the age of eighteen who has sustained an injury entitling
1732 the employee to compensation for total or partial incapacity for a
1733 period of fifty-two or more weeks, or to specific indemnity for any
1734 injury under the provisions of section 31-308, the [commissioner]
1735 administrative law judge may add fifty per cent to the employee's
1736 average weekly wage, except in the case of a minor under the age of
1737 sixteen, the [commissioner] administrative law judge may add one
1738 hundred per cent to the minor's average weekly wage. When the
1739 injured employee is a trainee or apprentice receiving a subsistence
1740 allowance from the United States because of war service, the allowance
1741 shall be added to the injured employee's actual earnings in
1742 determining the average weekly wage. Where the injured employee
1743 has worked for more than one employer as of the date of the injury
1744 and the average weekly wage received from the employer in whose
1745 employ the injured employee was injured, as determined under the
1746 provisions of this section, are insufficient to obtain the maximum
1747 weekly compensation rate from the employer under section 31-309,
1748 prevailing as of the date of the injury, the injured employee's average
1749 weekly wages shall be calculated upon the basis of wages earned from
1750 all such employers in the period of concurrent employment not in
1751 excess of fifty-two weeks prior to the date of the injury, but the
1752 employer in whose employ the injury occurred shall be liable for all

1753 medical and hospital costs and a portion of the compensation rate
1754 equal to seventy-five per cent of the average weekly wage paid by the
1755 employer to the injured employee, after such earnings have been
1756 reduced by any deduction for federal or state taxes, or both, and for
1757 the federal Insurance Contribution Act made from such employee's
1758 total wages received from such employer during the period of
1759 calculation of such average weekly wage, but not less than an amount
1760 equal to the minimum compensation rate prevailing as of the date of
1761 the injury. The remaining portion of the applicable compensation rate
1762 shall be paid from the Second Injury Fund upon submission to the
1763 Treasurer by the employer or the employer's insurer of such vouchers
1764 and information as the Treasurer may require. For purposes of this
1765 subsection, the Second Injury Fund shall not be deemed an employer
1766 or an insurer for any claim brought on behalf of an insolvent insurer
1767 and shall be exempt from liability, unless such claim is brought not
1768 later than thirty days after a determination of such insurer's
1769 bankruptcy. No claim for payment of retroactive benefits may be made
1770 to the Second Injury Fund more than two years from the date on which
1771 the employer or its insurer paid such benefits in accordance with this
1772 subsection. In cases which involve concurrent employment and in
1773 which there is a claim against a third party, the injured employee or
1774 the employer in whose employ the injury was sustained or the
1775 employer's insurer shall advise the custodian of the Second Injury
1776 Fund if there is a third party claim, and the employee, employer or
1777 employer's insurer shall pursue its subrogation rights as provided for
1778 in section 31-293, as amended by this act, and shall include in its claim
1779 all compensation paid by the Second Injury Fund and shall reimburse
1780 the Second Injury Fund for all payments made for compensation in the
1781 event of a recovery against the third party.

1782 Sec. 38. Section 31-315 of the general statutes is repealed and the
1783 following is substituted in lieu thereof (*Effective October 1, 2008*):

1784 Any award of, or voluntary agreement concerning, compensation
1785 made under the provisions of this chapter or any transfer of liability
1786 for a claim to the Second Injury Fund under the provisions of section

1787 31-349, as amended by this act, shall be subject to modification in
1788 accordance with the procedure for original determinations, upon the
1789 request of either party or, in the case of a transfer under section 31-349,
1790 as amended by this act, upon request of the custodian of the Second
1791 Injury Fund, whenever it appears to the [compensation commissioner]
1792 administrative law judge, after notice and hearing thereon, that the
1793 incapacity of an injured employee has increased, decreased or ceased,
1794 or that the measure of dependence on account of which the
1795 compensation is paid has changed, or that changed conditions of fact
1796 have arisen which necessitate a change of such agreement, award or
1797 transfer in order properly to carry out the spirit of this chapter. The
1798 [commissioner] administrative law judge shall also have the same
1799 power to open and modify an award as any court of the state has to
1800 open and modify a judgment of such court. The [compensation
1801 commissioner] administrative law judge shall retain jurisdiction over
1802 claims for compensation, awards and voluntary agreements, for any
1803 proper action thereon, during the whole compensation period
1804 applicable to the injury in question.

1805 Sec. 39. Section 31-316 of the general statutes is repealed and the
1806 following is substituted in lieu thereof (*Effective October 1, 2008*):

1807 (a) Each employer shall keep a record of the injuries sustained by
1808 his employees in the course of their employment that result in
1809 incapacity for one day or more. Each employer shall send to the
1810 chairman of the Workers' Compensation Commission, in duplicate,
1811 each week, or more often if so directed, a report of all injuries that the
1812 rules prescribed by the chairman determine, including the time of each
1813 injury, together with notices of claims for compensation that have been
1814 served upon the employer under section 31-294c, as amended by this
1815 act, within one week of the receipt of the notices of claims. The
1816 employer shall inform the chairman as to the extent to which he
1817 provides accident and health insurance and life insurance coverage for
1818 his employees, and his payment or contribution requirements for any
1819 employee welfare plan, as defined in section 31-284b. No other report
1820 of injuries to employees shall be required by any department or office

1821 of the state from employers. The duplicates of the reports shall be
1822 immediately transmitted to the Labor Commissioner.

1823 (b) Upon determining that the employer failed to report injuries as
1824 required by subsection (a) of this section, the [workers' compensation
1825 commissioner] administrative law judge may increase the award for
1826 compensation for the employee's injuries proportionate to the
1827 prejudice that the employee sustained due to the employer's failure to
1828 file.

1829 Sec. 40. Section 31-323 of the general statutes is repealed and the
1830 following is substituted in lieu thereof (*Effective October 1, 2008*):

1831 When any person presents in writing to the [commissioner]
1832 administrative law judge a claim for compensation, either for injury
1833 sustained by himself arising out of and in the course of his
1834 employment or for injury resulting in the death of some person of
1835 whom he is an alleged dependent, he may ask that a writ of
1836 attachment issue to secure the payment of the claim or claims for
1837 compensation as may arise out of the injury. Unless it appears from the
1838 records of the [commissioner] administrative law judge that there has
1839 been a compliance with the provisions of section 31-284, which
1840 compliance is then effective, or that the Insurance Commissioner has
1841 approved a substitute system of compensation, benefit and insurance,
1842 the [commissioner] administrative law judge may issue a writ of
1843 attachment in the manner and form of writs of attachment in civil
1844 actions and shall be vested with the same jurisdiction as authorities
1845 authorized to issue writs of attachment in civil actions. If a writ is
1846 issued under this section and thereafter it appears to the satisfaction of
1847 the [commissioner] administrative law judge that there has been a
1848 compliance with the provisions of section 31-284, which compliance
1849 was then effective and applicable to the injury in question, or that the
1850 Insurance Commissioner has approved a substitute system of
1851 compensation, benefit and insurance, the [commissioner]
1852 administrative law judge may vacate the writ of attachment on the
1853 payment by the employer of the expense actually incurred under such

1854 writ of attachment. The [commissioners] administrative law judges are
1855 vested with the authority of the various courts to dissolve attachments
1856 made under this section and, on the dissolution of an attachment, may
1857 require the substitution of a bond in the same manner as any court
1858 upon the dissolution of attachments in civil actions.

1859 Sec. 41. Section 31-326 of the general statutes is repealed and the
1860 following is substituted in lieu thereof (*Effective October 1, 2008*):

1861 Whenever the chairman of the Workers' Compensation Commission
1862 finds that any insurance company or association insuring the liability
1863 of an employer under the provisions of this chapter is conducting such
1864 business improperly or is dilatory in investigating and adjusting
1865 claims or making payments, or fails to comply with the provisions of
1866 this chapter or the rules, methods or procedure and forms adopted by
1867 the chairman, the chairman shall notify the Insurance Commissioner,
1868 in writing, setting forth the facts, and thereupon the Insurance
1869 Commissioner shall fix a time and place for a hearing thereon, giving
1870 reasonable notice to the chairman and to such company or association
1871 of such hearing, and, if he finds the allegations to be true, he shall
1872 either suspend for a time or revoke the license of such company or
1873 association to transact such business in this state. Whenever [a
1874 compensation commissioner] an administrative law judge has reason
1875 to believe that any employer who has furnished proof of his financial
1876 ability or filed with the Insurance Commissioner security for the
1877 performance of the obligations of this chapter in accordance with
1878 section 31-284 is dilatory in investigating or adjusting claims or in
1879 making payments, or fails to comply with the provisions of this
1880 chapter or the rules, methods of procedure and forms adopted by the
1881 chairman, he may notify the Insurance Commissioner, in writing,
1882 setting forth the facts, and thereupon the Insurance Commissioner
1883 shall fix the time and place for a hearing thereon, giving reasonable
1884 notice to the [commissioner] administrative law judge and to such
1885 employer, and, if he finds the allegations to be true, then, after ten days
1886 from the notice of such findings to such employer, the compliance of
1887 such employer with the terms of section 31-284 shall be, as to any

1888 future injuries, null and void.

1889 Sec. 42. Section 31-329 of the general statutes is repealed and the
1890 following is substituted in lieu thereof (*Effective October 1, 2008*):

1891 Before giving his approval, the Insurance Commissioner may
1892 require the incorporators of any such association to include in their
1893 proposed certificate of incorporation such lawful provisions for the
1894 regulation of the affairs of the association and the definition of its
1895 powers and the powers of its officers, directors and incorporators as
1896 shall satisfy him that it is well designed and wisely adapted to its
1897 proposed purposes. When such a certificate, in form and substance
1898 acceptable to the Insurance Commissioner, has been approved by and
1899 filed with the Secretary of the State, the incorporators shall forthwith
1900 cause copies thereof to be filed in the offices of the Insurance
1901 Commissioner and each of the [compensation commissioners]
1902 administrative law judges.

1903 Sec. 43. Section 31-341 of the general statutes is repealed and the
1904 following is substituted in lieu thereof (*Effective October 1, 2008*):

1905 When a claim for compensation by any such injured employee or
1906 the dependent of an injured employee of an employer who has insured
1907 his liability as aforesaid does not result in a voluntary agreement and a
1908 hearing before [a compensation commissioner] an administrative law
1909 judge is necessary to determine such claim, the insurer shall receive
1910 the same notice of such hearing as is by law required to be given to the
1911 employer and shall thereupon be a party to the proceeding.

1912 Sec. 44. Section 31-343 of the general statutes is repealed and the
1913 following is substituted in lieu thereof (*Effective October 1, 2008*):

1914 As between any such injured employee or his dependent and the
1915 insurer, every such contract of insurance shall be conclusively
1916 presumed to cover the entire liability of the insured, and no question
1917 as to breach of warranty, coverage or misrepresentation by the insured
1918 shall be raised by the insurer in any proceeding before the

1919 [compensation commissioner] administrative law judge or on appeal
1920 therefrom.

1921 Sec. 45. Subsection (b) of section 31-349 of the general statutes is
1922 repealed and the following is substituted in lieu thereof (*Effective*
1923 *October 1, 2008*):

1924 (b) As a condition precedent to the liability of the Second Injury
1925 Fund, the employer or its insurer shall: (1) Notify the custodian of the
1926 fund by certified mail no later than three calendar years after the date
1927 of injury or no later than ninety days after completion of payments for
1928 the first one hundred and four weeks of disability, whichever is earlier,
1929 of its intent to transfer liability for the claim to the Second Injury Fund;
1930 (2) include with the notification (A) copies of all medical reports, (B) an
1931 accounting of all benefits paid, (C) copies of all findings, awards and
1932 approved voluntary agreements, (D) the employer's or insurer's
1933 estimate of the reserve amount to ultimate value for the claim, (E) a
1934 two-thousand-dollar notification fee payable to the custodian to cover
1935 the fund's costs in evaluating the claim proposed to be transferred and
1936 (F) such other material as the custodian may require. The employer by
1937 whom the employee is employed at the time of the second injury, or its
1938 insurer, shall in the first instance pay all awards of compensation and
1939 all medical expenses provided by this chapter for the first one hundred
1940 four weeks of disability. Failure on the part of the employer or an
1941 insurer to comply does not relieve the employer or insurer of its
1942 obligation to continue furnishing compensation under the provisions
1943 of this chapter. The custodian of the fund shall, by certified mail, notify
1944 a self-insured employer or an insurer, as applicable, of the rejection of
1945 the claim within ninety days after receiving the completed notification.
1946 Any claim which is not rejected pursuant to this section shall be
1947 deemed accepted, unless the custodian notifies the self-insured
1948 employer or the insurer within the ninety-day period that up to an
1949 additional ninety days is necessary to determine if the claim for
1950 transfer will be accepted. If the claim is accepted for transfer, the
1951 custodian shall file with the [workers' compensation commissioner]
1952 administrative law judge for the district in which the claim was filed, a

1953 form indicating that the claim has been transferred to the Second
1954 Injury Fund and the date that such claim was transferred and shall
1955 refund fifteen hundred dollars of the notification fee to the self-insured
1956 employer or the insurer, as applicable. A copy of the form shall be
1957 mailed to the self-insured employer or the insurer and to the claimant.
1958 No further action by the [commissioner] administrative law judge shall
1959 be required to transfer said claim. If the custodian rejects the claim of
1960 the employer or its insurer, the question shall be submitted by certified
1961 mail within thirty days of the receipt of the notice of rejection by the
1962 employer or its insurer to the [commissioner] administrative law judge
1963 having jurisdiction, and the employer or insurer shall continue
1964 furnishing compensation until the outcome is finally decided. Claims
1965 not submitted to the [commissioner] administrative law judge within
1966 said time period shall be deemed withdrawn with prejudice. If the
1967 employer or insurer prevails, or if the custodian accepts the claim all
1968 payments made beyond the one-hundred-four-week period shall be
1969 reimbursed to the employer or insurer by the Second Injury Fund.

1970 Sec. 46. Section 31-349b of the general statutes is repealed and the
1971 following is substituted in lieu thereof (*Effective October 1, 2008*):

1972 (a) Any employee who has suffered a compensable injury under the
1973 provisions of this chapter, and who is receiving benefits for such injury
1974 from the Second Injury Fund pursuant to the provisions of section 31-
1975 349, as amended by this act, may file a written request with the
1976 [commissioner] administrative law judge in the district where the
1977 original claim was filed for a hearing to determine whether the
1978 employee's injury constitutes a permanent vocational disability. The
1979 hearing shall be held within sixty days of the date the request was
1980 filed. Upon the request of the [commissioner] administrative law judge
1981 and prior to the conclusion of such hearing, the director of the Division
1982 of Workers' Rehabilitation within the Workers' Compensation
1983 Commission shall, after receiving such information on the case which
1984 the [commissioner] administrative law judge deems necessary, submit
1985 written recommendations concerning the case to the [commissioner]
1986 administrative law judge for [his] the administrative law judge's

1987 consideration. The [commissioner] administrative law judge shall issue
1988 [his] the administrative law judge's decision, in writing, within ten
1989 days after the conclusion of the hearing. If the [commissioner]
1990 administrative law judge determines that the employee's injury is a
1991 permanent vocational disability, the employee shall be issued a
1992 certificate of disability by the [commissioner] administrative law judge.
1993 Such certificate shall be effective for a stated period of time of from one
1994 to five years, as determined by the [commissioner] administrative law
1995 judge. The decision of the [commissioner] administrative law judge
1996 may be appealed in accordance with the provisions of section 31-301 of
1997 the 2008 supplement to the general statutes, as amended by this act.

1998 (b) (1) Whenever any individual who has been issued a certificate of
1999 disability, pursuant to the provisions of subsection (a) of this section, is
2000 thereafter employed, the employer, upon written application and
2001 presentation of sufficient proof to the State Treasurer, shall be
2002 reimbursed from the Second Injury Fund for any workers'
2003 compensation insurance premiums paid by the employer which are
2004 attributable to such individual's employment during the effective
2005 period of such certificate. (2) Whenever any such certified individual is
2006 hired by an employer to whom a certificate of self-insurance has been
2007 issued pursuant to section 31-284, the employer, upon written
2008 application and presentation of sufficient proof to the State Treasurer,
2009 shall be reimbursed from the Second Injury Fund at the rate of two per
2010 cent of the gross wages paid to the individual for work performed
2011 during the effective period of his certificate. No employer may make
2012 more than one such application related to a certified employee within a
2013 twelve-month period.

2014 (c) Upon the expiration of any certificate of disability or of an
2015 extension of such certificate, the person to whom such certificate was
2016 issued may file a written request with the [commissioner]
2017 administrative law judge for an extension of the effective period of
2018 such certificate. The determination as to whether such an extension
2019 should be granted shall be made by the [commissioner] administrative
2020 law judge in accordance with the provisions of subsection (a) of this

2021 section, provided such extension shall be effective for a stated period
2022 of time of from one to five years.

2023 Sec. 47. Section 31-349c of the general statutes is repealed and the
2024 following is substituted in lieu thereof (*Effective October 1, 2008*):

2025 (a) The custodian of the Second Injury Fund and an insurer or self-
2026 insured employer seeking to transfer a claim to the fund shall submit
2027 all controverted issues regarding the existence of a previous disability
2028 under section 31-349, as amended by this act, to the chairman of the
2029 Workers' Compensation Commission. The chairman shall appoint a
2030 panel of three physicians, as defined in subdivision (17) of section 31-
2031 275, as amended by this act, and submit such dispute to the panel,
2032 along with whatever evidence and materials he deems necessary for
2033 consideration in the matter. The panel may examine the claimant, who
2034 shall submit to any examination such panel may require. Within sixty
2035 days of receiving the submission, the panel shall file its opinion, in
2036 writing, with the chairman, who shall forward it, along with any
2037 records generated by the panel's work on the case, to the
2038 [commissioner] administrative law judge having jurisdiction over the
2039 claim in which the dispute arose. The panel's opinion shall be
2040 determined by a majority vote of the three members. Such opinion
2041 shall be binding on all parties to the claim and may not be appealed to
2042 the Compensation Review Board pursuant to section 31-301 of the 2008
2043 supplement to the general statutes, as amended by this act.

2044 (b) The chairman of the Workers' Compensation Commission shall
2045 adopt regulations, in accordance with the provisions of chapter 54, to
2046 establish a fee schedule for payment of medical panel members. Any
2047 fees paid pursuant to the provisions of this section shall be paid by the
2048 self-insured employer or insurer seeking fund reimbursement.

2049 Sec. 48. Section 31-355 of the general statutes is repealed and the
2050 following is substituted in lieu thereof (*Effective October 1, 2008*):

2051 (a) The [commissioner] administrative law judge shall give notice to
2052 the Treasurer of all hearing of matters that may involve payment from

2053 the Second Injury Fund, and may make an award directing the
2054 Treasurer to make payment from the fund.

2055 (b) When an award of compensation has been made under the
2056 provisions of this chapter against an employer who failed, neglected,
2057 refused or is unable to pay any type of benefit coming due as a
2058 consequence of such award or any adjustment in compensation
2059 required by this chapter, and whose insurer failed, neglected, refused
2060 or is unable to pay the compensation, such compensation shall be paid
2061 from the Second Injury Fund. The [commissioner] administrative law
2062 judge, on a finding of failure or inability to pay compensation, shall
2063 give notice to the Treasurer of the award, directing the Treasurer to
2064 make payment from the fund. Whenever liability to pay compensation
2065 is contested by the Treasurer, the Treasurer shall file with the
2066 [commissioner] administrative law judge, on or before the twenty-
2067 eighth day after the Treasurer has received an order of payment from
2068 the [commissioner] administrative law judge, a notice in accordance
2069 with a form prescribed by the chairman of the Workers' Compensation
2070 Commission stating that the right to compensation is contested, the
2071 name of the claimant, the name of the employer, the date of the alleged
2072 injury or death and the specific grounds on which the right to
2073 compensation is contested. A copy of the notice shall be sent to the
2074 employee. The [commissioner] administrative law judge shall hold a
2075 hearing on such contested liability at the request of the Treasurer or
2076 the employee in accordance with the provisions of this chapter. If the
2077 Treasurer fails to file the notice contesting liability within the time
2078 prescribed in this section, the Treasurer shall be conclusively
2079 presumed to have accepted the compensability of such alleged injury
2080 or death from the Second Injury Fund and shall have no right
2081 thereafter to contest the employee's right to receive compensation on
2082 any grounds or contest the extent of the employee's disability.

2083 (c) The employer and the insurer, if any, shall be liable to the state
2084 for any payments made out of the fund in accordance with this section
2085 or which the Treasurer has by award become obligated to make from
2086 the fund, together with cost of attorneys' fees as fixed by the court. If

2087 reimbursement is not made, or a plan for payment to the fund has not
2088 been agreed to by the Treasurer and employer, not later than ninety
2089 days after any payment from the fund, the Attorney General shall
2090 bring a civil action, in the superior court for the judicial district where
2091 the award was made, to recover all amounts paid by the fund pursuant
2092 to the award, plus double damages together with reasonable attorney's
2093 fees and costs as taxed by the court. Any amount paid to the Treasurer
2094 by the employer or insurer after the filing of an action, but prior to its
2095 completion, shall be subject to an interest charge of eighteen per cent
2096 per annum, calculated from the date of original payment from the
2097 fund.

2098 (d) Any recovery made under this section, including any recovery
2099 for costs or attorney's fees, shall be paid into the fund. Any
2100 administrative or other costs or expenses incurred by the Attorney
2101 General in connection with carrying out the purposes of this section,
2102 including the hiring of necessary employees, shall be paid from the
2103 fund. The Treasurer shall adopt regulations, in accordance with the
2104 provisions of chapter 54, which describe what constitutes a proper and
2105 sufficient "plan for payment to the fund" for the purposes of this
2106 section.

2107 (e) Notwithstanding the provisions of subsections (a) to (d),
2108 inclusive, of this section, whenever the employer's insurer has been
2109 determined to be insolvent, as defined in section 38a-838, payments
2110 required under this section shall be the obligation of the Connecticut
2111 Insurance Guaranty Association pursuant to the provisions of sections
2112 38a-836 to 38a-853, inclusive.

2113 (f) Notwithstanding subsection (b) of this section, the
2114 [commissioner] administrative law judge may approve a stipulated
2115 settlement for benefits between an injured worker and the Treasurer
2116 under this chapter at any time prior to or after the issuance of a finding
2117 and award against the employer if the [commissioner] administrative
2118 law judge determines that it is in the best interest of the injured
2119 workers to do so. Notice of the proposed settlement shall be sent to the

2120 employer by certified mail, return receipt requested, to the employer's
2121 last known address on file with the Secretary of the State or local postal
2122 authority. The [commissioner] administrative law judge shall hold a
2123 hearing on such proposed settlement at the request of the employer in
2124 accordance with the provisions of this chapter. If the employer does
2125 not file with the Workers' Compensation Commission a written
2126 objection to the proposed settlement not later than twenty-eight days
2127 after the date of the notice to the employer of the proposed settlement,
2128 the employer shall be deemed to have consented to the proposed
2129 settlement and may not thereafter contest the terms of the settlement in
2130 any forum. Where payment has been ordered under this subsection,
2131 the terms of such order shall have the same status and be governed by
2132 the same provisions as an award issued pursuant to subsection (b) of
2133 this section.

2134 (g) Nothing in this section shall preclude the Treasurer from
2135 entering into an agreement with the employer for the reimbursement
2136 of expenses, costs or benefits paid by the fund. The Treasurer, the
2137 uninsured employer, the injured worker, or the injured worker's
2138 beneficiaries, or a third party who is liable under section 31-293, as
2139 amended by this act, may enter into a settlement agreement to finally
2140 or partially settle the rights and liabilities of any or all parties under
2141 this chapter, subject to the approval of the [commissioner]
2142 administrative law judge.

2143 (h) When a finding and award of compensation has been made
2144 against an uninsured employer who fails to pay it, that compensation
2145 shall be paid from the Second Injury Fund, and if there are further
2146 claims for any related, reasonable and necessary treatment, payment
2147 shall be provided to the claimant without a subsequent finding and
2148 award.

2149 Sec. 49. Section 38a-470 of the general statutes is repealed and the
2150 following is substituted in lieu thereof (*Effective October 1, 2008*):

2151 (a) For purposes of this section, "controverted claim" means any
2152 claim in which compensation is denied either in whole or in part by

2153 the workers' compensation carrier or the employer, if self-insured.

2154 (b) Any insurer, hospital or medical service corporation, health care
2155 center or employee welfare benefit plan which furnished benefits or
2156 services under a health insurance policy or a self-insured employee
2157 welfare benefit plan to any person suffering an injury or illness
2158 covered by the Workers' Compensation Act has a lien on the proceeds
2159 of any award or approval of any compromise made by [a workers'
2160 compensation commissioner] an administrative law judge less
2161 attorneys' fees approved by the district [commissioner] administrative
2162 law judge and reasonable costs related to the proceeding, to the extent
2163 of benefits paid or services provided for the effects of the injury or
2164 illness arising out of and in the course of employment as a result of a
2165 controverted claim, provided such plan, policy or contract provides for
2166 reduction, exclusion, or coordination of benefits of the policy or plan
2167 on account of workers' compensation benefits.

2168 (c) The lien shall arise at the time such benefits are paid or such
2169 services are rendered. The person or entity furnishing such benefits or
2170 services shall serve written notice upon the employee, the insurance
2171 company providing workers' compensation benefits or the employer, if
2172 self-insured, and the [workers' compensation commissioner]
2173 administrative law judge for the district in which the claim for
2174 workers' compensation has been filed, setting forth the nature and
2175 extent of the lien allowable under subsection (b) of this section. The
2176 lien shall be effective against any workers' compensation award made
2177 after the notice is received.

2178 (d) The written notice shall be served upon the employee at his last-
2179 known address, the insurance company at its principal place of
2180 business in this state or the employer, if self-insured, at its principal
2181 place of business, and the [workers' compensation commissioner]
2182 administrative law judge, at the district office. Service shall be made to
2183 all parties by certified or registered mail. The notice shall be in
2184 duplicate and shall contain, in addition to the information set forth in
2185 subsection (c) of this section, the name of the injured or ill employee,

2186 the name of the company providing workers' compensation benefits,
2187 the amount expended and an estimate of the amount to be expended
2188 for benefits or services provided to such injured or ill employee.

2189 (e) The insurance company providing workers' compensation
2190 coverage or the employer, if self-insured, shall reimburse the insurance
2191 company, hospital or medical service corporation, health care center or
2192 employee welfare benefit plan providing benefits or service directly, to
2193 the extent of any such lien. The receipt of such reimbursement by such
2194 insurer, hospital or medical service corporation, health care center or
2195 employee welfare benefit plan shall fully discharge such lien.

2196 (f) The validity or amount of the lien may be contested by the
2197 workers' compensation carrier, the employer, if self-insured or the
2198 employee by bringing an action in the superior court for the judicial
2199 district of Hartford or in the judicial district in which the plaintiff
2200 resides. Such cases shall have the same privilege with respect to their
2201 assignment for trial as appeals from the workers' compensation review
2202 division but shall first be claimed for the short calendar unless the
2203 court shall order the matter placed on the trial list. An appeal may be
2204 taken from the decision of the Superior Court to the Appellate Court in
2205 the same manner as is provided in section 51-197b. In any appeal in
2206 which one of the parties is not represented by counsel and in which the
2207 party taking the appeal does not claim the case for the short calendar
2208 or trial within a reasonable time after the return day, the court may of
2209 its own motion dismiss the appeal, or the party ready to proceed may
2210 move for nonsuit or default as appropriate. During the pendency of
2211 the appeal any workers' compensation benefits due shall be paid into
2212 the court in accordance with the rules relating to interpleader actions.

2213 Sec. 50. Subsection (b) of section 38a-500 of the general statutes is
2214 repealed and the following is substituted in lieu thereof (*Effective*
2215 *October 1, 2008*):

2216 (b) Whenever any such covered individual who receives benefits for
2217 any such injury under such policy or contract has a right of recovery or
2218 reimbursement against any person or organization, any carrier that has

2219 paid such benefits to or for the individual shall be subrogated to all
2220 such rights of recovery or reimbursement to the extent of its payment.
2221 Such carrier shall also have a lien on the proceeds of any award or
2222 approval of any compromise made by [a workers' compensation
2223 commissioner] an administrative law judge pursuant to the
2224 individual's workers' compensation claim, in accordance with the
2225 provisions of section 38a-470, as amended by this act.

2226 Sec. 51. Subsection (b) of section 38a-527 of the general statutes is
2227 repealed and the following is substituted in lieu thereof (*Effective*
2228 *October 1, 2008*):

2229 (b) Whenever any such covered individual who receives benefits for
2230 any such injury under such policy has a right of recovery or
2231 reimbursement against any person or organization, any carrier that has
2232 paid such benefits to or for the individual shall be subrogated to all
2233 such rights of recovery or reimbursement to the extent of its payment.
2234 Such carrier shall also have a lien on the proceeds of any award or
2235 approval of any compromise made by [a workers' compensation
2236 commissioner] an administrative law judge pursuant to the
2237 individual's workers' compensation claim, in accordance with the
2238 provisions of section 38a-470, as amended by this act.

2239 Sec. 52. Subdivision (2) of subsection (i) of section 46b-231 of the
2240 2008 supplement to the general statutes is repealed and the following
2241 is substituted in lieu thereof (*Effective October 1, 2008*):

2242 (2) Any family support magistrate may elect to be included within
2243 the provisions of sections 51-49, 51-49a, 51-49b, 51-49c, 51-49d, 51-49h,
2244 51-50a and 51-50b, as amended by this act, or to continue to be subject
2245 to the provisions of subdivision (1) of this subsection. Any family
2246 support magistrate who has so elected may revoke such election and
2247 elect to be included in the provisions of chapters 65 and 66 regarding
2248 retirement and disability of state employees. Thereupon any payments
2249 transferred from the State Employees Retirement Fund to the Judges,
2250 Family Support Magistrates and [Compensation Commissioners]
2251 Administrative Law Judges Retirement Fund shall be transferred from

2252 the Judges, Family Support Magistrates and [Compensation
2253 Commissioners] Administrative Law Judges Retirement Fund to the
2254 State Employees Retirement Fund.

2255 Sec. 53. Section 51-49 of the general statutes is repealed and the
2256 following is substituted in lieu thereof (*Effective October 1, 2008*):

2257 (a) When the Chief Justice or any judge of the Supreme Court, or the
2258 Appellate Court, or the Superior Court, or the Chief State's Attorney, a
2259 Deputy Chief State's Attorney, or any state's attorney who had elected
2260 under the provisions of section 51-278 to be included within the
2261 provisions of this section, or any public defender, Chief Public
2262 Defender or Deputy Chief Public Defender who had elected under the
2263 provisions of section 51-295a to be included within the provisions of
2264 this section, or any family support magistrate who had elected under
2265 the provisions of subdivision (2) of subsection (i) of section 46b-231 of
2266 the 2008 supplement to the general statutes, as amended by this act, or
2267 any [compensation commissioner] administrative law judge, has
2268 become so permanently incapacitated as to be unable to fulfill
2269 adequately the duties of his office, he may be retired by the Judicial
2270 Review Council as hereinafter provided, upon application by him or
2271 upon its own motion.

2272 (b) If the Judicial Review Council finds that the justice, judge, Chief
2273 State's Attorney, Deputy Chief State's Attorney, state's attorney, Chief
2274 Public Defender, Deputy Chief Public Defender, public defender,
2275 family support magistrate or [compensation commissioner]
2276 administrative law judge is permanently incapacitated from
2277 adequately fulfilling his duties, (1) the justice, judge, family support
2278 magistrate or [compensation commissioner] administrative law judge
2279 shall thereupon be retired with retirement pay to be determined as
2280 provided by section 51-50, as amended by this act, or (2) the Chief
2281 State's Attorney, Deputy Chief State's Attorney, state's attorney, Chief
2282 Public Defender, Deputy Chief Public Defender or public defender
2283 shall thereupon be retired and shall receive as retirement pay,
2284 annually, two-thirds the salary of the office which he held at the time

2285 of his retirement, as such salary may be changed from time to time. No
2286 judge shall be denied benefits under section 51-50, as amended by this
2287 act, as a result of the expiration of his judicial term of office during the
2288 pendency of a disability matter before the Judicial Review Council.
2289 Any council proceedings pursuant to this section shall be confidential.

2290 Sec. 54. Section 51-49a of the general statutes is repealed and the
2291 following is substituted in lieu thereof (*Effective October 1, 2008*):

2292 (a) The right to a retirement salary, in accordance with the
2293 provisions of this section, of any judge, family support magistrate or
2294 [compensation commissioner] administrative law judge who is not
2295 eligible to retire under the provisions of section 51-50a, as amended by
2296 this act, which judge, family support magistrate or [commissioner]
2297 administrative law judge has completed ten years of service as such,
2298 shall be vested and nonforfeitable.

2299 (b) Any such judge or [commissioner] administrative law judge who
2300 first commenced service as a judge or [compensation commissioner]
2301 administrative law judge prior to January 1, 1981, and who resigns
2302 prior to becoming eligible to retire under section 51-50a, as amended
2303 by this act, and after at least ten years of service, shall receive, at such
2304 time as he would have been eligible to so retire if he had continued in
2305 such service, as retirement salary, annually, fifty per cent of the
2306 retirement salary he would have received had he served until he was
2307 so eligible, plus ten per cent of such retirement salary for each year of
2308 service beyond ten years but for not more than five years of additional
2309 service.

2310 (c) Any such judge, family support magistrate or [commissioner]
2311 administrative law judge who first commenced service as a judge,
2312 family support magistrate or [compensation commissioner]
2313 administrative law judge on or after January 1, 1981, and who resigns
2314 prior to becoming eligible to retire under section 51-50a, as amended
2315 by this act, and after at least ten years of service, shall receive, at such
2316 time as he would have been eligible to so retire if he had continued in
2317 such service, annually, an amount equal to the fraction of the

2318 retirement salary he would have received had he served until he was
2319 so eligible which corresponds to the ratio which the number of years of
2320 his completed service bears to the number of years of service which
2321 would have been completed at age sixty-five or twenty years,
2322 whichever is less.

2323 (d) In determining the amount of retirement payments to be made
2324 pursuant to subsections (b) and (c) of this section, longevity payments
2325 which would have been made if the judge, family support magistrate
2326 or [commissioner] administrative law judge had continued to serve as
2327 a judge, family support magistrate or [commissioner] administrative
2328 law judge from the date of resignation with a vested right to a
2329 retirement salary shall not be included in the computation.

2330 Sec. 55. Section 51-49b of the general statutes is repealed and the
2331 following is substituted in lieu thereof (*Effective October 1, 2008*):

2332 On January 1, 1982, and January first of each subsequent year, each
2333 judge, family support magistrate or [compensation commissioner]
2334 administrative law judge who first commenced service as a judge,
2335 family support magistrate or [compensation commissioner]
2336 administrative law judge on or after January 1, 1981, and retired on or
2337 before the December thirty-first immediately preceding, shall be
2338 entitled, in addition to the retirement salary to which such judge,
2339 family support magistrate or [commissioner] administrative law judge
2340 was entitled under the provisions of section 51-49a, 51-50 or 51-50a, as
2341 amended by this act, as of the December thirty-first immediately
2342 preceding, to an additional percentage which reflects the increase, if
2343 any, in the National Consumer Price Index for Urban Wage Earners
2344 and Clerical Workers for the previous twelve-month period, provided
2345 such cost of living allowance shall not exceed three per cent. Such cost
2346 of living allowance shall be computed on the basis of the combined
2347 retirement salary and cost of living allowances, if any, to which such
2348 judge, family support magistrate or [commissioner] administrative law
2349 judge was entitled as of the December thirty-first immediately
2350 preceding.

2351 Sec. 56. Section 51-49c of the general statutes is repealed and the
2352 following is substituted in lieu thereof (*Effective October 1, 2008*):

2353 On January 1, 1982, and January first of each subsequent year, each
2354 surviving spouse of a deceased judge, family support magistrate or of
2355 [a compensation commissioner] administrative law judge who first
2356 commenced service as a judge, family support magistrate or
2357 [compensation commissioner] administrative law judge on or after
2358 January 1, 1981, receiving an allowance under the provisions of section
2359 51-51, as amended by this act, shall be entitled to an additional cost of
2360 living allowance equal to the percentage which reflects the increase, if
2361 any, in the National Consumer Price Index for Urban Wage Earners
2362 and Clerical Workers for the previous twelve-month period, provided
2363 such cost of living increase shall not exceed three per cent. Such cost of
2364 living allowance shall be computed on the basis of the combined
2365 retirement allowance and cost of living allowance, if any, to which
2366 such surviving spouse was entitled as of the December thirty-first
2367 immediately preceding.

2368 Sec. 57. Subdivision (1) of subsection (a) of section 51-49d of the
2369 general statutes is repealed and the following is substituted in lieu
2370 thereof (*Effective October 1, 2008*):

2371 (1) "Retirement system" or "system" means the retirement provisions
2372 in sections 51-49a to 51-50b, inclusive, as amended by this act, and
2373 section 51-51, as amended by this act, for judges, family support
2374 magistrates and [compensation commissioners] administrative law
2375 judges.

2376 Sec. 58. Section 51-49g of the general statutes is repealed and the
2377 following is substituted in lieu thereof (*Effective October 1, 2008*):

2378 (a) For the purposes of determining both the retirement salary of
2379 [compensation commissioners] administrative law judges who first
2380 commenced service as [compensation commissioners] administrative
2381 law judges in a term commencing prior to January 1, 1981, and the
2382 allowance payable to their surviving spouses under subsection (a) of

2383 section 51-51, as amended by this act, "salary" shall be composed of the
2384 total of the following amounts: The annual salary payable pursuant to
2385 subsection (a) of section 31-277, as amended by this act, as such salary
2386 may change from time to time; and for [compensation commissioners]
2387 administrative law judges to whom a longevity payment has been
2388 made or is due and payable, in each instance under subsection (b) of
2389 section 31-277, as amended by this act, (1) one and one-half per cent of
2390 annual salary, as such salary may change from time to time, for those
2391 who have completed ten or more but less than fifteen years of service
2392 as [a compensation commissioner] an administrative law judge, (2)
2393 three per cent of annual salary, as such salary may change from time to
2394 time for those who have completed fifteen or more but less than
2395 twenty years of service as [a compensation commissioner] an
2396 administrative law judge, (3) four and one-half per cent of annual
2397 salary, as such salary may change from time to time, for those who
2398 have completed twenty or more but less than twenty-five years of
2399 service as [a compensation commissioner] an administrative law judge,
2400 and (4) six per cent of annual salary, as such salary may change from
2401 time to time, for those who have completed twenty-five or more years
2402 of service as [a compensation commissioner] an administrative law
2403 judge.

2404 (b) For purposes of determining both the retirement salary of
2405 [compensation commissioners] administrative law judges who first
2406 commenced service as [compensation commissioners] administrative
2407 law judges in a term commencing on or after January 1, 1981, and the
2408 allowance payable to their surviving spouses, under subsection (b) of
2409 section 51-51, as amended by this act, "salary" shall be composed of the
2410 total of the following amounts: The annual salary payable at the time
2411 of retirement or death, fixed in accordance with subsection (a) of
2412 section 31-277, as amended by this act; and for [compensation
2413 commissioners] administrative law judges to whom a longevity
2414 payment has been made or is due and payable, in each case under
2415 subsection (b) of section 31-277, as amended by this act, (1) one and
2416 one-half per cent of the annual salary the [commissioner]
2417 administrative law judge was receiving at the time of retirement or

2418 death, for those who have completed ten or more but less than fifteen
2419 years of service as [a commissioner] an administrative law judge, (2)
2420 three per cent of the annual salary the [commissioner] administrative
2421 law judge was receiving at the time of retirement or death, for those
2422 who have completed fifteen or more but less than twenty years of
2423 service as [a commissioner] an administrative law judge, (3) four and
2424 one-half per cent of the annual salary the [commissioner]
2425 administrative law judge was receiving at the time of retirement or
2426 death, for those who have completed twenty or more but less than
2427 twenty-five years of service as [a commissioner] an administrative law
2428 judge, and (4) six per cent of the annual salary the [commissioner]
2429 administrative law judge was receiving at the time of retirement or
2430 death, for those who have completed twenty-five or more years of
2431 service as [a commissioner] an administrative law judge.

2432 Sec. 59. Section 51-49h of the general statutes is repealed and the
2433 following is substituted in lieu thereof (*Effective October 1, 2008*):

2434 (a) Any judge of the Superior Court, the Appellate Court or the
2435 Supreme Court who first commenced service as a judge prior to
2436 January 1, 1981, may elect to receive the retirement salary provided
2437 under subsection (b) of section 51-50, as amended by this act. The
2438 surviving spouse of a deceased judge who has made an election under
2439 this section shall receive the allowances provided under subsection (b)
2440 of section 51-51, as amended by this act.

2441 (b) Any such judge, any family support magistrate or any
2442 [compensation commissioner] administrative law judge who is a
2443 veteran may receive credit for retirement purposes for military service,
2444 if such judge, family support magistrate or [compensation
2445 commissioner] administrative law judge makes retirement
2446 contributions for each month of military service equal to one-twelfth of
2447 five per cent of his first year's salary as a judge, family support
2448 magistrate or [compensation commissioner] administrative law judge
2449 multiplied by the total number of months of such military service,
2450 except that (1) no retirement contribution shall be made for service as a

2451 prisoner of war, and (2) no credit shall be allowed for military service
2452 to any such judge, family support magistrate or [compensation
2453 commissioner] administrative law judge who has served less than ten
2454 years as a judge, family support magistrate or [compensation
2455 commissioner] administrative law judge, nor for more than fifty per
2456 cent of such military service or three years, whichever is less. Service
2457 credit for military service for retirement purposes other than service as
2458 a prisoner of war shall not be granted until payment of contributions is
2459 completed. Any application for military service credit under this
2460 section for service as a prisoner of war shall be accompanied by
2461 sufficient proof from the Veterans' Administration of the United States
2462 that such judge, family support magistrate or [compensation
2463 commissioner] administrative law judge is a former prisoner of war.

2464 (c) For purposes of this section: (1) "Armed forces" means the United
2465 States Army, Navy, Marine Corps, Coast Guard and Air Force; (2)
2466 "veteran" means any person honorably discharged from, or released
2467 under honorable conditions from active service in, the armed forces;
2468 (3) "military service" shall be service during World War II, December 7,
2469 1941, to December 31, 1946; the Korean hostilities, June 27, 1950, to
2470 October 27, 1953; and the Vietnam era, January 1, 1964, to July 1, 1975,
2471 and shall include service as a prisoner of war.

2472 Sec. 60. Section 51-50 of the general statutes is repealed and the
2473 following is substituted in lieu thereof (*Effective October 1, 2008*):

2474 (a) Each judge or [compensation commissioner] administrative law
2475 judge who first commenced service as a judge or [compensation
2476 commissioner] administrative law judge prior to January 1, 1981, and
2477 who attains the age of seventy while serving in his or her respective
2478 office or who is retired because of disability, shall receive the following
2479 retirement salary:

2480 (1) A retired Chief Justice of the Supreme Court shall receive,
2481 annually, two-thirds of the salary for the office of Chief Justice of the
2482 Supreme Court;

2483 (2) A retired Chief Court Administrator who was a judge shall
2484 receive, annually, two-thirds of the salary for the office of Chief Court
2485 Administrator;

2486 (3) A retired associate judge of the Supreme Court shall receive,
2487 annually, two-thirds of the salary for the office of associate judge of the
2488 Supreme Court;

2489 (4) A retired Chief Judge of the Appellate Court shall receive,
2490 annually, two-thirds of the salary for the office of Chief Judge of the
2491 Appellate Court;

2492 (5) A retired judge of the Appellate Court shall receive, annually,
2493 two-thirds of the salary for the office of judge of the Appellate Court;

2494 (6) A retired Deputy Chief Court Administrator who was a judge
2495 shall receive, annually, two-thirds of the salary for the office of Deputy
2496 Chief Court Administrator;

2497 (7) A retired judge of the Superior Court shall receive, annually,
2498 two-thirds of the salary for the office of judge of the Superior Court;

2499 (8) A retired judge of the Court of Common Pleas, a retired judge of
2500 the Circuit Court or a retired judge of the Juvenile Court, shall receive,
2501 annually, two-thirds of the salary for the office of judge of the Superior
2502 Court;

2503 (9) A retired [compensation commissioner] administrative law judge
2504 shall receive, annually, two-thirds of the salary of [a compensation
2505 commissioner] an administrative law judge.

2506 (b) Each judge, family support magistrate or [compensation
2507 commissioner] administrative law judge who first commences service
2508 as a judge, family support magistrate or [compensation commissioner]
2509 administrative law judge on or after January 1, 1981, and who attains
2510 the age of seventy while serving in his or her respective office or who
2511 is retired because of disability shall receive as retirement, annually,
2512 two-thirds of the salary the judge, family support magistrate or

2513 [compensation commissioner] administrative law judge was receiving
2514 at the time of his or her retirement.

2515 Sec. 61. Section 51-50a of the general statutes is repealed and the
2516 following is substituted in lieu thereof (*Effective October 1, 2008*):

2517 (a) (1) The right of any judge, family support magistrate or
2518 [compensation commissioner] administrative law judge to a
2519 retirement salary in accordance with the provisions of this section shall
2520 vest and be nonforfeitable when the judge, family support magistrate
2521 or [commissioner] administrative law judge has attained the age of
2522 sixty-five years, or has served twenty years as a judge, family support
2523 magistrate or [compensation commissioner] administrative law judge
2524 or has thirty years of state service credit under the provisions of
2525 chapter 66, provided not less than ten years of such state service was
2526 served as a judge, family support magistrate or [compensation
2527 commissioner] administrative law judge, and provided such state
2528 service shall not be used for retirement credit under chapter 66. Any
2529 contributions made under chapter 66 shall be transferred to the Judges,
2530 Family Support Magistrates and [Compensation Commissioners]
2531 Administrative Law Judges Retirement Fund.

2532 (2) Any judge, family support magistrate or [compensation
2533 commissioner] administrative law judge who has been refunded
2534 contributions from the State Employees Retirement Fund for any prior
2535 period of state service may receive credit for such service upon
2536 repayment of such refunded contributions with interest thereon at the
2537 rate of five per cent per year from the date of refund to the date of
2538 payment. The amount of such payment shall be transferred to the
2539 judges, family support magistrates and [compensation commissioners]
2540 administrative law judges retirement system. A judge, family support
2541 magistrate or [commissioner] administrative law judge may elect to
2542 retire at any time thereafter.

2543 (3) Notwithstanding any provision of the general statutes, any judge
2544 who has served for at least sixteen years as a judge and was nominated
2545 by the Governor for a subsequent term but was not reappointed and

2546 who has attained sixty-three years of age, shall be eligible to receive a
2547 retirement salary effective upon the expiration of his term as a judge.
2548 The retirement salary shall be in the amount equal to the fraction of the
2549 retirement salary such judge would have received had he served until
2550 he was eligible to retire which corresponds to the ratio which the
2551 number of years of his completed service bears to the number of years
2552 of service which would have been completed at age sixty-five or
2553 twenty years, whichever is less.

2554 (b) Each justice or judge or family support magistrate who retired
2555 while holding judicial office shall receive annually as retirement salary
2556 an amount in accordance with the provisions of section 51-50, as
2557 amended by this act; and each [compensation commissioner]
2558 administrative law judge who first commenced service as [a
2559 compensation commissioner] an administrative law judge prior to
2560 January 1, 1981, shall receive, annually, as retirement salary, two-thirds
2561 of the salary of [a compensation commissioner] an administrative law
2562 judge, and each [compensation commissioner] administrative law
2563 judge who first commenced service as [a compensation commissioner]
2564 an administrative law judge on or after January 1, 1981, shall receive,
2565 annually, as retirement salary, two-thirds of the salary the
2566 [compensation commissioner] administrative law judge was receiving
2567 at the time of his or her retirement; except that, if a judge, family
2568 support magistrate or [commissioner] administrative law judge has
2569 served fewer than ten years at the time of his retirement under this
2570 section, his retirement salary shall be reduced in the ratio which the
2571 number of years of his completed service bears to the number of years
2572 of service which would have been completed at age seventy, or ten
2573 years, whichever is less.

2574 Sec. 62. Section 51-50b of the general statutes is repealed and the
2575 following is substituted in lieu thereof (*Effective October 1, 2008*):

2576 (a) There shall be deducted and withheld from the salary payable to
2577 each judge under subsections (a) and (d) of section 51-47, family
2578 support magistrate under subsection (h) of section 46b-231 of the 2008

2579 supplement to the general statutes, and [compensation commissioner]
2580 administrative law judge under section 31-277, as amended by this act,
2581 a sum equal to five per cent of the judge's, family support magistrate's
2582 or [commissioner's] administrative law judge's salary. The sums
2583 deducted and withheld shall be deposited in the Judge's Retirement
2584 Fund. The provisions of this subsection shall apply to any family
2585 support magistrate who had elected under the provisions of
2586 subdivision (2) of subsection (i) of section 46b-231 of the 2008
2587 supplement to the general statutes, as amended by this act.

2588 (b) The provisions of this section with respect to judges shall apply
2589 only to any person first appointed a judge of any court after May 20,
2590 1967, and, on or after July 1, 1978, to any person who was appointed a
2591 judge on or prior to May 20, 1967, and who is reappointed to the same
2592 court on or after July 1, 1978, or who is appointed to a different court
2593 on or after July 1, 1978. The deduction or withholding shall commence
2594 with the reappointment or appointment, as the case may be. The
2595 appointment of a judge of the Supreme Court to the office of Chief
2596 Justice, the appointment, on or after August 1, 1983, of a judge of the
2597 Appellate Court to the Supreme Court prior to the expiration of his
2598 term as an Appellate Court judge or the appointment of a Superior
2599 Court judge to the Supreme Court or, on or after August 1, 1983, to the
2600 Appellate Court, prior to the expiration of his term as a Superior Court
2601 judge shall not be deemed to be a reappointment to the same court or
2602 appointment to a different court.

2603 (c) All matching noncontributory payments required to be made by
2604 the state to carry out the provisions of sections 51-49, 51-50 and 51-50a,
2605 as amended by this act, on behalf of [compensation commissioners]
2606 administrative law judges shall be an expense of the [compensation
2607 commission] Workers' Compensation Commission for the purposes of
2608 assessment under section 31-345.

2609 (d) All contributions made under this section shall be refunded
2610 without interest to any judge, family support magistrate or
2611 [commissioner] administrative law judge who resigns or is otherwise

2612 removed from judicial office or from the office of family support
2613 magistrate or the office of [compensation commissioner]
2614 administrative law judge prior to becoming eligible for retirement
2615 benefits or in the event of the death of any such judge, family support
2616 magistrate or [commissioner] administrative law judge, to his named
2617 beneficiary or, if none, his estate, provided no pension is payable
2618 under section 51-51, as amended by this act.

2619 Sec. 63. Section 51-51 of the general statutes is repealed and the
2620 following is substituted in lieu thereof (*Effective October 1, 2008*):

2621 (a) The surviving spouse of a deceased judge or of [a compensation
2622 commissioner] an administrative law judge who commenced service
2623 as a judge or [compensation commissioner] administrative law judge
2624 prior to January 1, 1981, who died while holding judicial office or
2625 while holding the office of [compensation commissioner]
2626 administrative law judge or who died after retirement, shall receive,
2627 annually, for the rest of his or her natural life the following allowances:

2628 (1) The surviving spouse of a person who was a Chief Justice of the
2629 Supreme Court shall receive, annually, one-third of the salary for the
2630 office of Chief Justice of the Supreme Court.

2631 (2) The surviving spouse of a Chief Court Administrator who was a
2632 judge shall receive, annually, one-third of the salary for the office of
2633 Chief Court Administrator.

2634 (3) The surviving spouse of a person who was an associate judge of
2635 the Supreme Court, shall receive, annually, one-third of the salary for
2636 the office of an associate judge of the Supreme Court.

2637 (4) The surviving spouse of a person who was Chief Judge of the
2638 Appellate Court shall receive, annually, one-third of the salary for the
2639 office of Chief Judge of the Appellate Court.

2640 (5) The surviving spouse of a judge of the Appellate Court shall
2641 receive, annually, one-third of the salary for the office of a judge of the
2642 Appellate Court.

2643 (6) The surviving spouse of a Deputy Chief Court Administrator
2644 who was a judge shall receive, annually, one-third of the salary for the
2645 office of Deputy Chief Court Administrator.

2646 (7) The surviving spouse of a person who was a judge of the
2647 Superior Court shall receive, annually, one-third of the salary for the
2648 office of a judge of the Superior Court.

2649 (8) The surviving spouse of a deceased judge of the Court of
2650 Common Pleas, of the Circuit Court or of the Juvenile Court, shall
2651 receive annually, one-third of the salary for the office of Superior Court
2652 judge.

2653 (9) The surviving spouse of a deceased [compensation
2654 commissioner] administrative law judge shall receive, annually, one-
2655 third of the salary of [a compensation commissioner] an administrative
2656 law judge.

2657 (b) The surviving spouse of a deceased (b) judge of the Supreme Court,
2658 the Appellate Court or the Superior Court or of a family support
2659 magistrate or of [a compensation commissioner] an administrative law
2660 judge who first commenced service as a judge, family support
2661 magistrate or [compensation commissioner] administrative law judge
2662 on or after January 1, 1981, and (1) who died while holding judicial
2663 office or the office of family support magistrate or [compensation
2664 commissioner] administrative law judge shall receive, annually, for the
2665 rest of his or her natural life, an allowance equal to one-third of the
2666 salary such judge, family support magistrate or [compensation
2667 commissioner] administrative law judge was receiving on the date of
2668 his or her death; or (2) who died after the judge, family support
2669 magistrate or [compensation commissioner] administrative law judge
2670 had retired shall receive, annually, for the rest of his or her natural life,
2671 an allowance equal to one-half of the retirement salary including any
2672 cost of living allowances the judge, family support magistrate or
2673 [compensation commissioner] administrative law judge was receiving
2674 on the date of his or her death.

2675 (c) The surviving spouse of a deceased judge or of a family support
2676 magistrate or of [a compensation commissioner] an administrative law
2677 judge who died after the judge, family support magistrate or
2678 [compensation commissioner] administrative law judge had resigned
2679 with a vested right to a retirement salary under the provisions of
2680 section 51-49a, as amended by this act, shall receive, annually, for the
2681 rest of his or her natural life, an allowance equal to one-half of the
2682 retirement salary the judge, family support magistrate or
2683 [compensation commissioner] administrative law judge would have
2684 received had he or she lived until he or she was so eligible.

2685 (d) If a judge, family support magistrate or [compensation
2686 commissioner] administrative law judge leaves no surviving spouse, or
2687 if the surviving spouse dies before the youngest child of such judge,
2688 family support magistrate or [compensation commissioner]
2689 administrative law judge reaches the age of eighteen, the pension, if
2690 any, otherwise payable to his or her surviving spouse under this
2691 section shall be payable, until the youngest child reaches the age of
2692 eighteen, to the guardian of the child, for the support of such child and
2693 any other children of the judge, family support magistrate or
2694 [compensation commissioner] administrative law judge under the age
2695 of eighteen.

2696 (e) The provisions of this section shall not apply to a surviving
2697 spouse or child who is receiving a pension under the provisions of any
2698 special act.

2699 Sec. 64. Section 51-51h of the general statutes is repealed and the
2700 following is substituted in lieu thereof (*Effective October 1, 2008*):

2701 This chapter shall apply to judges of the Superior Court, judges of
2702 the Appellate Court, judges of the Supreme Court, [compensation
2703 commissioners] administrative law judges and family support
2704 magistrates, and the term "judges" as used in this chapter refers to such
2705 judges and also to senior judges and state referees.

2706 Sec. 65. Section 51-51i of the general statutes is repealed and the

2707 following is substituted in lieu thereof (*Effective October 1, 2008*):

2708 (a) In addition to removal by impeachment and removal by the
2709 Governor on the address of two-thirds of each house of the General
2710 Assembly as provided in the Connecticut Constitution, a judge shall be
2711 subject, in the manner and under the procedures provided in this
2712 chapter to censure, suspension or removal from office for (1) conduct
2713 prejudicial to the impartial and effective administration of justice
2714 which brings the judicial office in disrepute, (2) wilful violation of
2715 section 51-39a or any canon of judicial ethics, (3) wilful and persistent
2716 failure to perform the duty of a judge, (4) neglectful or incompetent
2717 performance of the duties of a judge, (5) final conviction of a felony or
2718 of a misdemeanor involving moral turpitude, (6) disbarment or
2719 suspension as an attorney-at-law, (7) wilful failure to file a financial
2720 statement or the filing of a fraudulent financial statement required
2721 under section 51-46a, or (8) temperament which adversely affects the
2722 orderly carriage of justice.

2723 (b) In addition to removal by the Governor for cause pursuant to
2724 subsection (f) of section 46b-231 of the 2008 supplement to the general
2725 statutes, a family support magistrate shall be subject, in the manner
2726 and under the procedures provided in this chapter to censure,
2727 suspension or removal from office for (1) conduct prejudicial to the
2728 impartial and effective administration of justice which brings the
2729 magisterial office in disrepute, (2) wilful violation of section 51-39a or
2730 any canon of judicial ethics, (3) wilful and persistent failure to perform
2731 the duty of a magistrate, (4) neglectful or incompetent performance of
2732 the duties of a magistrate, (5) final conviction of a felony or of a
2733 misdemeanor involving moral turpitude, (6) disbarment or suspension
2734 as an attorney-at-law, (7) wilful failure to file a financial statement or
2735 the filing of a fraudulent financial statement required under section 51-
2736 46a, or (8) temperament which adversely affects the orderly carriage of
2737 justice.

2738 (c) In addition to removal by the Governor for cause pursuant to
2739 subsection (e) of section 31-276 of the 2008 supplement to the general

2740 statutes, as amended by this act, [a compensation commissioner] an
2741 administrative law judge shall be subject, in the manner and under
2742 procedures provided in this chapter to censure, suspension or removal
2743 from office for (1) conduct prejudicial to the impartial and effective
2744 administration of the duties of [a compensation commissioner] an
2745 administrative law judge which brings the office of [compensation
2746 commissioner] administrative law judge in disrepute, (2) wilful
2747 violation of any provision of the code of ethics for [workers'
2748 compensation commissioners] administrative law judges, (3) wilful
2749 and persistent failure to perform the duty of [a compensation
2750 commissioner] an administrative law judge, (4) neglectful or
2751 incompetent performance of the duties of [a compensation
2752 commissioner] an administrative law judge, (5) final conviction of a
2753 felony or a misdemeanor involving moral turpitude, (6) disbarment or
2754 suspension as an attorney-at-law, or (7) temperament which adversely
2755 affects the orderly carriage of the duties of [a compensation
2756 commissioner] an administrative law judge.

2757 Sec. 66. Section 51-51k of the general statutes is repealed and the
2758 following is substituted in lieu thereof (*Effective October 1, 2008*):

2759 (a) There is hereby established a Judicial Review Council to be
2760 composed of the following members: (1) Three judges of the Superior
2761 Court, who are not also judges of the Supreme Court, who shall be
2762 appointed by the Governor, from a list of six judges selected by the
2763 members of the Superior Court, with the approval of the General
2764 Assembly, (2) three attorneys-at-law admitted to practice in this state,
2765 who shall be appointed by the Governor with the approval of the
2766 General Assembly, (3) six persons who are not judges or attorneys-at-
2767 law, who shall be appointed by the Governor with the approval of the
2768 General Assembly, and (4) thirteen alternate members who shall be
2769 appointed by the Governor with the approval of the General
2770 Assembly, as follows: (A) Two judges of the Superior Court who are
2771 not also judges of the Supreme Court, from a list of four judges
2772 selected by the members of the Superior Court, (B) two attorneys-at-
2773 law admitted to practice in this state, (C) three persons who are not

2774 judges or attorneys-at-law, (D) three [compensation commissioners]
2775 administrative law judges, and (E) three family support magistrates.

2776 (b) An alternate member who is a judge, attorney-at-law or person
2777 who is not a judge or attorney-at-law shall serve at probable cause
2778 hearings and public hearings in lieu of a member who is a judge,
2779 attorney-at-law or person who is not a judge or attorney-at-law,
2780 respectively, when such member is absent or disqualified, as
2781 designated by the executive director of the council. An alternate
2782 member who is [a compensation commissioner] an administrative law
2783 judge shall serve as a member of the council in lieu of one of the
2784 members who is a judge of the Superior Court, as designated by the
2785 executive director, when the subject of a complaint or investigation is
2786 [a compensation commissioner] an administrative law judge. An
2787 alternate member who is a family support magistrate shall serve as a
2788 member of the council in lieu of one of the members who is a judge of
2789 the Superior Court, as designated by the executive director, when the
2790 subject of a complaint or investigation is a family support magistrate.
2791 An alternate member shall have the same power as the member he or
2792 she is temporarily replacing during the absence or disqualification of
2793 the member.

2794 (c) On and after December 1, 1992, members shall be appointed in
2795 accordance with subsection (a) of this section as follows: One judge
2796 shall be appointed for a term of two years, one judge shall be
2797 appointed for a term of three years and one judge shall be appointed
2798 for a term of four years; one attorney shall be appointed for a term of
2799 two years, one attorney shall be appointed for a term of three years
2800 and one attorney shall be appointed for a term of four years; two lay
2801 members shall be appointed for terms of two years, two lay members
2802 shall be appointed for terms of three years, and two lay members shall
2803 be appointed for terms of four years. Thereafter, members shall serve
2804 for terms of four years. Members may continue in office until a
2805 successor is appointed and qualified. No member appointed on or
2806 after December 1, 1992, may serve consecutive terms, and if the
2807 member is an attorney, no member of his or her firm may serve a term

2808 consecutive to such member, provided no member may serve for more
2809 than two terms. Vacancies on the council shall be filled for the
2810 unexpired portion of any term in the same manner as the original
2811 appointment. Any member who is a judge, family support magistrate
2812 or [compensation commissioner] administrative law judge and retires
2813 from full-time active service as a judge, family support magistrate or
2814 [compensation commissioner] administrative law judge shall
2815 automatically cease to be a member of the council, and a vacancy shall
2816 be deemed to occur. Alternate members shall be appointed for terms of
2817 three years and shall not serve consecutive terms as alternate
2818 members.

2819 (d) No member of the council, except a judge, family support
2820 magistrate or [compensation commissioner] administrative law judge,
2821 may hold any elected or appointed position with compensation within
2822 the state or United States, or be a selectman or chief executive officer of
2823 any municipality, or a full or part-time employee of the Judicial
2824 Department or Workers' Compensation Commission, or a member of a
2825 national or state central committee, or a chairperson of any political
2826 party.

2827 (e) (1) The Judicial Review Council shall employ an executive
2828 director and such other staff as is necessary for the performance of its
2829 functions and duties.

2830 (2) The executive director may investigate any complaint filed
2831 pursuant to section 51-51l, as amended by this act, and present
2832 evidence obtained pursuant to any such investigation to the council.

2833 (f) The Judicial Review Council shall develop a concise brochure
2834 written in plain language to provide the public with information
2835 concerning the purpose, authority, jurisdiction and process of the
2836 Judicial Review Council. The council shall distribute the brochure to all
2837 court administrative offices and to any person who files a complaint
2838 pursuant to section 51-51l, as amended by this act.

2839 (g) The Judicial Review Council shall submit to the Governor, the

2840 Judicial Department, the joint standing committee of the General
2841 Assembly having cognizance of matters relating to the Judicial Review
2842 Council, and the judges of the Superior Court annually on or before
2843 September first, a report of its activities for the previous fiscal year,
2844 including the number of complaints received and the number of each
2845 type of complaint disposition, including the number of dismissals, the
2846 number of admonishments and the number of cases in which probable
2847 cause was found.

2848 (h) The Commissioner of Public Works shall provide the Judicial
2849 Review Council office space for the conduct of duties of the council.

2850 (i) The Judicial Review Council shall adopt regulations in
2851 accordance with the provisions of chapter 54 to establish rules and
2852 procedures for the council in the discharge of its duties under this
2853 chapter and to provide standards for the identification of and
2854 procedures for the treatment of conflicts of interest for council
2855 members, which standards shall require that any professional or
2856 ethical codes of conduct shall apply to any professional member of the
2857 council subject to such codes of conduct.

2858 Sec. 67. Section 51-51l of the general statutes is repealed and the
2859 following is substituted in lieu thereof (*Effective October 1, 2008*):

2860 (a) Except as provided in subsection (d), the Judicial Review Council
2861 shall investigate every written complaint brought before it alleging
2862 conduct under section 51-51i, as amended by this act, and may initiate
2863 an investigation of any judge, [compensation commissioner]
2864 administrative law judge or family support magistrate if (1) the council
2865 has reason to believe conduct under section 51-51i, as amended by this
2866 act, has occurred or (2) previous complaints indicate a pattern of
2867 behavior which would lead to a reasonable belief that conduct under
2868 section 51-51i, as amended by this act, has occurred. The council shall,
2869 not later than five days after such initiation of an investigation or
2870 receipt of such complaint, notify by registered or certified mail any
2871 judge, [compensation commissioner] administrative law judge or
2872 family support magistrate under investigation or against whom such

2873 complaint is filed. A copy of any such complaint shall accompany such
2874 notice. The council shall also notify the complainant of its receipt of
2875 such complaint not later than five days thereafter. Any investigation to
2876 determine whether or not there is probable cause that conduct under
2877 section 51-51i, as amended by this act, has occurred shall be
2878 confidential and any individual called by the council for the purpose of
2879 providing information shall not disclose his knowledge of such
2880 investigation to a third party prior to the decision of the council on
2881 whether probable cause exists, unless the respondent requests that
2882 such investigation and disclosure be open, provided information
2883 known or obtained independently of any such investigation shall not
2884 be confidential. The judge, [compensation commissioner]
2885 administrative law judge or family support magistrate shall have the
2886 right to appear and be heard and to offer any information which may
2887 tend to clear him of probable cause to believe he is guilty of conduct
2888 under section 51-51i, as amended by this act. The judge, [compensation
2889 commissioner] administrative law judge or family support magistrate
2890 shall also have the right to be represented by legal counsel and
2891 examine and cross-examine witnesses. In conducting its investigation
2892 under this subsection, the council may request that a court furnish to
2893 the council a record or transcript of court proceedings made or
2894 prepared by a court reporter, assistant court reporter or monitor and
2895 the court shall, upon such request, furnish such record or transcript.

2896 (b) The Judicial Review Council shall, not later than three business
2897 days after the termination of such investigation, notify the
2898 complainant, if any, and the judge, [compensation commissioner]
2899 administrative law judge or family support magistrate that the
2900 investigation has been terminated and the results thereof. If the council
2901 finds that conduct under section 51-51i, as amended by this act, has not
2902 occurred, but the judge, [compensation commissioner] administrative
2903 law judge or family support magistrate has acted in a manner which
2904 gives the appearance of impropriety or constitutes an unfavorable
2905 judicial or magisterial practice, the council may issue an
2906 admonishment to the judge, [compensation commissioner]
2907 administrative law judge or family support magistrate recommending

2908 a change in judicial or magisterial conduct or practice. If an
2909 admonishment is issued, the council shall (1) notify the joint standing
2910 committee of the General Assembly having cognizance of matters
2911 relating to the judiciary that an admonishment was issued and provide
2912 said committee with the substance of the admonishment, including
2913 copies of the complaint file, and (2) inform the complainant, if any, that
2914 an admonishment was issued if the admonishment is the result of
2915 misconduct alleged in the complaint. Except as provided in
2916 subdivision (1) of this subsection, the substance of the admonishment
2917 shall not be disclosed to any person or organization.

2918 (c) If a preliminary investigation indicates that probable cause exists
2919 that the judge, [compensation commissioner] administrative law judge
2920 or family support magistrate is guilty of conduct under section 51-51i,
2921 as amended by this act, the council shall hold a hearing concerning the
2922 conduct or complaint. All hearings held pursuant to this subsection
2923 shall be open. A judge, [compensation commissioner] administrative
2924 law judge or family support magistrate appearing before such a
2925 hearing shall be entitled to counsel, to present evidence and to cross-
2926 examine witnesses. The council shall make a record of all proceedings
2927 pursuant to this subsection. The council shall not later than thirty days
2928 after the close of such hearing publish its findings together with a
2929 memorandum of its reasons therefor.

2930 (d) No complaint against a judge, [compensation commissioner]
2931 administrative law judge or family support magistrate alleging
2932 conduct under section 51-51i, as amended by this act, shall be brought
2933 under this section but within one year from the date the alleged
2934 conduct occurred or was discovered or in the exercise of reasonable
2935 care should have been discovered, except that no such complaint may
2936 be brought more than three years from the date the alleged conduct
2937 occurred.

2938 (e) Notwithstanding the provisions of subsections (a) and (b) of this
2939 section, the council shall disclose any information concerning
2940 complaints received by the council on and after January 1, 1978,

2941 investigations, and disposition of such complaints to the legislative
2942 program review and investigations committee when requested by the
2943 committee in the course of its functions, in writing and upon a
2944 majority vote of the committee, provided no names or other
2945 identifying information shall be disclosed.

2946 (f) On and after December 19, 1991, any judge, [compensation
2947 commissioner] administrative law judge or family support magistrate
2948 who has been the subject of an investigation by the Judicial Review
2949 Council as a result of a complaint brought before such council may
2950 request that such complaint, investigation and the disposition of such
2951 complaint be open to public inspection.

2952 (g) Whenever a complaint against a judge, [compensation
2953 commissioner] administrative law judge or family support magistrate
2954 is pending before the Judicial Review Council within the final year of
2955 the term of office of such judge, [compensation commissioner]
2956 administrative law judge or family support magistrate, the Judicial
2957 Review Council shall designate such complaint as privileged and shall
2958 conduct an expedited investigation and hearing so that its duties with
2959 respect to such complaint are completed in sufficient time to enable the
2960 Judicial Review Council to make its recommendation concerning any
2961 such judge to the Judicial Selection Commission and the Governor
2962 under section 51-51q, as amended by this act, in a timely manner.

2963 Sec. 68. Section 51-51m of the general statutes is repealed and the
2964 following is substituted in lieu thereof (*Effective October 1, 2008*):

2965 (a) The Judicial Review Council may take any action upon a
2966 majority vote of its members present and voting, except that twelve
2967 members of the Judicial Review Council shall constitute a quorum for
2968 any action to publicly censure a judge, [compensation commissioner]
2969 administrative law judge or family support magistrate, suspend a
2970 judge, [compensation commissioner] administrative law judge or
2971 family support magistrate for any period, refer the matter to the
2972 Supreme Court with a recommendation that a judge or family support
2973 magistrate be suspended for a period longer than one year or refer the

2974 matter to the Supreme Court with a recommendation that a judge or
2975 family support magistrate be removed from office or to the Governor
2976 with a recommendation that [a compensation commissioner] an
2977 administrative law judge be removed from office and the concurring
2978 vote of seven of such members shall be required.

2979 (b) The council shall make its findings in writing and all such
2980 findings shall be compiled and indexed.

2981 Sec. 69. Section 51-51n of the general statutes is repealed and the
2982 following is substituted in lieu thereof (*Effective October 1, 2008*):

2983 (a) The Judicial Review Council may, after a hearing pursuant to
2984 subsection (c) of section 51-51l, as amended by this act, (1) publicly
2985 censure the judge, [compensation commissioner] administrative law
2986 judge or family support magistrate, (2) suspend the judge,
2987 [compensation commissioner] administrative law judge or family
2988 support magistrate for a definite term not to exceed one year, (3) refer
2989 the matter to the Supreme Court with a recommendation that the
2990 judge or family support magistrate be suspended for a period longer
2991 than one year, (4) refer the matter to the Supreme Court with a
2992 recommendation that the judge or family support magistrate be
2993 removed from office or to the Governor with a recommendation that
2994 the [compensation commissioner] administrative law judge be
2995 removed from office or (5) exonerate the judge, [compensation
2996 commissioner] administrative law judge or family support magistrate
2997 of all charges.

2998 (b) If public censure is recommended, the chairman shall prepare
2999 and forward the censure in writing to the judge, [compensation
3000 commissioner] administrative law judge or family support magistrate
3001 being censured, the Chief Justice, the Chief Court Administrator and
3002 the joint standing committee on judiciary, at least ten days prior to the
3003 publication of the censure. The censure shall be a public record as
3004 defined in section 1-210 of the 2008 supplement to the general statutes.
3005 An appeal from the decision of the council for public censure shall
3006 automatically stay the publication of the censure.

3007 (c) If the council exonerates a judge, [compensation commissioner]
3008 administrative law judge or family support magistrate, a copy of the
3009 proceedings and report of the council shall be furnished to the judge,
3010 [compensation commissioner] administrative law judge or family
3011 support magistrate.

3012 Sec. 70. Section 51-51o of the general statutes is repealed and the
3013 following is substituted in lieu thereof (*Effective October 1, 2008*):

3014 (a) Any person may be compelled, by subpoena signed by
3015 competent authority, to appear before the Supreme Court or Judicial
3016 Review Council to testify in relation to any complaint brought to or by
3017 the court or council against a judge, [compensation commissioner]
3018 administrative law judge or family support magistrate for conduct
3019 alleged in section 51-51i, as amended by this act, or in relation to any
3020 matter referred to the council by the Chief Court Administrator
3021 pursuant to section 51-45b, and may be compelled, by subpoena
3022 signed by competent authority, to produce before the court or council,
3023 for examination, any books or papers which in the judgment of the
3024 court or council or any judges, [compensation commissioners]
3025 administrative law judges or family support magistrates under
3026 investigation are relevant to the inquiry or investigation. The court or
3027 council, while engaged in the discharge of its duties, shall have the
3028 same authority over witnesses as is provided in section 51-35 and may
3029 commit for contempt for a period no longer than thirty days.

3030 (b) In making any investigation, the court or council may use the
3031 services of the Division of State Police within the Department of Public
3032 Safety, the Department of Mental Health and Addiction Services or
3033 any other state agency, provided only the court may use the services of
3034 the Division of Criminal Justice.

3035 Sec. 71. Section 51-51p of the general statutes is repealed and the
3036 following is substituted in lieu thereof (*Effective October 1, 2008*):

3037 During the period of suspension from office for conduct described
3038 in section 51-51i, as amended by this act, all judicial salary provided

3039 for in section 51-47 or salary provided for in section 31-277 or 46b-231
3040 of the 2008 supplement to the general statutes, as amended by this act,
3041 as the case may be, including any benefits relating thereto, shall be
3042 suspended and time shall not be accrued for any rights in any pension
3043 plan. If the suspension from office is overruled by the Supreme Court
3044 or the Governor, as the case may be, all salary and benefits and time
3045 for vesting of pension rights, which may have been suspended, shall
3046 be paid or credited to the judge, [compensation commissioner]
3047 administrative law judge or family support magistrate who was
3048 suspended.

3049 Sec. 72. Section 51-51q of the general statutes is repealed and the
3050 following is substituted in lieu thereof (*Effective October 1, 2008*):

3051 (a) (1) The Judicial Review Council shall submit its
3052 recommendations concerning the nomination for appointment to a
3053 different court of any judge or nomination for reappointment of any
3054 judge whose term of office is about to expire, including a report of any
3055 complaint filed against any such judge and the disposition of any such
3056 complaint, and including any investigation of any such judge by the
3057 council, to the Governor, to the Judicial Selection Commission and to
3058 the joint standing committee of the General Assembly having
3059 cognizance of matters relating to the judiciary, provided the Judicial
3060 Selection Commission shall not consider any investigation of the
3061 Judicial Review Council which resulted in the exoneration of a judge.

3062 (2) In addition to the information required to be submitted under
3063 subdivision (1) of this subsection, the Judicial Review Council shall
3064 make all complaint files concerning any such judge available to the
3065 joint standing committee of the General Assembly having cognizance
3066 of matters relating to the judiciary. Notwithstanding any provision of
3067 the general statutes, if the disposition of a complaint filed against any
3068 such judge involved the issuance of an admonishment to or the public
3069 censure or suspension of such judge, (A) no information pertaining to
3070 the complaint and the investigation and disposition of such complaint
3071 may be removed, redacted or otherwise withheld by the Judicial

3072 Review Council prior to making such complaint files available to said
3073 committee as required by this subdivision, and (B) the Judicial Review
3074 Council shall provide to said committee any information, including,
3075 but not limited to, any confidential information, in its possession
3076 concerning such judge that may be requested in writing by the
3077 cochairpersons of said committee. Such information shall be provided
3078 to said committee not later than three business days following the date
3079 the request is received by the Judicial Review Council. Any
3080 confidential information provided to said committee as required by
3081 this subdivision shall not be further disclosed to any person or
3082 organization.

3083 (3) If the Judicial Review Council has reason to believe any such
3084 judge is guilty of conduct under section 51-51i, as amended by this act,
3085 material neglect of duty or incompetence in the conduct of his office, it
3086 may refuse to recommend such judge for nomination for appointment
3087 to a different court or for reappointment. The Judicial Review Council
3088 shall not recommend a judge for nomination for appointment to a
3089 different court or for reappointment if the council finds such judge has
3090 wilfully violated section 51-39a or has been convicted of a felony or of
3091 a misdemeanor involving moral turpitude.

3092 (b) The Judicial Review Council shall submit its recommendations
3093 concerning the reappointment of any family support magistrate whose
3094 term of office is about to expire, including a report of any investigation
3095 of any such magistrate by the council, to the Governor.

3096 (c) The Judicial Review Council shall submit its recommendations
3097 concerning the nomination for reappointment of any [compensation
3098 commissioner] administrative law judge whose term of office is about
3099 to expire, including a report of any investigation of such
3100 [compensation commissioner] administrative law judge by the council,
3101 to the Governor and to the joint standing committee of the General
3102 Assembly having cognizance of matters relating to the judiciary. The
3103 Judicial Review Council shall provide information to said committee
3104 concerning any complaint filed against such [compensation

3105 commissioner] administrative law judge and the investigation and
3106 disposition of such complaint, including, but not limited to,
3107 confidential information, in the same manner and subject to the same
3108 requirements as information provided under subdivisions (1) and (2)
3109 of subsection (a) of this section.

3110 (d) If a complaint against any such judge, [compensation
3111 commissioner] administrative law judge or family support magistrate
3112 is received by the Judicial Review Council and the Judicial Review
3113 Council is unable to make its findings and complete its duties with
3114 respect to such judge, [compensation commissioner] administrative
3115 law judge or family support magistrate prior to the expiration of the
3116 term of office of such judge, [compensation commissioner]
3117 administrative law judge or family support magistrate, the Judicial
3118 Review Council shall not refuse to recommend such judge,
3119 [compensation commissioner] administrative law judge or family
3120 support magistrate for reappointment based on such complaint, but
3121 shall report the fact of such complaint to the Governor and to the joint
3122 standing committee of the General Assembly having cognizance of
3123 matters relating to the judiciary.

3124 Sec. 73. Section 51-51s of the general statutes is repealed and the
3125 following is substituted in lieu thereof (*Effective October 1, 2008*):

3126 A judge, [compensation commissioner] administrative law judge or
3127 family support magistrate is disqualified from acting as a judge,
3128 [compensation commissioner] administrative law judge or family
3129 support magistrate, as the case may be, while there is pending (1) a
3130 charge against him for a crime punishable as a felony under the laws
3131 of this state or federal law, or a charge against him in another
3132 jurisdiction which would be punishable as a felony under Connecticut
3133 or federal law, or (2) a charge against him for a crime under the law of
3134 any jurisdiction which involves moral turpitude under Connecticut
3135 law, or (3) a recommendation to the Supreme Court or the Governor,
3136 as the case may be, by the Judicial Review Council for his suspension
3137 or removal.

3138 Sec. 74. Section 51-63 of the general statutes is repealed and the
3139 following is substituted in lieu thereof (*Effective October 1, 2008*):

3140 (a) Each official court reporter of the Superior Court, and as many
3141 assistant reporters as the judges of the Superior Court consider
3142 necessary, shall receive a salary. Each other assistant reporter shall
3143 receive a per diem rate fixed by the judges, to be paid as court
3144 expenses.

3145 (b) The salaries of the court reporters and assistant court reporters
3146 shall be established as provided in section 51-12 and shall be in two
3147 classes. Examinations shall be held to determine level of skills and
3148 placement in a class.

3149 (c) In addition to other compensation, official and assistant reporters
3150 and monitors shall be entitled to charge a party or other individual
3151 three dollars for each transcript page which is or previously was
3152 transcribed from the original record as provided by law, provided the
3153 charge to any such party or other individual shall be one dollar and
3154 seventy-five cents for each page for which a charge of three dollars
3155 already has been made, except that (1) the charge to any official of the
3156 state, or any of its agencies, boards or commissions or of any
3157 municipality of the state, acting in his or her official capacity, shall be
3158 two dollars for each transcript page which is or previously was
3159 transcribed from the official record, provided the charge to any such
3160 official shall be seventy-five cents for each page for which a charge of
3161 two dollars already has been made, (2) there shall be no charge to the
3162 state's attorney, assistant state's attorney or deputy assistant state's
3163 attorney for a transcript provided pursuant to subsection (d) of section
3164 51-61, and (3) there shall be no charge to the court for a transcript
3165 provided pursuant to subsection (f) of section 51-61. For the purposes
3166 of this subsection, "transcript page" means a page consisting of twenty-
3167 seven double-spaced lines on paper eight and one-half by eleven
3168 inches in size, with sixty spaces available per line. The Chief Court
3169 Administrator shall adopt policies and procedures necessary to
3170 implement the provisions of this section, including, but not limited to,

3171 the establishment and administration of a system of fees for
3172 production of expedited transcripts.

3173 (d) The fee for a transcript of such record, when made for the court
3174 or for the state's attorney when acting in his official capacity, and for
3175 one copy each to the plaintiff and the defendant, shall, upon the
3176 certificate of the presiding judge having so ordered such transcript, be
3177 paid as other court expenses and, in all other cases, by the party
3178 ordering the same, and such copies shall be furnished within a
3179 reasonable time.

3180 (e) Official and assistant stenographers in the offices of the [workers'
3181 compensation commissioners] administrative law judges shall be
3182 entitled, in addition to the compensation otherwise provided for, to the
3183 same fees for preparing transcripts as are provided for reporters in the
3184 Superior Court.

3185 (f) Official court reporters shall be allowed such clerical assistance in
3186 each judicial district as may be determined to be necessary by the
3187 judges of the Superior Court at such compensation as may be fixed by
3188 the judges.

3189 (g) Official court reporters and assistant reporters shall receive, in
3190 addition to the compensation allowed by law, necessary traveling
3191 expenses to be taxed and paid as other court expenses.

3192 Sec. 75. Section 52-149a of the general statutes is repealed and the
3193 following is substituted in lieu thereof (*Effective October 1, 2008*):

3194 (a) The deposition of any physician, psychologist, chiropractor,
3195 natureopathic physician or dentist licensed under the provisions of the
3196 general statutes, may be taken on behalf of either party to any civil
3197 action, workers' compensation matter or probate proceeding, in which
3198 the physician, psychologist, chiropractor, natureopathic physician or
3199 dentist may be called as an expert witness, on notice by certified mail
3200 to each adverse party or the party's attorney, as the case may be. The
3201 deposition may be received in evidence at the trial or hearing of the

3202 civil action, workers' compensation matter or probate proceeding in
 3203 lieu of the appearance of the witness in court or at the hearing. The
 3204 deposition may be taken by stenographic means, videotape or in such
 3205 other manner as may be provided by rule of court or of the
 3206 [compensation commissioners] administrative law judges.

3207 (b) Whenever the deposition of a physician, psychologist,
 3208 chiropractor, natureopathic physician or dentist is so taken, the party
 3209 requesting the deposition shall pay to the medical expert the fee for
 3210 giving testimony for the deposition.

3211 Sec. 76. (*Effective October 1, 2008*) (a) (1) Wherever the word
 3212 "commissioner" is used to denote a workers' compensation
 3213 commissioner in the following sections of the general statutes, the
 3214 words "administrative law judge" shall be substituted in lieu thereof:
 3215 31-294b, 31-294e, 31-296a, 31-297, 31-298, 31-299b, 31-300, 31-301c, 31-
 3216 301d, 31-302, 31-306, 31-307a, 31-308, 31-308a, 31-312, 31-313, 31-318,
 3217 31-321, 31-327, 31-342 and 31-353.

3218 (2) Wherever the words "workers' compensation commissioner",
 3219 "compensation commissioner" or "commissioner" are used to denote a
 3220 workers' compensation commissioner in any public act of the 2008
 3221 session, the words "administrative law judge" shall be substituted in
 3222 lieu thereof.

3223 (b) The Legislative Commissioners' Office shall, in codifying said
 3224 sections of the general statutes pursuant to subdivision (1) of
 3225 subsection (a) of this section or any public act of the 2008 session
 3226 pursuant to subdivision (2) of subsection (a) of this section, make such
 3227 technical, grammatical and punctuation changes as are necessary to
 3228 carry out the purposes of this section.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2008</i> | 4-186(c) |
| Sec. 2 | <i>October 1, 2008</i> | 5-170 |
| Sec. 3 | <i>October 1, 2008</i> | 17b-341(d) |

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| Sec. 4 | <i>October 1, 2008</i> | 19a-641 |
| Sec. 5 | <i>October 1, 2008</i> | 28-14 |
| Sec. 6 | <i>October 1, 2008</i> | 29-4a |
| Sec. 7 | <i>October 1, 2008</i> | 31-275 |
| Sec. 8 | <i>October 1, 2008</i> | 31-276 |
| Sec. 9 | <i>October 1, 2008</i> | 31-276a |
| Sec. 10 | <i>October 1, 2008</i> | 31-277 |
| Sec. 11 | <i>October 1, 2008</i> | 31-278 |
| Sec. 12 | <i>October 1, 2008</i> | 31-279(c)(2) |
| Sec. 13 | <i>October 1, 2008</i> | 31-280 |
| Sec. 14 | <i>October 1, 2008</i> | 31-280a(d) |
| Sec. 15 | <i>October 1, 2008</i> | 31-280b |
| Sec. 16 | <i>October 1, 2008</i> | 31-282 |
| Sec. 17 | <i>October 1, 2008</i> | 31-283 |
| Sec. 18 | <i>October 1, 2008</i> | 31-283f |
| Sec. 19 | <i>October 1, 2008</i> | 31-284c |
| Sec. 20 | <i>October 1, 2008</i> | 31-286 |
| Sec. 21 | <i>October 1, 2008</i> | 31-286a(d) |
| Sec. 22 | <i>October 1, 2008</i> | 31-286b |
| Sec. 23 | <i>October 1, 2008</i> | 31-288 |
| Sec. 24 | <i>October 1, 2008</i> | 31-289a |
| Sec. 25 | <i>October 1, 2008</i> | 31-290a |
| Sec. 26 | <i>October 1, 2008</i> | 31-293(a) |
| Sec. 27 | <i>October 1, 2008</i> | 31-294c |
| Sec. 28 | <i>October 1, 2008</i> | 31-294d |
| Sec. 29 | <i>October 1, 2008</i> | 31-294f |
| Sec. 30 | <i>October 1, 2008</i> | 31-296 |
| Sec. 31 | <i>October 1, 2008</i> | 31-297a |
| Sec. 32 | <i>October 1, 2008</i> | 31-298a |
| Sec. 33 | <i>October 1, 2008</i> | 31-299 |
| Sec. 34 | <i>October 1, 2008</i> | 31-299a(b) |
| Sec. 35 | <i>October 1, 2008</i> | 31-301 |
| Sec. 36 | <i>October 1, 2008</i> | 31-306b(c) |
| Sec. 37 | <i>October 1, 2008</i> | 31-310(a) |
| Sec. 38 | <i>October 1, 2008</i> | 31-315 |
| Sec. 39 | <i>October 1, 2008</i> | 31-316 |
| Sec. 40 | <i>October 1, 2008</i> | 31-323 |
| Sec. 41 | <i>October 1, 2008</i> | 31-326 |
| Sec. 42 | <i>October 1, 2008</i> | 31-329 |
| Sec. 43 | <i>October 1, 2008</i> | 31-341 |
| Sec. 44 | <i>October 1, 2008</i> | 31-343 |

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| Sec. 45 | <i>October 1, 2008</i> | 31-349(b) |
| Sec. 46 | <i>October 1, 2008</i> | 31-349b |
| Sec. 47 | <i>October 1, 2008</i> | 31-349c |
| Sec. 48 | <i>October 1, 2008</i> | 31-355 |
| Sec. 49 | <i>October 1, 2008</i> | 38a-470 |
| Sec. 50 | <i>October 1, 2008</i> | 38a-500(b) |
| Sec. 51 | <i>October 1, 2008</i> | 38a-527(b) |
| Sec. 52 | <i>October 1, 2008</i> | 46b-231(i)(2) |
| Sec. 53 | <i>October 1, 2008</i> | 51-49 |
| Sec. 54 | <i>October 1, 2008</i> | 51-49a |
| Sec. 55 | <i>October 1, 2008</i> | 51-49b |
| Sec. 56 | <i>October 1, 2008</i> | 51-49c |
| Sec. 57 | <i>October 1, 2008</i> | 51-49d(a)(1) |
| Sec. 58 | <i>October 1, 2008</i> | 51-49g |
| Sec. 59 | <i>October 1, 2008</i> | 51-49h |
| Sec. 60 | <i>October 1, 2008</i> | 51-50 |
| Sec. 61 | <i>October 1, 2008</i> | 51-50a |
| Sec. 62 | <i>October 1, 2008</i> | 51-50b |
| Sec. 63 | <i>October 1, 2008</i> | 51-51 |
| Sec. 64 | <i>October 1, 2008</i> | 51-51h |
| Sec. 65 | <i>October 1, 2008</i> | 51-51i |
| Sec. 66 | <i>October 1, 2008</i> | 51-51k |
| Sec. 67 | <i>October 1, 2008</i> | 51-51l |
| Sec. 68 | <i>October 1, 2008</i> | 51-51m |
| Sec. 69 | <i>October 1, 2008</i> | 51-51n |
| Sec. 70 | <i>October 1, 2008</i> | 51-51o |
| Sec. 71 | <i>October 1, 2008</i> | 51-51p |
| Sec. 72 | <i>October 1, 2008</i> | 51-51q |
| Sec. 73 | <i>October 1, 2008</i> | 51-51s |
| Sec. 74 | <i>October 1, 2008</i> | 51-63 |
| Sec. 75 | <i>October 1, 2008</i> | 52-149a |
| Sec. 76 | <i>October 1, 2008</i> | New section |

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which changes the name of the workers' compensation commissioners to administrative law judges, has no fiscal impact.

OLR Bill Analysis**sHB 5627*****AN ACT CHANGING THE NAME OF WORKERS' COMPENSATION COMMISSIONERS TO ADMINISTRATIVE LAW JUDGES.*****SUMMARY:**

This bill changes the title of workers' compensation commissioner to administrative law judge.

EFFECTIVE DATE: October 1, 2008

BACKGROUND***Legislative History***

The House referred the original bill (File 48) to the Judiciary Committee, which reported a substitute bill. The substitute bill restores the current title of "victim compensation commissioner," thus leaving that title unchanged in law.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 8 Nay 0 (03/06/2008)

Judiciary Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/31/2008)