



General Assembly

**Substitute Bill No. 315**

February Session, 2008

\* \_\_\_\_\_SB00315JUD\_\_041108\_\_\_\_\_\*

**AN ACT CONCERNING IDENTITY THEFT.**

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

1 Section 1. Section 4a-20 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2008*):

3 The State Insurance and Risk Management Board shall determine  
4 the method by which the state shall insure itself against losses by the  
5 purchase of insurance governed by the provisions of title 38a to obtain  
6 the broadest coverage at the most reasonable cost. Such coverage shall  
7 include insurance against losses incurred by individuals due to  
8 identity theft, as defined in section 53a-129a, resulting from the loss of  
9 personal identifying information by the state. It shall direct the  
10 negotiations for purchase of such insurance and determine whether  
11 deductible or other risk retention provisions should be included in the  
12 insurance contract. Wherever appropriate it shall determine that the  
13 state shall act as a self-insurer and may request funds from the  
14 contingency fund to establish reserves and carry out such practices as  
15 are necessary to safeguard the self-insurance activity. Said board may  
16 develop and implement risk management and loss prevention  
17 programs related to insurance plans established pursuant to the  
18 provisions of sections 4a-19 to 4a-21, inclusive, and may recommend to  
19 the Governor and the General Assembly the enactment of policies  
20 designed to reduce risks and hazards that may result in state liability

21 for tortious conduct. It shall designate the agent or agents of record  
22 and shall select the companies from whom insurance coverage and  
23 surety bonds shall be purchased. Notwithstanding any other provision  
24 of the general statutes, including without limitation sections 38a-707  
25 and 38a-825, it shall have full authority to negotiate either a  
26 commission or fee structure to compensate the agent or agents of  
27 record for services performed. It shall also have full authority to retain  
28 consulting firms and to negotiate their fee compensation for services  
29 performed. Any refund, dividend or other payment from any  
30 insurance company in connection with insurance for the state shall be  
31 returned to the Comptroller for deposit in the General Fund. The  
32 board shall establish specifications for each contract of insurance and  
33 shall request bids for each such contract through the agent of record.  
34 Each such contract shall be for a specified period of time.

35 Sec. 2. Section 4-142 of the general statutes is repealed and the  
36 following is substituted in lieu thereof (*Effective July 1, 2008*):

37 There shall be a Claims Commissioner who shall hear and  
38 determine all claims against the state except: (1) Claims for the periodic  
39 payment of disability, pension, retirement or other employment  
40 benefits; (2) claims upon which suit otherwise is authorized by law  
41 including suits to recover similar relief arising from the same set of  
42 facts; (3) claims for which an administrative hearing procedure  
43 otherwise is established by law; (4) requests by political subdivisions  
44 of the state for the payment of grants in lieu of taxes; and (5) claims for  
45 the refund of taxes. Notwithstanding subdivisions (1) to (5), inclusive,  
46 of this section, the Claims Commissioner shall hear and determine  
47 claims, pursuant to the provisions of sections 4-147 to 4-165b, inclusive,  
48 for losses incurred by an individual due to identity theft, as defined in  
49 section 53a-129a, resulting from the loss of personal identifying  
50 information by the state.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2008</i>	4a-20
Sec. 2	<i>July 1, 2008</i>	4-142

**INS**      *Joint Favorable Subst.-LCO*

**JUD**      *Joint Favorable*