



Substitute Senate Bill No. 434

Public Act No. 13-225

AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND E-GOVERNMENT, EXTENSIONS OF EXISTING CONTRACTS, A STATE AMERICANS WITH DISABILITIES ACT COORDINATOR ADVISORY COMMITTEE AND SETTLEMENTS BY THE CLAIMS COMMISSIONER.

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

Section 1. Section 4-60u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding any other provision of the general statutes, the Secretary of the Office of Policy and Management may authorize any state agency to enter into agreements with private and nonprofit entities to facilitate the public's utilization of government services and programs electronically. Any agency seeking authorization to enter into such an agreement shall select entities to participate in such agreements on the basis of competitive bidding or competitive negotiation prior to seeking such authorization. Each such agency shall provide notice of such solicitation for competitive bids or request for proposals in a form and manner that the secretary determines will maximize public participation in the competitive bidding or competitive negotiation process. Under such agreements, the state may allow entities to collect any applicable statutory or regulatory fees owed to the state and to remit such amounts as defined in statute. The

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agreement also may allow an entity to charge an administrative fee, [which shall be deposited into the General Fund,] provided any administrative fee to utilize a government service or program electronically is approved by the Finance Advisory Committee before it is imposed.

(b) Any such agreement authorized under this section shall comply with the provisions of chapter 14 and shall ensure the public retains the ability to access government services and programs using nonelectronic means. The secretary shall not authorize any agreement that adversely affects the ability of individuals to apply for or receive assistance or benefits from the Department of Social Services.

Sec. 2. Section 4a-59a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) No state agency may extend a contract for the purchase of supplies, materials, equipment or contractual services which expires on or after October 1, 1990, and is subject to the competitive bidding requirements of subsection (a) of section 4a-57, without complying with such requirements, unless [(1)] the Commissioner of Administrative Services makes a written determination, supported by documentation, that [(A)] (1) soliciting competitive bids for such purchase would cause a hardship for the state, [(B)] (2) such solicitation would result in a major increase in the cost of such supplies, materials, equipment or contractual services, or [(C)] (3) the contractor is the sole source for such supplies, materials, equipment or contractual services. [, (2)] Except in the case where the contractor is the sole source as set forth in subdivision (3) of this subsection, the commissioner [solicits] shall solicit at least three competitive quotations in addition to the contractor's quotation, and [(3) the commissioner makes] shall make a written determination that no such competitive quotation which complies with the existing specifications for the contract is lower than or equal to the contractor's quotation.

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Any such contract extension shall be based on the contractor's quotation. No contract may be extended more than two times under this section.

(b) Notwithstanding the provisions of subsection (a) of this section, the Commissioner of Administrative Services may, for a period of up to one year from the date such contract would otherwise expire, (1) extend any contract in effect on May 1, 2005, with a value of fifty thousand dollars or more per year, to perform any of the following services for the state: Janitorial, building maintenance, security and food and beverage, [. Any] provided any such extension shall include any applicable increase in the standard wage and the payroll burden to administer the standard wage, as established by the Labor Department, or (2) extend an existing contract if the commissioner certifies in writing that failure to provide such extension would compromise the continuity of state agency systems or operations.

Sec. 3. Section 4-61u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Under the supervision of the Commissioner of Administrative Services, all departments and agencies of state government shall establish an effective program of career mobility as part of their affirmative action program, as required by section 46a-68, for occupational groups, which shall include, but not be limited to, secretarial, clerical, supervisory clerical, semiskilled, crafts and trades, supervisory crafts and trades, custodial, supervisory custodial and laborers. All departments and agencies of state government shall provide, or make provision for, career counseling for such occupational groups. All departments and agencies shall make available to state employees a range of training opportunities. In geographically remote areas [, as defined by the Committee on Career Entry and Mobility,] where programs are not generally available, departments and agencies shall enter into cooperative arrangements or

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take other appropriate actions to assure that training opportunities are provided to employees in those areas. All departments and agencies shall, consistent with the requirements of the State Personnel Act, initiate classification requests that would result in the development of career ladders and lattices providing career mobility within and between occupational groupings, and from subprofessional jobs to professional and managerial jobs. All departments and agencies of state government shall establish as part of their affirmative action plans, specific annual goals and timetables on the number of classes in entry level professional, managerial and administrative positions, which shall include, but are not limited to, law enforcement, field representation, administrative staff, professional, subprofessional or technical jobs that are to be filled through career mobility.

(b) Under the supervision of the Commissioner of Administrative Services, each department and agency of state government shall establish an effective program of accommodation and entry level training of persons with disabilities. Such programs shall be part of department and agency affirmative action programs required by section 46a-68. All departments and agencies shall make a range of training opportunities available to such persons. In geographically remote areas [, as defined by the Committee on Career Entry and Mobility,] where programs are not generally available, departments and agencies shall enter into cooperative arrangements or take other appropriate actions to assure that training opportunities are provided to such persons in those areas. All departments and agencies of state government shall establish, as part of their affirmative action plans, specific annual goals and timetables on (1) the number of jobs that are to be filled through the accommodation of persons with disabilities and (2) entry level training for such persons.

Sec. 4. Section 4-61w of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

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In implementing the provisions of [sections 4-61t and] section 4-61u, as amended by this act, and this section, each department or agency shall insure that the ethnic and sex composition of employees participating in the career mobility program shall be consistent with the regulations for affirmative action of the Commission on Human Rights and Opportunities.

Sec. 5. Section 4-61aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) For purposes of this section, "state Americans with Disabilities Act coordinator" means the person appointed by the Governor to coordinate state compliance with the federal Americans with Disabilities Act of 1990. There is established a committee to [encourage the employment by the state of persons with disabilities] advise the state Americans with Disabilities Act coordinator. The [Commissioner of Administrative Services] state Americans with Disabilities Act coordinator shall appoint the members of the committee, which shall be chaired by [such commissioner] said coordinator, or his designee, and include at least one representative of each of the following:

- (1) The Board of Education and Services to the Blind;
- (2) The Commission on the Deaf and Hearing Impaired;
- (3) The Department of Rehabilitation Services; [.]
- (4) The Office of Protection and Advocacy for Persons with Disabilities;
- (5) The Department of Mental Health and Addiction Services;
- (6) The Department of Developmental Services; [and]
- (7) The Labor Department;

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(8) The Department of Construction Services; and

(9) The Commission on Human Rights and Opportunities.

[(b) The committee shall:

(1) Advise, and develop written guidelines for, the Commissioner of Administrative Services and the executive heads of other state agencies regarding the adaptation of employment examinations and alternative hiring processes for, and the reasonable accommodation of, persons with disabilities; and

(2) Review the program established under subsection (b) of section 4-61u and compliance with the provisions of section 46a-70 concerning persons with physical disabilities.]

(b) The committee shall, upon request of the state Americans with Disabilities Act coordinator, advise said coordinator regarding the employment by the state of individuals with disabilities and on measures the state may take to fulfill its other obligations under the Americans with Disabilities Act, including, but not limited to, the state's obligations as a provider of public services and a place of accommodation.

Sec. 6. Section 4-158 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Claims Commissioner may (1) order that a claim be denied or dismissed, (2) order immediate payment of a just claim in an amount not exceeding [seven thousand five hundred] twenty thousand dollars, (3) recommend to the General Assembly payment of a just claim in an amount exceeding [seven thousand five hundred] twenty thousand dollars, or (4) authorize a claimant to sue the state, as provided in section 4-160.

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(b) Any person who has filed a claim for more than [seven thousand five hundred] twenty thousand dollars may request the General Assembly to review a decision of the Claims Commissioner (1) ordering the denial or dismissal of the claim pursuant to subdivision (1) of subsection (a) of this section, including denying or dismissing a claim that requests permission to sue the state, or (2) ordering immediate payment of a just claim in an amount not exceeding [seven thousand five hundred] twenty thousand dollars pursuant to subdivision (2) of subsection (a) of this section. A request for review shall be in writing and filed with the Office of the Claims Commissioner not later than twenty days after the date the person requesting such review receives a copy of the decision. The filing of a request for review shall automatically stay the decision of the Claims Commissioner.

(c) The Claims Commissioner shall submit each claim for which a request for review is filed pursuant to this section to the General Assembly pursuant to section 4-159, as amended by this act.

(d) If the Claims Commissioner orders immediate payment of a just claim in an amount not exceeding [seven thousand five hundred] twenty thousand dollars pursuant to subdivision (2) of subsection (a) of this section and a request for review is not timely filed pursuant to subsection (b) of this section, the Office of the Claims Commissioner shall deliver to the Comptroller a certified copy of the Claims Commissioner's order and the Comptroller shall make payment from such appropriation as the General Assembly may have made for the payment of claims or, in the case of contractual claims for goods or services furnished or for property leased, from the appropriation of the agency which received such goods or services or occupied such property.

(e) Whenever the Claims Commissioner deems it just and equitable, the Claims Commissioner may, at any time prior to the submission of a

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claim to the General Assembly pursuant to subsection (a) of section 4-159, as amended by this act, vacate the decision made pursuant to subsection (a) of this section and undertake such further proceedings in accordance with this chapter as the Claims Commissioner may, in his or her discretion, deem appropriate.

(f) Not later than five days after the convening of each regular session, the Claims Commissioner shall report to the General Assembly on all claims decided pursuant to this section.

Sec. 7. Section 4-159 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Not later than five days after the convening of each regular session and at such other times as the speaker of the House of Representatives and president pro tempore of the Senate may desire, the Claims Commissioner shall submit to the General Assembly (1) all claims for which the Claims Commissioner recommended payment of a just claim in an amount exceeding [seven thousand five hundred] twenty thousand dollars pursuant to subdivision (3) of subsection (a) of section 4-158, as amended by this act, and (2) all claims for which a request for review has been filed pursuant to subsection (b) of section 4-158, as amended by this act, together with a copy of the Claims Commissioner's findings and the hearing record of each claim so reported.

(b) The General Assembly shall:

(1) With respect to a decision of the Claims Commissioner ordering the denial or dismissal of a claim pursuant to subdivision (1) of subsection (a) of section 4-158, as amended by this act:

(A) Confirm the decision; or

(B) Vacate the decision and, in lieu thereof, (i) order the payment of

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the claim in a specified amount, or (ii) authorize the claimant to sue the state;

(2) With respect to a decision of the Claims Commissioner ordering the immediate payment of a just claim in an amount not exceeding [seven thousand five hundred] twenty thousand dollars pursuant to subdivision (2) of subsection (a) of section 4-158, as amended by this act:

(A) Confirm the decision;

(B) Modify the decision by ordering that a different amount be paid;
or

(C) Vacate the decision and, in lieu thereof, (i) order no payment be made, or (ii) authorize the claimant to sue the state;

(3) With respect to a decision of the Claims Commissioner recommending payment of a just claim in an amount exceeding [seven thousand five hundred] twenty thousand dollars pursuant to subdivision (3) of subsection (a) of section 4-158, as amended by this act:

(A) Accept the recommendation and order payment of the specified amount;

(B) Modify the recommendation by ordering that a different amount be paid; or

(C) Reject the recommendation and, in lieu thereof, (i) order no payment be made, or (ii) authorize the claimant to sue the state; or

(4) With respect to a decision of the Claims Commissioner pursuant to subdivision (1), (2) or (3) of subsection (a) of section 4-158, as amended by this act, remand the claim to the Claims Commissioner for such further proceedings as the General Assembly may direct.

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(c) The General Assembly may grant the claimant permission to sue the state under the provisions of this section when the General Assembly deems it just and equitable and believes the claim to present an issue of law or fact under which the state, were it a private person, could be liable.

(d) If the General Assembly orders the payment of a claim, the Office of the Claims Commissioner shall deliver to the Comptroller a notice of the order and the Comptroller shall make payment in the manner prescribed for payment of an order of the Claims Commissioner pursuant to section 4-158, as amended by this act.

(e) The review by the General Assembly of claims submitted to it by the Claims Commissioner under this section shall be conducted in accordance with such procedures as the General Assembly may prescribe.

Sec. 8. Subsection (a) of section 19a-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Any claim for damages in excess of [seven thousand five hundred] twenty thousand dollars on account of any official act or omission of the Commissioner of Public Health or the Commissioner of Developmental Services or any member of their staffs, any member of the Council on Tuberculosis Control, Hospital Care and Rehabilitation, the Council on Developmental Services or either of the boards of trustees of the state training schools or any member of any regional advisory and planning council or any superintendent, director, employee or staff member of any chronic disease hospital or state training school or state developmental services region shall be brought as a civil action against the commissioners in their official capacities and said commissioners shall be represented therein by the Attorney General in the manner provided in chapter 35. Damages

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recovered in such action shall be a proper charge against the General Fund of the state and shall be paid in the manner provided in section 3-117. Any such claim for damages not in excess of [seven thousand five hundred] twenty thousand dollars shall be presented to the Claims Commissioner in accordance with chapter 53 if such claim is otherwise cognizable by the Claims Commissioner.

Sec. 9. Sections 4-61t and 4a-55 of the general statutes are repealed.
(*Effective July 1, 2013*)

Approved June 24, 2013