



Substitute Senate Bill No. 458

Public Act No. 16-127

AN ACT CONCERNING THE OFFICE OF THE CLAIMS COMMISSIONER.

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

Section 1. (*Effective from passage*) Not later than December 1, 2016, the Claims Commissioner shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary on all claims, filed with the Office of the Claims Commissioner pursuant to section 4-147 of the general statutes, as amended by this act, or section 54-102uu of the general statutes, as amended by this act, on or before December 1, 2014, that have not been disposed of. Such report shall delineate by calendar year the number of such claims (1) that have not been disposed of, (2) in which a hearing was held but for which the Claims Commissioner failed to render a timely decision as provided for in section 4-154 of the general statutes, as amended by this act, and (3) in which a motion that would be dispositive of the claim was filed and subsequently heard but for which the Claims Commissioner has not rendered a decision or rendered a decision more than one hundred twenty days after the date of the hearing on such motion. In addition, the Claims Commissioner shall report to said committee on any reforms undertaken by said office to promote the simple, expeditious and economical processing of

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claims, including, but not limited to, technology reforms relating to the establishment of any electronic docket management system and revisions made to the rules of procedure for the processing of claims.

Sec. 2. Section 4-141 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this chapter:

(1) "Claim" means a petition for the payment or refund of money by the state or for permission to sue the state;

["just claim"] (2) "Just claim" means a claim which in equity and justice the state should pay, provided the state has caused damage or injury or has received a benefit;

["person"] (3) "Person" means any individual, firm, partnership, corporation, limited liability company, association or other group, including political subdivisions of the state;

["state agency"] (4) "State agency" includes every department, division, board, office, commission, arm, agency and institution of the state government, whatever its title or function; and

["state officers and employees"] (5) "State officers and employees" includes (A) every person elected or appointed to or employed in any office, position or post in the state government, whatever such person's title, classification or function and whether such person serves with or without remuneration or compensation, including judges of probate courts, employees of such courts and special limited conservators appointed by such courts pursuant to section 17a-543a. [In addition to the foregoing, "state officers and employees" includes] and (B) attorneys appointed as victim compensation commissioners, attorneys appointed by the Public Defender Services Commission as public defenders, assistant public defenders or deputy assistant public

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defenders and attorneys appointed by the court as Division of Public Defender Services assigned counsel, individuals appointed by the Public Defender Services Commission, or by the court, as a guardian ad litem or attorney for a party in a neglect, abuse, termination of parental rights, delinquency or family with service needs proceeding, the Attorney General, the Deputy Attorney General and any associate attorney general or assistant attorney general, any other attorneys employed by any state agency, any commissioner of the Superior Court hearing small claims matters or acting as a fact-finder, arbitrator or magistrate or acting in any other quasi-judicial position, any person appointed to a committee established by law for the purpose of rendering services to the Judicial Department, including, but not limited to, the Legal Specialization Screening Committee, the State-Wide Grievance Committee, the Client Security Fund Committee, the advisory committee appointed pursuant to section 51-81d and the State Bar Examining Committee, any member of a multidisciplinary team established by the Commissioner of Children and Families pursuant to section 17a-106a, and any physicians or psychologists employed by any state agency. "State officers and employees" [shall] does not include any medical or dental intern, resident or fellow of The University of Connecticut when [(1)] (i) the intern, resident or fellow is assigned to a hospital affiliated with the university through an integrated residency program, and [(2)] (ii) such hospital provides protection against professional liability claims in an amount and manner equivalent to that provided by the hospital to its full-time physician employees.

Sec. 3. Section 4-142 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be [a Claims Commissioner who] an Office of the Claims Commissioner which shall hear and determine all claims against the state except: (1) Claims for the periodic payment of

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disability, pension, retirement or other employment benefits; (2) claims upon which suit otherwise is authorized by law including suits to recover similar relief arising from the same set of facts; (3) claims for which an administrative hearing procedure otherwise is established by law; (4) requests by political subdivisions of the state for the payment of grants in lieu of taxes; and (5) claims for the refund of taxes.

(b) The Office of the Claims Commissioner shall consist of the Claims Commissioner and such administrative staff as may be provided by the Department of Administrative Services. The Claims Commissioner or a magistrate assigned to assist the Claims Commissioner pursuant to section 4-142b, as amended by this act, shall hear and determine all claims against the state, except as otherwise provided in subsection (a) of this section. Such claims shall be heard and determined in accordance with the rules prescribed by the Claims Commissioner pursuant to section 4-157, as amended by this act.

Sec. 4. Section 4-142a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Claims Commissioner shall be appointed by the Governor with the advice and consent of the General Assembly to serve for a term of four years from the first day in July in the year of his appointment and until his or her successor has been appointed and has qualified. The [commissioner] Claims Commissioner shall be an attorney-at-law and shall have been admitted to practice before the courts of the state of Connecticut for at least five years prior to his or her appointment. The [commissioner] Claims Commissioner shall receive such compensation as is fixed under the provisions of section 4-40. The [commissioner] Claims Commissioner may enter into such contractual agreements, in accordance with established procedures, as may be necessary for the discharge of his or her duties. Subject to the provisions of section 4-32, and unless otherwise provided by law, the [commissioner] Claims Commissioner is authorized to receive any

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money, revenue or services from the federal government, corporations, associations or individuals, including payments from the sale of printed matter or any other materials or services.

(b) The Office of the Claims Commissioner shall be within the Department of Administrative Services, provided the office shall have independent decision-making authority.

Sec. 5. Section 4-142b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[The Department of Administrative Services shall provide staff support for the Office of the Claims Commissioner. The Claims Commissioner shall maintain a permanent office in Hartford County in such suitable space as the Commissioner of Administrative Services provides. All papers required to be filed with the Claims Commissioner shall be delivered to such office.] The Office of the Claims Commissioner shall maintain a permanent office in Hartford County in such suitable space as the Commissioner of Administrative Services provides. All papers required to be filed with the Office of the Claims Commissioner shall be delivered to such office. The Claims Commissioner may designate one or more magistrates who shall be available to the Office of the Claims Commissioner to hear and determine claims against the state as provided for in this chapter. The Claims Commissioner may appoint any magistrate who is on the list of available magistrates maintained by the Chief Court Administrator. The Claims Commissioner shall be solely responsible for making any decision concerning the final disposition of a claim, provided any magistrate appointed by the Claims Commissioner may review and hear a claim and make a recommendation to the Claims Commissioner concerning the final disposition of a claim. The Claims Commissioner shall establish such rules as he or she deems necessary to provide for the appointment of a magistrate to hear and decide matters pursuant to the provisions of this chapter. Such rules may include limitations on

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the types of matters that may be heard and decided by a magistrate and may provide for the issuance of a recommendation by a magistrate concerning the final disposition of a claim that is subject to review and approval by the Claims Commissioner.

Sec. 6. Section 4-147 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person wishing to present a claim against the state shall file with the Office of the Claims Commissioner a notice of claim, in duplicate, containing the following information: (1) The name and address of the claimant; the name and address of his principal, if the claimant is acting in a representative capacity, and the name and address of his attorney, if the claimant is so represented; (2) a concise statement of the basis of the claim, including the date, time, place and circumstances of the act or event complained of; (3) a statement of the amount requested; and (4) a request for permission to sue the state, if such permission is sought. A notice of claim, if sent by mail, shall be deemed to have been filed with the Office of the Claims Commissioner on the date such notice of claim is postmarked. Claims in excess of five thousand dollars shall be accompanied by a check or money order in the sum of fifty dollars payable to the Treasurer, state of Connecticut. Claims for five thousand dollars or less shall be accompanied by a check or money order in the sum of twenty-five dollars payable to the Treasurer, state of Connecticut. [Fees] Except as provided in section 4-165b, as amended by this act, fees may be waived by the [commissioner] Claims Commissioner for good cause but such action by the [commissioner] Claims Commissioner shall not relieve the claimant from the obligation of filing [his] the notice of claim in timely fashion within the statute of limitations under section 4-148, as amended by this act. The Office of the Claims Commissioner shall promptly deliver a copy of the notice of claim to the Attorney General. Such notice shall be for informational purposes only and shall not be

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subject to any formal or technical requirements, except as may be necessary for clarity of presentation and facility of understanding.

Sec. 7. Section 4-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (b) of this section and section 4-165b, as amended by this act, no claim shall be presented under this chapter but within one year after it accrues. Claims for injury to person or damage to property shall be deemed to accrue on the date when the damage or injury is sustained or discovered or in the exercise of reasonable care should have been discovered, provided no claim shall be presented more than three years from the date of the act or event complained of.

(b) The General Assembly may, by special act, authorize a person to present a claim to the Office of the Claims Commissioner after the time limitations set forth in subsection (a) of this section have expired if it deems such authorization to be just and equitable and makes an express finding that such authorization is supported by compelling equitable circumstances and would serve a public purpose. Such finding shall not be subject to review by the Superior Court.

(c) No claim cognizable by the Office of the Claims Commissioner shall be presented against the state except under the provisions of this chapter. Except as provided in section 4-156, as amended by this act, no claim once considered by the Office of the Claims Commissioner, by the General Assembly or in a judicial proceeding shall again be presented against the state in any manner.

Sec. 8. Section 4-150 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any subpoena or other paper required to be served upon or delivered to the Office of the Claims Commissioner or to any person or

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official may be served or delivered in person or by certified mail. Service or delivery by certified mail shall be deemed complete upon the certification and deposit of such subpoena or paper at a United States post office. Proof of deposit and the return receipt shall be sufficient proof of service or delivery.

(b) Any such service or delivery required between the Office of the Claims Commissioner and any state agency or any state officer or employee may be made through the interdepartmental mailing system of the state, provided reasonable means are taken to ascertain that the subpoena or paper was received by the addressee.

Sec. 9. Section 4-151 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Claims shall be heard as soon as practicable after they are filed. The following claims shall be privileged with respect to assignment for hearing: (1) Claims by persons who are sixty-five years or older or who reach such age during the pendency of the claim, (2) claims by persons who are terminally ill, as defined in section 52-191c, and (3) claims by executors or administrators of estates. Hearings may be held at the Office of the Claims Commissioner, at any available hearing facility in the State Capitol or Legislative Office Building, upon request at any courthouse serving a judicial district or geographical area or city or town hall in the state or at such other suitable place as the Claims Commissioner or a magistrate finds is convenient and just to the claimant and to the Attorney General.

(b) The Claims Commissioner or a magistrate may call witnesses, examine and cross-examine any witness, require information not offered by the claimant or the Attorney General and stipulate matters to be argued. The Claims Commissioner or a magistrate shall not be bound by any law or rule of evidence, except [as he may provide by his rules] the rules prescribed by the Claims Commissioner pursuant

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to section 4-157, as amended by this act.

(c) The Claims Commissioner or a magistrate may administer oaths, cause depositions to be taken, issue subpoenas and order inspection and disclosure of books, papers, records and documents. Upon good cause shown, any such order or subpoena may be quashed by the Claims Commissioner or a magistrate.

(d) If any person fails to respond to a subpoena, the Claims Commissioner or a magistrate may issue a *capias*, directed to a state marshal to arrest such person and bring such person before the Claims Commissioner or a magistrate to testify.

(e) If any person refuses to testify or to produce any relevant, unprivileged book, paper, record or document, the Claims Commissioner or a magistrate shall certify such fact to the Attorney General, who shall apply to the superior court for the judicial district in which such person resides for an order compelling compliance. Further refusal of such person shall be punished as provided by section 2-46. If such person is the claimant, the Claims Commissioner shall summarily dismiss [his] the claim and order it forfeited to the state.

(f) When subpoenaed by the Claims Commissioner or a magistrate, witnesses shall be offered the fees and mileage allowances authorized by section 52-260, provided no such fee or allowance shall be paid to any state officer or employee who appears on behalf of the state.

Sec. 10. Section 4-151a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

On his or her own motion or at the request of the claimant or the representative for the state, which representative may in appropriate cases be the Attorney General, the Claims Commissioner or a magistrate may waive the hearing of any claim for five thousand

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dollars or less and proceed upon affidavits filed by the claimant and the state agency concerned.

Sec. 11. Section 4-152 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

If in the course of any proceeding any person is guilty of misbehavior which obstructs such proceeding, he or she may be excluded from further participation therein. If the miscreant is the claimant or his or her attorney, the Claims Commissioner or a magistrate may summarily terminate the proceeding, and the Claims Commissioner may dismiss the claim and order it forfeited to the state.

Sec. 12. Section 4-153 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Claims Commissioner shall cause a record to be made of each claim. Such record shall be retained in the files of the Office of the Claims Commissioner until the sine die adjournment of the regular session of the General Assembly next succeeding the disposition of such claim, at which time it shall be disposed of as may be decided pursuant to section 11-8a. Copies of such record and of the hearing transcript, if any, shall be made available upon request to the claimant and to the Attorney General and as the Claims Commissioner otherwise may direct.

Sec. 13. Section 4-154 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Not later than ninety days after hearing a claim, the Claims Commissioner shall render a decision as provided in subsection (a) of section 4-158, as amended by this act. The Claims Commissioner or the magistrate shall make a finding of fact for each claim and file such finding with the order, recommendation or authorization disposing of the claim. The Office of the Claims Commissioner shall deliver a copy

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of such finding and order, recommendation or authorization to the claimant and to the representative for the state, which representative may in appropriate cases be the Attorney General.

(b) If such claim will automatically be submitted to the General Assembly by the Office of the Claims Commissioner pursuant to the provisions of subdivision (1) of subsection (a) of section 4-159, as amended by this act, the Office of the Claims Commissioner shall give written notice to the claimant that such claim will be so submitted and that the General Assembly may accept, modify or reject the recommendation of the Office of the Claims Commissioner or remand the claim to the Office of the Claims Commissioner.

(c) If the claimant has the right pursuant to subsection (b) of section 4-158, as amended by this act, to request the General Assembly to review the decision of the Claims Commissioner, the Office of the Claims Commissioner shall give written notice to the claimant that the claimant may request the General Assembly to review the decision and that the General Assembly may confirm, modify or vacate the decision or remand the claim to the Office of the Claims Commissioner. The notice shall indicate the date by which such a request must be filed with the Office of the Claims Commissioner.

Sec. 14. Section 4-156 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Upon the discovery of new evidence, any claimant aggrieved by an order of the Claims Commissioner rejecting or recommending the rejection of his or her claim, in whole or in part, may apply for rehearing. The claimant shall file with the Office of the Claims Commissioner an application for such rehearing in duplicate, stating concisely in the application the matters which he or she desires to submit to the Office of the Claims Commissioner. The Office of the Claims Commissioner shall promptly deliver a copy of the application

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to the Attorney General. The Attorney General shall review the application in the manner specified in subsection (a) of section 4-149. If such review discloses to the satisfaction of the Attorney General that protection of the state's interest does not reasonably require representation before the Office of the Claims Commissioner by the Attorney General, the Attorney General shall refer the application to the state agency or department involved in the claim for representation of the state before the Office of the Claims Commissioner [within] not later than ninety days [of] after receipt of the application by the Attorney General. Each such rehearing shall be subject to the provisions of this chapter and the rules made thereunder respecting the hearing and disposition of claims and reports to the General Assembly.

Sec. 15. Section 4-157 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Claims Commissioner shall adopt [regulations in accordance with the provisions of chapter 54] rules of procedure, not inconsistent with the policy and provisions of this chapter, governing [his] the proceedings of the Office of the Claims Commissioner. The [regulations] rules shall avoid formal and technical requirements, but shall provide a simple, uniform, expeditious and economical procedure for the presentation and disposition of claims. Such rules of procedure shall not be regulations for the purposes of chapter 54.

Sec. 16. Section 4-158 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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 twenty thousand dollars, (3) recommend to the General Assembly payment of a just claim in an amount exceeding twenty thousand dollars, or (4) authorize a claimant to sue the state, as

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provided in section 4-160, as amended by this act.

(b) Any person who has filed a claim for more than 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 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 Office of 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 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 Office of the Claims Commissioner shall report to the General Assembly on all claims decided pursuant to this section.

Sec. 17. Section 4-159 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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 Office of the Claims Commissioner shall submit to the General Assembly (1) all claims for which the Claims Commissioner or a magistrate recommended payment of a just claim in an amount exceeding 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 or the magistrate'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 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 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 Office of 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 Office of the Claims Commissioner under this section shall be conducted in accordance with such procedures as the General Assembly may prescribe.

Sec. 18. Section 4-159a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

[(2) Within] (a) Not later than five days after the convening of [the 2003 regular session, and] each regular session, [thereafter,] the Office of the Claims Commissioner shall report to the General Assembly on all claims that have been filed with the Office of the Claims Commissioner pursuant to section 4-147, as amended by this act, and

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have not been disposed of by the Office of the Claims Commissioner within two years of the date of filing or within any extension thereof granted by the General Assembly pursuant to subsection (c) of this section, except claims in which the parties have stipulated to an extension of time for the Office of the Claims Commissioner to dispose of the claim.

(b) The Office of the Claims Commissioner shall give notice to all claimants whose claims are the subject of a report as provided in subsection (a) of this section that their claims will be considered at the next regular session of the General Assembly pursuant to subsection (c) of this section.

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

Sec. 19. Section 4-160 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) [When] Whenever the Claims Commissioner deems it just and equitable, the Claims Commissioner may authorize suit against the state on any claim which, in the opinion of the Claims Commissioner, presents an issue of law or fact under which the state, were it a private person, could be liable.

(b) In any claim alleging malpractice against the state, a state hospital [or a sanatorium] or against a physician, surgeon, dentist, podiatrist, chiropractor or other licensed health care provider employed by the state, the attorney or party filing the claim may submit a certificate of good faith to the Office of the Claims

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Commissioner in accordance with section 52-190a. If such a certificate is submitted, the Claims Commissioner shall authorize suit against the state on such claim.

(c) In each action authorized by the Claims Commissioner pursuant to subsection (a) or (b) of this section or by the General Assembly pursuant to section 4-159, as amended by this act, or 4-159a, as amended by this act, the claimant shall allege such authorization and the date on which it was granted, except that evidence of such authorization shall not be admissible in such action as evidence of the state's liability. The state waives its immunity from liability and from suit in each such action and waives all defenses which might arise from the eleemosynary or governmental nature of the activity complained of. The rights and liability of the state in each such action shall be coextensive with and shall equal the rights and liability of private persons in like circumstances.

(d) No such action shall be brought but within one year from the date such authorization to sue is granted. With respect to any claim [pending before the Claims Commissioner on October 1, 1992, or] presented to the Office of the Claims Commissioner [on or after said date] for which authorization to sue is granted, any statute of limitation applicable to such action shall be tolled until the date such authorization to sue is granted. [Action shall be brought] The claimant shall bring such action against the state as party defendant in the judicial district in which the claimant resides or, if the claimant is not a resident of this state, in the judicial district of Hartford or in the judicial district in which the claim arose.

(e) Civil process directed against the state shall be served as provided by section 52-64.

(f) Issues arising in such actions shall be tried to the court without a jury.

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(g) The laws and rules of practice governing disclosures in civil actions shall apply against state agencies and state officers and employees possessing books, papers, records, documents or information pertinent to the issues involved in any such action.

(h) The Attorney General, with the consent of the court, may compromise or settle any such action. The terms of every such compromise or settlement shall be expressed in a judgment of the court.

(i) Costs may be allowed against the state as the court deems just, consistent with the provisions of chapter 901.

(j) The clerk of the court in which judgment is entered against the state shall forward a certified copy of such judgment to the Comptroller. The Attorney General shall certify to the Comptroller when the time allowed by law for proceeding subsequent to final judgment has expired and the Attorney General shall designate the state agency involved in the action. Upon receipt of such judgment and certification the Comptroller shall make payment as follows: Amounts directed by law to be paid from a special fund shall be paid from such special fund; amounts awarded upon contractual claims for goods or services furnished or for property leased shall be paid from the appropriation of the agency which received such goods or services or occupied such property; all other amounts shall be paid from such appropriation as the General Assembly may have made for the payment of claims.

(k) Not later than five days after the convening of each regular session, the Attorney General shall report to the joint standing committee of the General Assembly [on] having cognizance of matters relating to the judiciary on the status and disposition of all actions authorized pursuant to this section or section 4-159, as amended by this act, or brought against the state under any other provision of law

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and in which the interests of the state are represented by the Attorney General. The report shall include: (1) The number of such actions pending in state and federal court, categorized by the alleged ground for the action, (2) the number of new actions brought in the preceding year in state and federal court, categorized by the alleged ground for the action, (3) the number of actions disposed of in the preceding year, categorized by the ground for the action that was disposed of and whether the action was disposed of by settlement or litigation to final judgment, and the amount paid for actions within the respective categories, and (4) such other information as may be requested, from time to time, by the joint standing committee of the General Assembly [on] having cognizance of matters relating to the judiciary. The report shall identify each action disposed of by payment of an amount exceeding one hundred thousand dollars.

Sec. 20. Section 4-160b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Office of the Claims Commissioner shall not accept or pay any subrogated claim or any claim directly or indirectly paid by or assigned to a third party.

(b) Any payment of claim made by the Office of the Claims Commissioner shall be reduced by the amount received by the claimant from any other source for such claim.

Sec. 21. Section 4-164 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any claimant aggrieved by an order of forfeiture of the Office of the Claims Commissioner made pursuant to subsection (a) of section 4-163 may appeal such order to the superior court for the judicial district in which he or she resides or, if he or she is not a resident of this state, to the superior court for the judicial district of New Britain.

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(b) The action of the Office of the Claims Commissioner in approving or rejecting payment of any claim or part thereof shall be final and conclusive on all questions of law and fact and shall not be subject to review except by the General Assembly.

Sec. 22. Section 4-164a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Office of the Claims Commissioner is exempt from the provisions of sections 4-176e to 4-183, inclusive.

Sec. 23. Section 4-165b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any inmate, [of any institution of the Department of Correction or the Department of Children and Families] as defined in section 18-84, who suffers an injury [which results in a fatality or in a permanent handicap] may file a claim against the state. Such claim shall be heard and decided in accordance with the provisions of this chapter, [.] provided no such claim shall be presented to the Office of the Claims Commissioner until the inmate has exhausted all administrative remedies provided by the Department of Correction. Notwithstanding the provisions of this subsection, the legal representative of the estate of an inmate may present to the Office of the Claims Commissioner a claim against the state prior to having exhausted any administrative remedy provided by the Department of Correction.

(b) In addition to the information required by section 4-147, as amended by this act, an inmate's notice of claim shall include a description of the administrative remedies that have been exhausted. An inmate shall present such claim to the Office of the Claims Commissioner not later than one year after the date on which the inmate exhausted all administrative remedies.

(c) The Claims Commissioner may not grant a waiver of the filing

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fee prescribed in section 4-147, as amended by this act, to an inmate when, on three or more prior occasions, the inmate filed with the Office of the Claims Commissioner a claim that was dismissed on grounds that it was frivolous, duplicative, malicious or otherwise failed to state a claim upon which relief could be granted.

Sec. 24. Subsection (d) of section 1-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) No public official or state employee or employee of such public official or state employee shall agree to accept, or be a member or employee of a partnership, association, professional corporation or sole proprietorship which partnership, association, professional corporation or sole proprietorship agrees to accept any employment, fee or other thing of value, or portion thereof, for appearing, agreeing to appear, or taking any other action on behalf of another person before the Department of Banking, the Office of the Claims Commissioner, the Office of Health Care Access division within the Department of Public Health, the Insurance Department, the Department of Consumer Protection, the Department of Motor Vehicles, the State Insurance and Risk Management Board, the Department of Energy and Environmental Protection, the Public Utilities Regulatory Authority, the Connecticut Siting Council or the Connecticut Real Estate Commission; provided this shall not prohibit any such person from making inquiry for information on behalf of another before any of said commissions or commissioners if no fee or reward is given or promised in consequence thereof. For the purpose of this subsection, partnerships, associations, professional corporations or sole proprietorships refer only to such partnerships, associations, professional corporations or sole proprietorships which have been formed to carry on the business or profession directly relating to the employment, appearing, agreeing to appear or taking of action

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provided for in this subsection. Nothing in this subsection shall prohibit any employment, appearing, agreeing to appear or taking action before any municipal board, commission or council. Nothing in this subsection shall be construed as applying (1) to the actions of any teaching or research professional employee of a public institution of higher education if such actions are not in violation of any other provision of this chapter, (2) to the actions of any other professional employee of a public institution of higher education if such actions are not compensated and are not in violation of any other provision of this chapter, (3) to any member of a board or commission who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance of the member's duties, or (4) to any member or director of a quasi-public agency. Notwithstanding the provisions of this subsection to the contrary, a legislator, an officer of the General Assembly or part-time legislative employee may be or become a member or employee of a firm, partnership, association or professional corporation which represents clients for compensation before agencies listed in this subsection, provided the legislator, officer of the General Assembly or part-time legislative employee shall take no part in any matter involving the agency listed in this subsection and shall not receive compensation from any such matter. Receipt of a previously established salary, not based on the current or anticipated business of the firm, partnership, association or professional corporation involving the agencies listed in this subsection, shall be permitted.

Sec. 25. Subsection (b) of section 3-70a of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The Treasurer shall consider each claim not later than ninety days after it is filed. The Treasurer may hold hearings on any claim and may refer any claim to the Office of the Claims Commissioner,

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[who] which shall hold hearings thereon and promptly return the Claims Commissioner's recommendations for the payment or rejection thereof. The Treasurer shall deliver the Treasurer's decision in writing on each claim heard, with a finding of fact and a statement of the reasons for the Treasurer's decision. Any person aggrieved by a decision of the Treasurer may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district of New Britain.

Sec. 26. Subsection (c) of section 4-186 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The Employment Security Division and the Board of Mediation and Arbitration of the state Labor Department, the Office of the Claims Commissioner, and the Workers' Compensation Commissioner are exempt from the provisions of section 4-176e and sections 4-177 to 4-183, inclusive.

Sec. 27. Section 18-81y of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Correction shall establish a lost property board within the Department of Correction to hear and determine any claim by an inmate of a correctional facility who seeks compensation not exceeding three thousand five hundred dollars for lost or damaged personal property. The board shall hear and determine each such claim and may, if it determines the claim is one which in equity and justice the state should pay, award damages. If the board denies a claim in whole or in part, the inmate may, not later than sixty days after such decision, present the claim to the Office of the Claims Commissioner in accordance with section 4-147, as amended by this act. The filing of a claim with the lost property board shall toll the time limit for presenting a claim to the Office of the Claims Commissioner pursuant

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to section 4-148, as amended by this act. The Commissioner of Correction shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 28. Subsection (e) of section 52-592 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The provisions of this section shall apply to any claim against the state for which a notice of claim has been properly and timely filed with the Office of the Claims Commissioner in accordance with sections 4-147, as amended by this act, and 4-148, as amended by this act, and which thereafter has been dismissed by the Office of the Claims Commissioner pursuant to section 4-142, as amended by this act.

Sec. 29. Section 54-102uu of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A person is eligible to receive compensation for wrongful incarceration if:

(1) Such person has been convicted by this state of one or more crimes [, of which the person was innocent,] and has been sentenced to a term of imprisonment for such crime or crimes and has served all or part of such sentence; and

(2) Such person's conviction was vacated or reversed and (A) the complaint or information dismissed on grounds of innocence, or [the complaint or information dismissed on a ground consistent with innocence] (B) the complaint or information dismissed on a ground citing an act or omission that constitutes malfeasance or other serious misconduct by any officer, agent, employee or official of the state that contributed to such person's arrest, prosecution, conviction or incarceration.

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(b) A person who meets the eligibility requirements of subsection (a) of this section may present a claim against the state for such compensation with the Claims Commissioner in accordance with the provisions of chapter 53. The provisions of said chapter shall be applicable to the presentment, hearing and determination of such claim except as otherwise provided in this section.

(c) At the hearing on such claim, such person shall have the burden of establishing by a preponderance of the evidence that such person meets the eligibility requirements of subsection (a) of this section. In addition, such person shall present evidence as to [the damages suffered by such person which may include, but are not limited to, claims for loss of liberty and enjoyment of life, loss of earnings, loss of earning capacity, loss of familial relationships, loss of reputation, physical pain and suffering, mental pain and suffering and attorney's fees and other expenses] (1) the person's age, income, vocational training and level of education at the time of conviction, (2) loss of familial relationships, (3) damage to reputation, (4) the severity of the crime for which such person was convicted and whether such person was under a sentence of death pursuant to section 53a-46a for any period of time, (5) whether such person was required to register pursuant to section 54-251 or 54-252, and for what length of time such person complied with the registration requirements of chapter 969, and (6) any other damages such person may have suffered arising from or related to such person's arrest, prosecution, conviction and incarceration.

(d) (1) If the Claims Commissioner determines that such person has established such person's eligibility under subsection (a) of this section by a preponderance of the evidence, the Claims Commissioner shall order the immediate payment to such person of compensation for such wrongful incarceration in an amount determined pursuant to subdivision (2) of this subsection, unless (A) such compensation award

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is in an amount exceeding twenty thousand dollars, or (B) such person requests, in accordance with section 4-158, that the General Assembly review such compensation award, in which cases the Claims Commissioner shall submit any such claim to the General Assembly in the same manner as provided under section 4-159, not later than five business days after such award determination is made or such review is requested. The General Assembly shall review any such compensation award and the claim from which it arose not later than forty-five days after such claim is submitted to the General Assembly and may deny such claim or confirm or modify such compensation award. If the General Assembly modifies the amount of the compensation award, the General Assembly may award any amount of compensation the General Assembly deems just and reasonable. If the General Assembly takes no action on such compensation award or the claim from which it arose, the determination made by the Claims Commissioner shall be deemed confirmed.

(2) In determining the amount of such compensation, the Claims Commissioner shall [consider] award an amount that is at a minimum, but may be up to two hundred per cent of the median household income for the state for each year such person was incarcerated, as determined by the United States Department of Housing and Urban Development, adjusted for inflation using the consumer price index for urban consumers, provided the amount for any partial year shall be prorated in order to compensate only for the portion of such year in which such person was incarcerated. The Claims Commissioner may decrease or further the award amount by twenty-five per cent based on an assessment of relevant factors including, but not limited to, the evidence presented by the person under subdivisions (1) to (6), inclusive, of subsection (c) of this section. [as to the damages suffered by such person and whether any negligence or misconduct by any officer, agent, employee or official of the state or any political subdivision of the state contributed to such person's arrest,

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prosecution, conviction or incarceration.]

(e) In addition to the compensation paid under subsection (d) of this section, the Claims Commissioner may order payment for the expenses of employment training and counseling, tuition and fees at any constituent unit of the state system of higher education and any other services such person may need to facilitate such person's reintegration into the community.

(f) Any person claiming compensation under this section based on a pardon that was granted or the dismissal of a complaint or information that occurred before October 1, 2008, shall file such claim not later than two years after October 1, 2008. Any person claiming compensation under this section based on a pardon that was granted or the dismissal of a complaint that occurred on or after October 1, 2008, shall file such claim not later than two years after the date of such pardon or dismissal.

(g) [Nothing in this section shall be construed to prevent such person from pursuing] Any person who is compensated pursuant to this section shall sign a release providing that such person voluntarily relinquishes any right to pursue any other action or remedy at law or in equity that such person may have [against the state and any political subdivision of the state and any officer, agent, employee or official thereof] arising out of such wrongful conviction and incarceration.

Sec. 30. (*Effective from passage*) Notwithstanding the provisions of section 4-159a of the general statutes, as amended by this act, authorizing parties to a claim who choose to stipulate to an extension of time for the Claims Commissioner to dispose of such claim to so stipulate within two years of the date of filing of such claim or within the period of any previous extension of time stipulated to or granted by the General Assembly, in the case of (1) any claim filed before July 1, 2014, or (2) any claim for which an extension of time expired before

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July 1, 2016, the parties to any such claim described in subdivision (1) or (2) of this subsection may, not later than January 1, 2017, stipulate to an extension of time, even if such extension is stipulated to (A) two years or more after the date such claim was filed, or (B) after the expiration of the most recent extension previously stipulated to by the parties or granted by the General Assembly. Any such stipulation to an extension of time for the Claims Commissioner to dispose of the claim shall cause such claim to be properly before the Claims Commissioner for the period of such extension.

Sec. 31. (*Effective from passage*) Notwithstanding any provision of chapter 53 of the general statutes requiring the Claims Commissioner dispose of any claim (1) within two years after such claim was filed, or (2) prior to the expiration of any extension of time to dispose of such claim stipulated to by the parties to the claim or granted by the General Assembly, any such claim disposed of in accordance with the provisions of section 4-158 of the general statutes, as amended by this act, on or after April 4, 2012, but not later than January 1, 2017, shall be deemed to have been so disposed of within the period of time in which the Claims Commissioner is authorized under said chapter 53 to take such action. With respect to any such claim where the Claims Commissioner has authorized a claimant to bring suit against the state and an action has been brought pursuant to such authorization and is pending in the Superior Court on the effective date of this section, such action shall be deemed to be properly within the jurisdiction of the court. With respect to any such claim that is related to an action pending in the Superior Court on the effective date of this section, the Claims Commissioner shall immediately authorize such claimant to bring suit against the state and, upon filing of an action in Superior Court pursuant to such authorization, such action shall be deemed to be properly within the jurisdiction of the court.

Approved June 9, 2016