



General Assembly

Substitute Bill No. 458

February Session, 2016

* SB00458JUD__033016__ *

**AN ACT CONCERNING THE OFFICE OF THE CLAIMS
COMMISSIONER.**

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

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

21 any electronic docket management system and revisions made to the
22 rules of procedure for the processing of claims.

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 Section 4-141 of the general statutes is repealed and the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

25 As used in this chapter:

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

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

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

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

37 ["state officers and employees"] (5) "State officers and employees"
38 includes (A) every person elected or appointed to or employed in any
39 office, position or post in the state government, whatever such person's
40 title, classification or function and whether such person serves with or
41 without remuneration or compensation, including judges of probate
42 courts, employees of such courts and special limited conservators
43 appointed by such courts pursuant to section 17a-543a, [In addition to
44 the foregoing, "state officers and employees" includes] and (B)
45 attorneys appointed as victim compensation commissioners, attorneys
46 appointed by the Public Defender Services Commission as public
47 defenders, assistant public defenders or deputy assistant public
48 defenders and attorneys appointed by the court as Division of Public
49 Defender Services assigned counsel, individuals appointed by the
50 Public Defender Services Commission, or by the court, as a guardian

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

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

76 (a) There shall be [a Claims Commissioner who] an Office of the
77 Claims Commissioner which shall hear and determine all claims
78 against the state except: (1) Claims for the periodic payment of
79 disability, pension, retirement or other employment benefits; (2) claims
80 upon which suit otherwise is authorized by law including suits to
81 recover similar relief arising from the same set of facts; (3) claims for
82 which an administrative hearing procedure otherwise is established by
83 law; (4) requests by political subdivisions of the state for the payment

84 of grants in lieu of taxes; and (5) claims for the refund of taxes.

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

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

96 (a) The Claims Commissioner shall be appointed by the Governor
97 with the advice and consent of the General Assembly to serve for a
98 term of four years from the first day in July in the year of his
99 appointment and until his or her successor has been appointed and has
100 qualified. The [commissioner] Claims Commissioner shall be an
101 attorney-at-law and shall have been admitted to practice before the
102 courts of the state of Connecticut for at least five years prior to his or
103 her appointment. The [commissioner] Claims Commissioner shall
104 receive such compensation as is fixed under the provisions of section
105 4-40. The [commissioner] Claims Commissioner may enter into such
106 contractual agreements, in accordance with established procedures, as
107 may be necessary for the discharge of his or her duties. Subject to the
108 provisions of section 4-32, and unless otherwise provided by law, the
109 [commissioner] Claims Commissioner is authorized to receive any
110 money, revenue or services from the federal government, corporations,
111 associations or individuals, including payments from the sale of
112 printed matter or any other materials or services.

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

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

118 [The Department of Administrative Services shall provide staff
119 support for the Office of the Claims Commissioner. The Claims
120 Commissioner shall maintain a permanent office in Hartford County
121 in such suitable space as the Commissioner of Administrative Services
122 provides. All papers required to be filed with the Claims
123 Commissioner shall be delivered to such office.] The Office of the
124 Claims Commissioner shall maintain a permanent office in Hartford
125 County in such suitable space as the Commissioner of Administrative
126 Services provides. All papers required to be filed with the Office of the
127 Claims Commissioner shall be delivered to such office. The Chief
128 Court Administrator shall designate one or more judge trial referees
129 who shall be available to the Office of the Claims Commissioner to
130 hear and determine claims against the state as provided for in section
131 4-142, as amended by this act. Any judge trial referee so designated
132 shall be compensated in accordance with the provisions of section 52-
133 434 from such funds as may be available to the Office of the Claims
134 Commissioner.

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

137 Any person wishing to present a claim against the state shall file
138 with the Office of the Claims Commissioner a notice of claim, in
139 duplicate, containing the following information: (1) The name and
140 address of the claimant; the name and address of his principal, if the
141 claimant is acting in a representative capacity, and the name and
142 address of his attorney, if the claimant is so represented; (2) a concise
143 statement of the basis of the claim, including the date, time, place and
144 circumstances of the act or event complained of; (3) a statement of the
145 amount requested; and (4) a request for permission to sue the state, if
146 such permission is sought. A notice of claim, if sent by mail, shall be
147 deemed to have been filed with the Office of the Claims Commissioner
148 on the date such notice of claim is postmarked. Claims in excess of five

149 thousand dollars shall be accompanied by a check or money order in
150 the sum of fifty dollars payable to the Treasurer, state of Connecticut.
151 Claims for five thousand dollars or less shall be accompanied by a
152 check or money order in the sum of twenty-five dollars payable to the
153 Treasurer, state of Connecticut. Fees may be waived by the
154 [commissioner] Claims Commissioner for good cause but such action
155 by the [commissioner] Claims Commissioner shall not relieve the
156 claimant from the obligation of filing [his] the notice of claim in timely
157 fashion within the statute of limitations under section 4-148, as
158 amended by this act. The Office of the Claims Commissioner shall
159 promptly deliver a copy of the notice of claim to the Attorney General.
160 Such notice shall be for informational purposes only and shall not be
161 subject to any formal or technical requirements, except as may be
162 necessary for clarity of presentation and facility of understanding.

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

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

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

179 (c) No claim cognizable by the Office of the Claims Commissioner
180 shall be presented against the state except under the provisions of this

181 chapter. Except as provided in section 4-156, as amended by this act,
182 no claim once considered by the Office of the Claims Commissioner,
183 by the General Assembly or in a judicial proceeding shall again be
184 presented against the state in any manner.

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

187 (a) Any subpoena or other paper required to be served upon or
188 delivered to the Office of the Claims Commissioner or to any person or
189 official may be served or delivered in person or by certified mail.
190 Service or delivery by certified mail shall be deemed complete upon
191 the certification and deposit of such subpoena or paper at a United
192 States post office. Proof of deposit and the return receipt shall be
193 sufficient proof of service or delivery.

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

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

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

212 the claimant and to the Attorney General.

213 (b) The Claims Commissioner or a judge trial referee may call
214 witnesses, examine and cross-examine any witness, require
215 information not offered by the claimant or the Attorney General and
216 stipulate matters to be argued. The Claims Commissioner or a judge
217 trial referee shall not be bound by any law or rule of evidence, except
218 [as he may provide by his rules] the rules prescribed by the Claims
219 Commissioner pursuant to section 4-157, as amended by this act.

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

225 (d) If any person fails to respond to a subpoena, the Claims
226 Commissioner or a judge trial referee may issue a *habeas corpus*, directed to a
227 state marshal to arrest such person and bring such person before the
228 Claims Commissioner or a judge trial referee to testify.

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

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

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

245 On his or her own motion or at the request of the claimant or the
246 representative for the state, which representative may in appropriate
247 cases be the Attorney General, the Claims Commissioner or a judge
248 trial referee may waive the hearing of any claim for five thousand
249 dollars or less and proceed upon affidavits filed by the claimant and
250 the state agency concerned.

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

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

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

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

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

272 (a) Not later than ninety days after hearing a claim, the Claims

273 Commissioner or a judge trial referee, as the case may be, shall render
274 a decision as provided in subsection (a) of section 4-158, as amended
275 by this act. The Claims Commissioner or the judge trial referee shall
276 make a finding of fact for each claim and file such finding with the
277 order, recommendation or authorization disposing of the claim. The
278 Office of the Claims Commissioner shall deliver a copy of such finding
279 and order, recommendation or authorization to the claimant and to the
280 representative for the state, which representative may in appropriate
281 cases be the Attorney General.

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

290 (c) If the claimant has the right pursuant to subsection (b) of section
291 4-158, as amended by this act, to request the General Assembly to
292 review the decision of the Claims Commissioner or the judge trial
293 referee, the Office of the Claims Commissioner shall give written
294 notice to the claimant that the claimant may request the General
295 Assembly to review the decision and that the General Assembly may
296 confirm, modify or vacate the decision or remand the claim to the
297 Office of the Claims Commissioner. The notice shall indicate the date
298 by which such a request must be filed with the Office of the Claims
299 Commissioner.

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

302 Upon the discovery of new evidence, any claimant aggrieved by an
303 order of the Claims Commissioner or a judge trial referee rejecting or
304 recommending the rejection of his or her claim, in whole or in part,

305 may apply for rehearing. The claimant shall file with the Office of the
306 Claims Commissioner an application for such rehearing in duplicate,
307 stating concisely in the application the matters which he or she desires
308 to submit to the Office of the Claims Commissioner. The Office of the
309 Claims Commissioner shall promptly deliver a copy of the application
310 to the Attorney General. The Attorney General shall review the
311 application in the manner specified in subsection (a) of section 4-149. If
312 such review discloses to the satisfaction of the Attorney General that
313 protection of the state's interest does not reasonably require
314 representation before the Office of the Claims Commissioner by the
315 Attorney General, the Attorney General shall refer the application to
316 the state agency or department involved in the claim for representation
317 of the state before the Office of the Claims Commissioner [within] not
318 later than ninety days [of] after receipt of the application by the
319 Attorney General. Each such rehearing shall be subject to the
320 provisions of this chapter and the rules made thereunder respecting
321 the hearing and disposition of claims and reports to the General
322 Assembly.

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

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

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

335 (a) The Claims Commissioner or a judge trial referee may (1) order
336 that a claim be denied or dismissed, (2) order immediate payment of a

337 just claim in an amount not exceeding twenty thousand dollars, (3)
338 recommend to the General Assembly payment of a just claim in an
339 amount exceeding twenty thousand dollars, or (4) authorize a claimant
340 to sue the state, as provided in section 4-160, as amended by this act.

341 (b) Any person who has filed a claim for more than twenty
342 thousand dollars may request the General Assembly to review a
343 decision of the Claims Commissioner or a judge trial referee (1)
344 ordering the denial or dismissal of the claim pursuant to subdivision
345 (1) of subsection (a) of this section, including denying or dismissing a
346 claim that requests permission to sue the state, or (2) ordering
347 immediate payment of a just claim in an amount not exceeding twenty
348 thousand dollars pursuant to subdivision (2) of subsection (a) of this
349 section. A request for review shall be in writing and filed with the
350 Office of the Claims Commissioner not later than twenty days after the
351 date the person requesting such review receives a copy of the decision.
352 The filing of a request for review shall automatically stay the decision
353 of the Claims Commissioner or a judge trial referee.

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

357 (d) If the Claims Commissioner or a judge trial referee orders
358 immediate payment of a just claim in an amount not exceeding twenty
359 thousand dollars pursuant to subdivision (2) of subsection (a) of this
360 section and a request for review is not timely filed pursuant to
361 subsection (b) of this section, the Office of the Claims Commissioner
362 shall deliver to the Comptroller a certified copy of the Claims
363 Commissioner's or a judge trial referee's order and the Comptroller
364 shall make payment from such appropriation as the General Assembly
365 may have made for the payment of claims or, in the case of contractual
366 claims for goods or services furnished or for property leased, from the
367 appropriation of the agency which received such goods or services or
368 occupied such property.

369 (e) Whenever the Claims Commissioner or a judge trial referee
370 deems it just and equitable, the Claims Commissioner or a judge trial
371 referee may, at any time prior to the submission of a claim to the
372 General Assembly pursuant to subsection (a) of section 4-159, as
373 amended by this act, vacate the decision made pursuant to subsection
374 (a) of this section and undertake such further proceedings in
375 accordance with this chapter as the Claims Commissioner or a judge
376 trial referee may, in his or her discretion, deem appropriate.

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

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

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

394 (b) The General Assembly shall:

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

399 (A) Confirm the decision; or

400 (B) Vacate the decision and, in lieu thereof, (i) order the payment of
401 the claim in a specified amount, or (ii) authorize the claimant to sue the
402 state;

403 (2) With respect to a decision of the Claims Commissioner or a judge
404 trial referee ordering the immediate payment of a just claim in an
405 amount not exceeding twenty thousand dollars pursuant to
406 subdivision (2) of subsection (a) of section 4-158, as amended by this
407 act:

408 (A) Confirm the decision;

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

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

413 (3) With respect to a decision of the Claims Commissioner or a judge
414 trial referee recommending payment of a just claim in an amount
415 exceeding twenty thousand dollars pursuant to subdivision (3) of
416 subsection (a) of section 4-158, as amended by this act:

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

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

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

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

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

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

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

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

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

453 [(2) Within] (a) Not later than five days after the convening of [the
454 2003 regular session, and] each regular session, [thereafter,] the Office
455 of the Claims Commissioner shall report to the General Assembly on
456 all claims that have been filed with the Office of the Claims
457 Commissioner pursuant to section 4-147, as amended by this act, and
458 have not been disposed of by the Office of the Claims Commissioner

459 within two years of the date of filing or within any extension thereof
460 granted by the General Assembly pursuant to subsection (c) of this
461 section, except claims in which the parties have stipulated to an
462 extension of time for the Office of the Claims Commissioner to dispose
463 of the claim.

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

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

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

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

483 (b) In any claim alleging malpractice against the state, a state
484 hospital [or a sanitorium] or against a physician, surgeon, dentist,
485 podiatrist, chiropractor or other licensed health care provider
486 employed by the state, the attorney or party filing the claim may
487 submit a certificate of good faith to the Office of the Claims
488 Commissioner in accordance with section 52-190a. If such a certificate
489 is submitted, the Claims Commissioner or a judge trial referee shall

490 authorize suit against the state on such claim.

491 (c) In each action authorized by the Claims Commissioner or a judge
492 trial referee pursuant to subsection (a) or (b) of this section or by the
493 General Assembly pursuant to section 4-159, as amended by this act, or
494 4-159a, as amended by this act, the claimant shall allege such
495 authorization and the date on which it was granted, except that
496 evidence of such authorization shall not be admissible in such action as
497 evidence of the state's liability. The state waives its immunity from
498 liability and from suit in each such action and waives all defenses
499 which might arise from the eleemosynary or governmental nature of
500 the activity complained of. The rights and liability of the state in each
501 such action shall be coextensive with and shall equal the rights and
502 liability of private persons in like circumstances.

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

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

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

518 (g) The laws and rules of practice governing disclosures in civil
519 actions shall apply against state agencies and state officers and
520 employees possessing books, papers, records, documents or

521 information pertinent to the issues involved in any such action.

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

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

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

542 (k) Not later than five days after the convening of each regular
543 session, the Attorney General shall report to the joint standing
544 committee of the General Assembly [on] having cognizance of matters
545 relating to the judiciary on the status and disposition of all actions
546 authorized pursuant to this section or section 4-159, as amended by
547 this act, or brought against the state under any other provision of law
548 and in which the interests of the state are represented by the Attorney
549 General. The report shall include: (1) The number of such actions
550 pending in state and federal court, categorized by the alleged ground
551 for the action, (2) the number of new actions brought in the preceding
552 year in state and federal court, categorized by the alleged ground for

553 the action, (3) the number of actions disposed of in the preceding year,
554 categorized by the ground for the action that was disposed of and
555 whether the action was disposed of by settlement or litigation to final
556 judgment, and the amount paid for actions within the respective
557 categories, and (4) such other information as may be requested, from
558 time to time, by the joint standing committee of the General Assembly
559 [on] having cognizance of matters relating to the judiciary. The report
560 shall identify each action disposed of by payment of an amount
561 exceeding one hundred thousand dollars.

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

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

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

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

572 (a) Any claimant aggrieved by an order of forfeiture of the Office of
573 the Claims Commissioner made pursuant to subsection (a) of section 4-
574 163 may appeal such order to the superior court for the judicial district
575 in which he or she resides or, if he or she is not a resident of this state,
576 to the superior court for the judicial district of New Britain.

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

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

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

585 Sec. 23. Subsection (d) of section 1-84 of the general statutes is
586 repealed and the following is substituted in lieu thereof (*Effective from*
587 *passage*):

588 (d) No public official or state employee or employee of such public
589 official or state employee shall agree to accept, or be a member or
590 employee of a partnership, association, professional corporation or
591 sole proprietorship which partnership, association, professional
592 corporation or sole proprietorship agrees to accept any employment,
593 fee or other thing of value, or portion thereof, for appearing, agreeing
594 to appear, or taking any other action on behalf of another person
595 before the Department of Banking, the Office of the Claims
596 Commissioner, the Office of Health Care Access division within the
597 Department of Public Health, the Insurance Department, the
598 Department of Consumer Protection, the Department of Motor
599 Vehicles, the State Insurance and Risk Management Board, the
600 Department of Energy and Environmental Protection, the Public
601 Utilities Regulatory Authority, the Connecticut Siting Council or the
602 Connecticut Real Estate Commission; provided this shall not prohibit
603 any such person from making inquiry for information on behalf of
604 another before any of said commissions or commissioners if no fee or
605 reward is given or promised in consequence thereof. For the purpose
606 of this subsection, partnerships, associations, professional corporations
607 or sole proprietorships refer only to such partnerships, associations,
608 professional corporations or sole proprietorships which have been
609 formed to carry on the business or profession directly relating to the
610 employment, appearing, agreeing to appear or taking of action
611 provided for in this subsection. Nothing in this subsection shall
612 prohibit any employment, appearing, agreeing to appear or taking
613 action before any municipal board, commission or council. Nothing in
614 this subsection shall be construed as applying (1) to the actions of any
615 teaching or research professional employee of a public institution of

616 higher education if such actions are not in violation of any other
617 provision of this chapter, (2) to the actions of any other professional
618 employee of a public institution of higher education if such actions are
619 not compensated and are not in violation of any other provision of this
620 chapter, (3) to any member of a board or commission who receives no
621 compensation other than per diem payments or reimbursement for
622 actual or necessary expenses, or both, incurred in the performance of
623 the member's duties, or (4) to any member or director of a quasi-public
624 agency. Notwithstanding the provisions of this subsection to the
625 contrary, a legislator, an officer of the General Assembly or part-time
626 legislative employee may be or become a member or employee of a
627 firm, partnership, association or professional corporation which
628 represents clients for compensation before agencies listed in this
629 subsection, provided the legislator, officer of the General Assembly or
630 part-time legislative employee shall take no part in any matter
631 involving the agency listed in this subsection and shall not receive
632 compensation from any such matter. Receipt of a previously
633 established salary, not based on the current or anticipated business of
634 the firm, partnership, association or professional corporation involving
635 the agencies listed in this subsection, shall be permitted.

636 Sec. 24. Subsection (b) of section 3-70a of the 2016 supplement to the
637 general statutes is repealed and the following is substituted in lieu
638 thereof (*Effective from passage*):

639 (b) The Treasurer shall consider each claim not later than ninety
640 days after it is filed. The Treasurer may hold hearings on any claim
641 and may refer any claim to the Office of the Claims Commissioner,
642 [who] which shall hold hearings thereon and promptly return the
643 Claims Commissioner's or a judge trial referee's recommendations for
644 the payment or rejection thereof. The Treasurer shall deliver the
645 Treasurer's decision in writing on each claim heard, with a finding of
646 fact and a statement of the reasons for the Treasurer's decision. Any
647 person aggrieved by a decision of the Treasurer may appeal therefrom
648 in accordance with the provisions of section 4-183, except venue for

649 such appeal shall be in the judicial district of New Britain.

650 Sec. 25. Subsection (c) of section 4-186 of the 2016 supplement to the
651 general statutes is repealed and the following is substituted in lieu
652 thereof (*Effective from passage*):

653 (c) The Employment Security Division and the Board of Mediation
654 and Arbitration of the state Labor Department, the Office of the Claims
655 Commissioner, and the Workers' Compensation Commissioner are
656 exempt from the provisions of section 4-176e and sections 4-177 to 4-
657 183, inclusive.

658 Sec. 26. Section 13a-3b of the general statutes is repealed and the
659 following is substituted in lieu thereof (*Effective from passage*):

660 Notwithstanding any provision of any statute to the contrary, the
661 Commissioner of Transportation or his agent, with the approval of the
662 Claims Commissioner or a judge trial referee, may enter upon private
663 property with the consent of the owner to restore or to repair damage
664 on said property caused by Department of Transportation operations,
665 provided no expenditure exceeding five thousand dollars shall be
666 made on any property. [Said] The Claims Commissioner or a judge
667 trial referee may grant his approval upon the basis of affidavits filed
668 by the Commissioner of Transportation and the property owner, or
669 may require such further written and oral evidence as he deems
670 necessary.

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

673 The Commissioner of Correction shall establish a lost property
674 board within the Department of Correction to hear and determine any
675 claim by an inmate of a correctional facility who seeks compensation
676 not exceeding three thousand five hundred dollars for lost or damaged
677 personal property. The board shall hear and determine each such claim
678 and may, if it determines the claim is one which in equity and justice
679 the state should pay, award damages. If the board denies a claim in

680 whole or in part, the inmate may, not later than sixty days after such
 681 decision, present the claim to the Office of the Claims Commissioner in
 682 accordance with section 4-147, as amended by this act. The filing of a
 683 claim with the lost property board shall toll the time limit for
 684 presenting a claim to the Office of the Claims Commissioner pursuant
 685 to section 4-148, as amended by this act. The Commissioner of
 686 Correction shall adopt regulations, in accordance with chapter 54, to
 687 implement the provisions of this section.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	4-141
Sec. 3	<i>from passage</i>	4-142
Sec. 4	<i>from passage</i>	4-142a
Sec. 5	<i>from passage</i>	4-142b
Sec. 6	<i>from passage</i>	4-147
Sec. 7	<i>from passage</i>	4-148
Sec. 8	<i>from passage</i>	4-150
Sec. 9	<i>from passage</i>	4-151
Sec. 10	<i>from passage</i>	4-151a
Sec. 11	<i>from passage</i>	4-152
Sec. 12	<i>from passage</i>	4-153
Sec. 13	<i>from passage</i>	4-154
Sec. 14	<i>from passage</i>	4-156

Sec. 15	<i>from passage</i>	4-157
Sec. 16	<i>from passage</i>	4-158
Sec. 17	<i>from passage</i>	4-159
Sec. 18	<i>from passage</i>	4-159a
Sec. 19	<i>from passage</i>	4-160
Sec. 20	<i>from passage</i>	4-160b
Sec. 21	<i>from passage</i>	4-164
Sec. 22	<i>from passage</i>	4-164a
Sec. 23	<i>from passage</i>	1-84(d)
Sec. 24	<i>from passage</i>	3-70a(b)
Sec. 25	<i>from passage</i>	4-186(c)
Sec. 26	<i>from passage</i>	13a-3b
Sec. 27	<i>from passage</i>	18-81y
Sec. 28	<i>from passage</i>	52-592(e)

JUD *Joint Favorable Subst.*