

**Proposed Substitute
Bill No. 458**

LCO No. 3608

**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 Section 4-141 of the general statutes is repealed and the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-543a₂ [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 not
67 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 those provided
91 for in subsection (a) of this section. Such claims shall be heard and
92 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 shall be an attorney-at-law and shall have
101 been admitted to practice before the courts of the state of Connecticut
102 for at least five years prior to his or her appointment. The
103 commissioner shall receive such compensation as is fixed under the
104 provisions of section 4-40. The commissioner may enter into such
105 contractual agreements, in accordance with established procedures, as
106 may be necessary for the discharge of his or her duties. Subject to the
107 provisions of section 4-32, and unless otherwise provided by law, the
108 commissioner is authorized to receive any money, revenue or services
109 from the federal government, corporations, associations or individuals,
110 including payments from the sale of printed matter or any other
111 materials or services.

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

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 Section 4-142b of the general statutes is repealed and the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

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

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

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

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

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

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

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

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

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

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

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

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

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

212 (b) The Claims Commissioner or a judge trial referee may call
213 witnesses, examine and cross-examine any witness, require
214 information not offered by the claimant or the Attorney General and
215 stipulate matters to be argued. The Claims Commissioner or a judge

216 trial referee shall not be bound by any law or rule of evidence, except
217 [as he may provide by his rules] the rules prescribed by the Claims
218 Commissioner pursuant to section 4-157, as amended by this act.

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

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

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

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

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

244 On his own motion or at the request of the claimant or the
245 representative for the state, which representative may in appropriate
246 cases be the Attorney General, the Claims Commissioner or a judge

247 trial referee may waive the hearing of any claim for five thousand
248 dollars or less and proceed upon affidavits filed by the claimant and
249 the state agency concerned.

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

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

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

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

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

271 (a) Not later than ninety days after hearing a claim, the Claims
272 Commissioner or a judge trial referee, as the case may be, shall render
273 a decision as provided in subsection (a) of section 4-158, as amended
274 by this act. The Claims Commissioner or the judge trial referee shall
275 make a finding of fact for each claim and file such finding with the
276 order, recommendation or authorization disposing of the claim. The
277 Office of the Claims Commissioner shall deliver a copy of such finding

278 and order, recommendation or authorization to the claimant and to the
279 representative for the state, which representative may in appropriate
280 cases be the Attorney General.

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

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

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

301 Upon the discovery of new evidence, any claimant aggrieved by an
302 order of the Claims Commissioner or a judge trial referee rejecting or
303 recommending the rejection of his claim, in whole or in part, may
304 apply for rehearing. The claimant shall file with the Office of the
305 Claims Commissioner an application for such rehearing in duplicate,
306 stating concisely in the application the matters which he desires to
307 submit to the Office of the Claims Commissioner. The Office of the
308 Claims Commissioner shall promptly deliver a copy of the application
309 to the Attorney General. The Attorney General shall review the
310 application in the manner specified in subsection (a) of section 4-149. If

311 such review discloses to the satisfaction of the Attorney General that
312 protection of the state's interest does not reasonably require
313 representation before the Office of the Claims Commissioner by the
314 Attorney General, the Attorney General shall refer the application to
315 the state agency or department involved in the claim for representation
316 of the state before the Office of the Claims Commissioner within ninety
317 days of receipt of the application by the Attorney General. Each such
318 rehearing shall be subject to the provisions of this chapter and the rules
319 made thereunder respecting the hearing and disposition of claims and
320 reports to the General Assembly.

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

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

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

333 (a) The Claims Commissioner or a judge trial referee may (1) order
334 that a claim be denied or dismissed, (2) order immediate payment of a
335 just claim in an amount not exceeding twenty thousand dollars, (3)
336 recommend to the General Assembly payment of a just claim in an
337 amount exceeding twenty thousand dollars, or (4) authorize a claimant
338 to sue the state, as provided in section 4-160, as amended by this act.

339 (b) Any person who has filed a claim for more than twenty
340 thousand dollars may request the General Assembly to review a
341 decision of the Claims Commissioner or a judge trial referee (1)
342 ordering the denial or dismissal of the claim pursuant to subdivision

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

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

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

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

375 (f) Not later than five days after the convening of each regular

376 session, the Office of the Claims Commissioner shall report to the
377 General Assembly on all claims decided pursuant to this section.

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

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

392 (b) The General Assembly shall:

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

397 (A) Confirm the decision; or

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

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

406 (A) Confirm the decision;

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

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

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

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

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

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

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

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

431 (d) If the General Assembly orders the payment of a claim, the
432 Office of the Claims Commissioner shall deliver to the Comptroller a
433 notice of the order and the Comptroller shall make payment in the
434 manner prescribed for payment of an order of the Claims

435 Commissioner or a judge trial referee pursuant to section 4-158, as
436 amended by this act.

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

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

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

451 [(2)] (a) Within five days after the convening of the 2003 regular
452 session, and each regular session thereafter, the Office of the Claims
453 Commissioner shall report to the General Assembly on all claims that
454 have been filed with the Office of the Claims Commissioner pursuant
455 to section 4-147, as amended by this act, and have not been disposed of
456 by the Office of the Claims Commissioner within two years of the date
457 of filing or within any extension thereof granted by the General
458 Assembly pursuant to subsection (c) of this section, except claims in
459 which the parties have stipulated to an extension of time for the Office
460 of the Claims Commissioner to dispose of the claim.

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

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

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

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

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

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

499 liability of private persons in like circumstances.

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

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

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

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

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

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

524 (j) The clerk of the court in which judgment is entered against the
525 state shall forward a certified copy of such judgment to the
526 Comptroller. The Attorney General shall certify to the Comptroller
527 when the time allowed by law for proceeding subsequent to final
528 judgment has expired and the Attorney General shall designate the
529 state agency involved in the action. Upon receipt of such judgment and

530 certification the Comptroller shall make payment as follows: Amounts
531 directed by law to be paid from a special fund shall be paid from such
532 special fund; amounts awarded upon contractual claims for goods or
533 services furnished or for property leased shall be paid from the
534 appropriation of the agency which received such goods or services or
535 occupied such property; all other amounts shall be paid from such
536 appropriation as the General Assembly may have made for the
537 payment of claims.

538 (k) Not later than five days after the convening of each regular
539 session, the Attorney General shall report to the joint standing
540 committee of the General Assembly on the judiciary on the status and
541 disposition of all actions authorized pursuant to this section or section
542 4-159, as amended by this act, or brought against the state under any
543 other provision of law and in which the interests of the state are
544 represented by the Attorney General. The report shall include: (1) The
545 number of such actions pending in state and federal court, categorized
546 by the alleged ground for the action, (2) the number of new actions
547 brought in the preceding year in state and federal court, categorized by
548 the alleged ground for the action, (3) the number of actions disposed of
549 in the preceding year, categorized by the ground for the action that
550 was disposed of and whether the action was disposed of by settlement
551 or litigation to final judgment, and the amount paid for actions within
552 the respective categories, and (4) such other information as may be
553 requested, from time to time, by the joint standing committee of the
554 General Assembly on the judiciary. The report shall identify each
555 action disposed of by payment of an amount exceeding one hundred
556 thousand dollars.

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

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

562 (b) Any payment of claim made by the Office of the Claims

563 Commissioner shall be reduced by the amount received by the
564 claimant from any other source for such claim.

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

567 (a) Any claimant aggrieved by an order of forfeiture of the Office of
568 the Claims Commissioner made pursuant to subsection (a) of section 4-
569 163 may appeal such order to the superior court for the judicial district
570 in which he resides or, if he is not a resident of this state, to the
571 superior court for the judicial district of New Britain.

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

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

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

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

583 (d) No public official or state employee or employee of such public
584 official or state employee shall agree to accept, or be a member or
585 employee of a partnership, association, professional corporation or
586 sole proprietorship which partnership, association, professional
587 corporation or sole proprietorship agrees to accept any employment,
588 fee or other thing of value, or portion thereof, for appearing, agreeing
589 to appear, or taking any other action on behalf of another person
590 before the Department of Banking, the Office of the Claims
591 Commissioner, the Office of Health Care Access division within the
592 Department of Public Health, the Insurance Department, the
593 Department of Consumer Protection, the Department of Motor

594 Vehicles, the State Insurance and Risk Management Board, the
595 Department of Energy and Environmental Protection, the Public
596 Utilities Regulatory Authority, the Connecticut Siting Council or the
597 Connecticut Real Estate Commission; provided this shall not prohibit
598 any such person from making inquiry for information on behalf of
599 another before any of said commissions or commissioners if no fee or
600 reward is given or promised in consequence thereof. For the purpose
601 of this subsection, partnerships, associations, professional corporations
602 or sole proprietorships refer only to such partnerships, associations,
603 professional corporations or sole proprietorships which have been
604 formed to carry on the business or profession directly relating to the
605 employment, appearing, agreeing to appear or taking of action
606 provided for in this subsection. Nothing in this subsection shall
607 prohibit any employment, appearing, agreeing to appear or taking
608 action before any municipal board, commission or council. Nothing in
609 this subsection shall be construed as applying (1) to the actions of any
610 teaching or research professional employee of a public institution of
611 higher education if such actions are not in violation of any other
612 provision of this chapter, (2) to the actions of any other professional
613 employee of a public institution of higher education if such actions are
614 not compensated and are not in violation of any other provision of this
615 chapter, (3) to any member of a board or commission who receives no
616 compensation other than per diem payments or reimbursement for
617 actual or necessary expenses, or both, incurred in the performance of
618 the member's duties, or (4) to any member or director of a quasi-public
619 agency. Notwithstanding the provisions of this subsection to the
620 contrary, a legislator, an officer of the General Assembly or part-time
621 legislative employee may be or become a member or employee of a
622 firm, partnership, association or professional corporation which
623 represents clients for compensation before agencies listed in this
624 subsection, provided the legislator, officer of the General Assembly or
625 part-time legislative employee shall take no part in any matter
626 involving the agency listed in this subsection and shall not receive
627 compensation from any such matter. Receipt of a previously
628 established salary, not based on the current or anticipated business of

629 the firm, partnership, association or professional corporation involving
630 the agencies listed in this subsection, shall be permitted.

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

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

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

648 (c) The Employment Security Division and the Board of Mediation
649 and Arbitration of the state Labor Department, the Office of the Claims
650 Commissioner, and the Workers' Compensation Commissioner are
651 exempt from the provisions of section 4-176e and sections 4-177 to 4-
652 183, inclusive.

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

655 Notwithstanding any provision of any statute to the contrary, the
656 Commissioner of Transportation or his agent, with the approval of the
657 Claims Commissioner or a judge trial referee, may enter upon private
658 property with the consent of the owner to restore or to repair damage
659 on said property caused by Department of Transportation operations,

660 provided no expenditure exceeding five thousand dollars shall be
661 made on any property. [Said] The Claims Commissioner or a judge
662 trial referee may grant his approval upon the basis of affidavits filed
663 by the Commissioner of Transportation and the property owner, or
664 may require such further written and oral evidence as he deems
665 necessary.

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

668 The Commissioner of Correction shall establish a lost property
669 board within the Department of Correction to hear and determine any
670 claim by an inmate of a correctional facility who seeks compensation
671 not exceeding three thousand five hundred dollars for lost or damaged
672 personal property. The board shall hear and determine each such claim
673 and may, if it determines the claim is one which in equity and justice
674 the state should pay, award damages. If the board denies a claim in
675 whole or in part, the inmate may, not later than sixty days after such
676 decision, present the claim to the Office of the Claims Commissioner in
677 accordance with section 4-147, as amended by this act. The filing of a
678 claim with the lost property board shall toll the time limit for
679 presenting a claim to the Office of the Claims Commissioner pursuant
680 to section 4-148, as amended by this act. The Commissioner of
681 Correction shall adopt regulations, in accordance with chapter 54, to
682 implement the provisions of this section.

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

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