



General Assembly

Amendment

February Session, 2016

LCO No. 5717



Offered by:

SEN. COLEMAN, 2nd Dist.

REP. TONG, 147th Dist.

REP. STAFSTROM, 129th Dist.

To: Subst. Senate Bill No. 458

File No. 636

Cal. No. 409

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (*Effective from passage*) Not later than December 1, 2016,
4 the Claims Commissioner shall report, in accordance with the
5 provisions of section 11-4a of the general statutes, to the joint standing
6 committee of the General Assembly having cognizance of matters
7 relating to the judiciary on all claims, filed with the Office of the
8 Claims Commissioner pursuant to section 4-147 of the general statutes,
9 as amended by this act, or section 54-102uu of the general statutes, as
10 amended by this act, on or before December 1, 2014, that have not been
11 disposed of. Such report shall delineate by calendar year the number of
12 such claims (1) that have not been disposed of, (2) in which a hearing
13 was held but for which the Claims Commissioner failed to render a
14 timely decision as provided for in section 4-154 of the general statutes,

15 as amended by this act, and (3) in which a motion that would be
16 dispositive of the claim was filed and subsequently heard but for
17 which the Claims Commissioner has not rendered a decision or
18 rendered a decision more than one hundred twenty days after the date
19 of the hearing on such motion. In addition, the Claims Commissioner
20 shall report to said committee on any reforms undertaken by said
21 office to promote the simple, expeditious and economical processing of
22 claims, including, but not limited to, technology reforms relating to the
23 establishment of any electronic docket management system and
24 revisions made to the rules of procedure for the processing of claims.

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 Section 4-141 of the general statutes is repealed and the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

27 As used in this chapter:

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

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

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

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

39 ["state officers and employees"] (5) "State officers and employees"
40 includes (A) every person elected or appointed to or employed in any
41 office, position or post in the state government, whatever such person's
42 title, classification or function and whether such person serves with or
43 without remuneration or compensation, including judges of probate
44 courts, employees of such courts and special limited conservators

45 appointed by such courts pursuant to section 17a-543a, [In addition to
46 the foregoing, "state officers and employees" includes] and (B)
47 attorneys appointed as victim compensation commissioners, attorneys
48 appointed by the Public Defender Services Commission as public
49 defenders, assistant public defenders or deputy assistant public
50 defenders and attorneys appointed by the court as Division of Public
51 Defender Services assigned counsel, individuals appointed by the
52 Public Defender Services Commission, or by the court, as a guardian
53 ad litem or attorney for a party in a neglect, abuse, termination of
54 parental rights, delinquency or family with service needs proceeding,
55 the Attorney General, the Deputy Attorney General and any associate
56 attorney general or assistant attorney general, any other attorneys
57 employed by any state agency, any commissioner of the Superior
58 Court hearing small claims matters or acting as a fact-finder, arbitrator
59 or magistrate or acting in any other quasi-judicial position, any person
60 appointed to a committee established by law for the purpose of
61 rendering services to the Judicial Department, including, but not
62 limited to, the Legal Specialization Screening Committee, the State-
63 Wide Grievance Committee, the Client Security Fund Committee, the
64 advisory committee appointed pursuant to section 51-81d and the
65 State Bar Examining Committee, any member of a multidisciplinary
66 team established by the Commissioner of Children and Families
67 pursuant to section 17a-106a, and any physicians or psychologists
68 employed by any state agency. "State officers and employees" [shall]
69 does not include any medical or dental intern, resident or fellow of The
70 University of Connecticut when [(1)] (i) the intern, resident or fellow is
71 assigned to a hospital affiliated with the university through an
72 integrated residency program, and [(2)] (ii) such hospital provides
73 protection against professional liability claims in an amount and
74 manner equivalent to that provided by the hospital to its full-time
75 physician employees.

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

78 (a) There shall be [a Claims Commissioner who] an Office of the

79 Claims Commissioner which shall hear and determine all claims
80 against the state except: (1) Claims for the periodic payment of
81 disability, pension, retirement or other employment benefits; (2) claims
82 upon which suit otherwise is authorized by law including suits to
83 recover similar relief arising from the same set of facts; (3) claims for
84 which an administrative hearing procedure otherwise is established by
85 law; (4) requests by political subdivisions of the state for the payment
86 of grants in lieu of taxes; and (5) claims for the refund of taxes.

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

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

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

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

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

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

120 [The Department of Administrative Services shall provide staff
121 support for the Office of the Claims Commissioner. The Claims
122 Commissioner shall maintain a permanent office in Hartford County
123 in such suitable space as the Commissioner of Administrative Services
124 provides. All papers required to be filed with the Claims
125 Commissioner shall be delivered to such office.] The Office of the
126 Claims Commissioner shall maintain a permanent office in Hartford
127 County in such suitable space as the Commissioner of Administrative
128 Services provides. All papers required to be filed with the Office of the
129 Claims Commissioner shall be delivered to such office. The Claims
130 Commissioner may designate one or more magistrates who shall be
131 available to the Office of the Claims Commissioner to hear and
132 determine claims against the state as provided for in this chapter. The
133 Claims Commissioner may appoint any magistrate who is on the list of
134 available magistrates maintained by the Chief Court Administrator.
135 The Claims Commissioner shall be solely responsible for making any
136 decision concerning the final disposition of a claim, provided any
137 magistrate appointed by the Claims Commissioner may review and
138 hear a claim and make a recommendation to the Claims Commissioner
139 concerning the final disposition of a claim. The Claims Commissioner
140 shall establish such rules as he or she deems necessary to provide for
141 the appointment of a magistrate to hear and decide matters pursuant
142 to the provisions of this chapter. Such rules may include limitations on
143 the types of matters that may be heard and decided by a magistrate
144 and may provide for the issuance of a recommendation by a magistrate

145 concerning the final disposition of a claim that is subject to review and
146 approval by the Claims Commissioner.

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

149 Any person wishing to present a claim against the state shall file
150 with the Office of the Claims Commissioner a notice of claim, in
151 duplicate, containing the following information: (1) The name and
152 address of the claimant; the name and address of his principal, if the
153 claimant is acting in a representative capacity, and the name and
154 address of his attorney, if the claimant is so represented; (2) a concise
155 statement of the basis of the claim, including the date, time, place and
156 circumstances of the act or event complained of; (3) a statement of the
157 amount requested; and (4) a request for permission to sue the state, if
158 such permission is sought. A notice of claim, if sent by mail, shall be
159 deemed to have been filed with the Office of the Claims Commissioner
160 on the date such notice of claim is postmarked. Claims in excess of five
161 thousand dollars shall be accompanied by a check or money order in
162 the sum of fifty dollars payable to the Treasurer, state of Connecticut.
163 Claims for five thousand dollars or less shall be accompanied by a
164 check or money order in the sum of twenty-five dollars payable to the
165 Treasurer, state of Connecticut. [Fees] Except as provided in section 4-
166 165b, as amended by this act, fees may be waived by the
167 [commissioner] Claims Commissioner for good cause but such action
168 by the [commissioner] Claims Commissioner shall not relieve the
169 claimant from the obligation of filing [his] the notice of claim in timely
170 fashion within the statute of limitations under section 4-148, as
171 amended by this act. The Office of the Claims Commissioner shall
172 promptly deliver a copy of the notice of claim to the Attorney General.
173 Such notice shall be for informational purposes only and shall not be
174 subject to any formal or technical requirements, except as may be
175 necessary for clarity of presentation and facility of understanding.

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

178 (a) Except as provided in subsection (b) of this section and section 4-
179 165b, as amended by this act, no claim shall be presented under this
180 chapter but within one year after it accrues. Claims for injury to person
181 or damage to property shall be deemed to accrue on the date when the
182 damage or injury is sustained or discovered or in the exercise of
183 reasonable care should have been discovered, provided no claim shall
184 be presented more than three years from the date of the act or event
185 complained of.

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

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

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

201 (a) Any subpoena or other paper required to be served upon or
202 delivered to the Office of the Claims Commissioner or to any person or
203 official may be served or delivered in person or by certified mail.
204 Service or delivery by certified mail shall be deemed complete upon
205 the certification and deposit of such subpoena or paper at a United
206 States post office. Proof of deposit and the return receipt shall be
207 sufficient proof of service or delivery.

208 (b) Any such service or delivery required between the Office of the
209 Claims Commissioner and any state agency or any state officer or

210 employee may be made through the interdepartmental mailing system
211 of the state, provided reasonable means are taken to ascertain that the
212 subpoena or paper was received by the addressee.

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

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

227 (b) The Claims Commissioner or a magistrate may call witnesses,
228 examine and cross-examine any witness, require information not
229 offered by the claimant or the Attorney General and stipulate matters
230 to be argued. The Claims Commissioner or a magistrate shall not be
231 bound by any law or rule of evidence, except [as he may provide by
232 his rules] the rules prescribed by the Claims Commissioner pursuant
233 to section 4-157, as amended by this act.

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

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

242 Commissioner or a magistrate to testify.

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

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

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

258 On his or her own motion or at the request of the claimant or the
259 representative for the state, which representative may in appropriate
260 cases be the Attorney General, the Claims Commissioner or a
261 magistrate may waive the hearing of any claim for five thousand
262 dollars or less and proceed upon affidavits filed by the claimant and
263 the state agency concerned.

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

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

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

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

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

285 (a) Not later than ninety days after hearing a claim, the Claims
286 Commissioner shall render a decision as provided in subsection (a) of
287 section 4-158, as amended by this act. The Claims Commissioner or the
288 magistrate shall make a finding of fact for each claim and file such
289 finding with the order, recommendation or authorization disposing of
290 the claim. The Office of the Claims Commissioner shall deliver a copy
291 of such finding and order, recommendation or authorization to the
292 claimant and to the representative for the state, which representative
293 may in appropriate cases be the Attorney General.

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

302 (c) If the claimant has the right pursuant to subsection (b) of section
303 4-158, as amended by this act, to request the General Assembly to

304 review the decision of the Claims Commissioner, the Office of the
305 Claims Commissioner shall give written notice to the claimant that the
306 claimant may request the General Assembly to review the decision and
307 that the General Assembly may confirm, modify or vacate the decision
308 or remand the claim to the Office of the Claims Commissioner. The
309 notice shall indicate the date by which such a request must be filed
310 with the Office of the Claims Commissioner.

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

313 Upon the discovery of new evidence, any claimant aggrieved by an
314 order of the Claims Commissioner rejecting or recommending the
315 rejection of his or her claim, in whole or in part, may apply for
316 rehearing. The claimant shall file with the Office of the Claims
317 Commissioner an application for such rehearing in duplicate, stating
318 concisely in the application the matters which he or she desires to
319 submit to the Office of the Claims Commissioner. The Office of the
320 Claims Commissioner shall promptly deliver a copy of the application
321 to the Attorney General. The Attorney General shall review the
322 application in the manner specified in subsection (a) of section 4-149. If
323 such review discloses to the satisfaction of the Attorney General that
324 protection of the state's interest does not reasonably require
325 representation before the Office of the Claims Commissioner by the
326 Attorney General, the Attorney General shall refer the application to
327 the state agency or department involved in the claim for representation
328 of the state before the Office of the Claims Commissioner [within] not
329 later than ninety days [of] after receipt of the application by the
330 Attorney General. Each such rehearing shall be subject to the
331 provisions of this chapter and the rules made thereunder respecting
332 the hearing and disposition of claims and reports to the General
333 Assembly.

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

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

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

346 (a) The Claims Commissioner may (1) order that a claim be denied
347 or dismissed, (2) order immediate payment of a just claim in an
348 amount not exceeding twenty thousand dollars, (3) recommend to the
349 General Assembly payment of a just claim in an amount exceeding
350 twenty thousand dollars, or (4) authorize a claimant to sue the state, as
351 provided in section 4-160, as amended by this act.

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

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

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

379 (e) Whenever the Claims Commissioner deems it just and equitable,
380 the Claims Commissioner may, at any time prior to the submission of a
381 claim to the General Assembly pursuant to subsection (a) of section 4-
382 159, as amended by this act, vacate the decision made pursuant to
383 subsection (a) of this section and undertake such further proceedings
384 in accordance with this chapter as the Claims Commissioner may, in
385 his or her discretion, deem appropriate.

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

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

391 (a) Not later than five days after the convening of each regular
392 session and at such other times as the speaker of the House of
393 Representatives and president pro tempore of the Senate may desire,
394 the Office of the Claims Commissioner shall submit to the General
395 Assembly (1) all claims for which the Claims Commissioner or a
396 magistrate recommended payment of a just claim in an amount
397 exceeding twenty thousand dollars pursuant to subdivision (3) of
398 subsection (a) of section 4-158, as amended by this act, and (2) all
399 claims for which a request for review has been filed pursuant to

400 subsection (b) of section 4-158, as amended by this act, together with a
401 copy of the Claims Commissioner's or the magistrate's findings and the
402 hearing record of each claim so reported.

403 (b) The General Assembly shall:

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

407 (A) Confirm the decision; or

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

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

415 (A) Confirm the decision;

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

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

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

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

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

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

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

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

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

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

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

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

459 [(2) Within] (a) Not later than five days after the convening of [the
460 2003 regular session, and] each regular session, [thereafter,] the Office
461 of the Claims Commissioner shall report to the General Assembly on
462 all claims that have been filed with the Office of the Claims
463 Commissioner pursuant to section 4-147, as amended by this act, and
464 have not been disposed of by the Office of the Claims Commissioner
465 within two years of the date of filing or within any extension thereof
466 granted by the General Assembly pursuant to subsection (c) of this
467 section, except claims in which the parties have stipulated to an
468 extension of time for the Office of the Claims Commissioner to dispose
469 of the claim.

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

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

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

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

488 (b) In any claim alleging malpractice against the state, a state
489 hospital [or a sanatorium] or against a physician, surgeon, dentist,
490 podiatrist, chiropractor or other licensed health care provider

491 employed by the state, the attorney or party filing the claim may
492 submit a certificate of good faith to the Office of the Claims
493 Commissioner in accordance with section 52-190a. If such a certificate
494 is submitted, the Claims Commissioner shall authorize suit against the
495 state on such claim.

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

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

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

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

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

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

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

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

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

555 pending in state and federal court, categorized by the alleged ground
556 for the action, (2) the number of new actions brought in the preceding
557 year in state and federal court, categorized by the alleged ground for
558 the action, (3) the number of actions disposed of in the preceding year,
559 categorized by the ground for the action that was disposed of and
560 whether the action was disposed of by settlement or litigation to final
561 judgment, and the amount paid for actions within the respective
562 categories, and (4) such other information as may be requested, from
563 time to time, by the joint standing committee of the General Assembly
564 [on] having cognizance of matters relating to the judiciary. The report
565 shall identify each action disposed of by payment of an amount
566 exceeding one hundred thousand dollars.

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

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

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

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

577 (a) Any claimant aggrieved by an order of forfeiture of the Office of
578 the Claims Commissioner made pursuant to subsection (a) of section 4-
579 163 may appeal such order to the superior court for the judicial district
580 in which he or she resides or, if he or she is not a resident of this state,
581 to the superior court for the judicial district of New Britain.

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

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

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

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

592 (a) Any inmate, [of any institution of the Department of Correction
593 or the Department of Children and Families] as defined in section 18-
594 84, who suffers an injury [which results in a fatality or in a permanent
595 handicap] may file a claim against the state. Such claim shall be heard
596 and decided in accordance with the provisions of this chapter,
597 provided no such claim shall be presented to the Office of the Claims
598 Commissioner until the inmate has exhausted all administrative
599 remedies provided by the Department of Correction. Notwithstanding
600 the provisions of this subsection, the legal representative of the estate
601 of an inmate may present to the Office of the Claims Commissioner a
602 claim against the state prior to having exhausted any administrative
603 remedy provided by the Department of Correction.

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

610 (c) The Claims Commissioner may not grant a waiver of the filing
611 fee prescribed in section 4-147, as amended by this act, to an inmate
612 when, on three or more prior occasions, the inmate filed with the
613 Office of the Claims Commissioner a claim that was dismissed on
614 grounds that it was frivolous, duplicative, malicious or otherwise
615 failed to state a claim upon which relief could be granted.

616 Sec. 24. Subsection (d) of section 1-84 of the general statutes is

617 repealed and the following is substituted in lieu thereof (*Effective from*
618 *passage*):

619 (d) No public official or state employee or employee of such public
620 official or state employee shall agree to accept, or be a member or
621 employee of a partnership, association, professional corporation or
622 sole proprietorship which partnership, association, professional
623 corporation or sole proprietorship agrees to accept any employment,
624 fee or other thing of value, or portion thereof, for appearing, agreeing
625 to appear, or taking any other action on behalf of another person
626 before the Department of Banking, the Office of the Claims
627 Commissioner, the Office of Health Care Access division within the
628 Department of Public Health, the Insurance Department, the
629 Department of Consumer Protection, the Department of Motor
630 Vehicles, the State Insurance and Risk Management Board, the
631 Department of Energy and Environmental Protection, the Public
632 Utilities Regulatory Authority, the Connecticut Siting Council or the
633 Connecticut Real Estate Commission; provided this shall not prohibit
634 any such person from making inquiry for information on behalf of
635 another before any of said commissions or commissioners if no fee or
636 reward is given or promised in consequence thereof. For the purpose
637 of this subsection, partnerships, associations, professional corporations
638 or sole proprietorships refer only to such partnerships, associations,
639 professional corporations or sole proprietorships which have been
640 formed to carry on the business or profession directly relating to the
641 employment, appearing, agreeing to appear or taking of action
642 provided for in this subsection. Nothing in this subsection shall
643 prohibit any employment, appearing, agreeing to appear or taking
644 action before any municipal board, commission or council. Nothing in
645 this subsection shall be construed as applying (1) to the actions of any
646 teaching or research professional employee of a public institution of
647 higher education if such actions are not in violation of any other
648 provision of this chapter, (2) to the actions of any other professional
649 employee of a public institution of higher education if such actions are
650 not compensated and are not in violation of any other provision of this

651 chapter, (3) to any member of a board or commission who receives no
652 compensation other than per diem payments or reimbursement for
653 actual or necessary expenses, or both, incurred in the performance of
654 the member's duties, or (4) to any member or director of a quasi-public
655 agency. Notwithstanding the provisions of this subsection to the
656 contrary, a legislator, an officer of the General Assembly or part-time
657 legislative employee may be or become a member or employee of a
658 firm, partnership, association or professional corporation which
659 represents clients for compensation before agencies listed in this
660 subsection, provided the legislator, officer of the General Assembly or
661 part-time legislative employee shall take no part in any matter
662 involving the agency listed in this subsection and shall not receive
663 compensation from any such matter. Receipt of a previously
664 established salary, not based on the current or anticipated business of
665 the firm, partnership, association or professional corporation involving
666 the agencies listed in this subsection, shall be permitted.

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

670 (b) The Treasurer shall consider each claim not later than ninety
671 days after it is filed. The Treasurer may hold hearings on any claim
672 and may refer any claim to the Office of the Claims Commissioner,
673 [who] which shall hold hearings thereon and promptly return the
674 Claims Commissioner's recommendations for the payment or rejection
675 thereof. The Treasurer shall deliver the Treasurer's decision in writing
676 on each claim heard, with a finding of fact and a statement of the
677 reasons for the Treasurer's decision. Any person aggrieved by a
678 decision of the Treasurer may appeal therefrom in accordance with the
679 provisions of section 4-183, except venue for such appeal shall be in the
680 judicial district of New Britain.

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

684 (c) The Employment Security Division and the Board of Mediation
685 and Arbitration of the state Labor Department, the Office of the Claims
686 Commissioner, and the Workers' Compensation Commissioner are
687 exempt from the provisions of section 4-176e and sections 4-177 to 4-
688 183, inclusive.

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

691 The Commissioner of Correction shall establish a lost property
692 board within the Department of Correction to hear and determine any
693 claim by an inmate of a correctional facility who seeks compensation
694 not exceeding three thousand five hundred dollars for lost or damaged
695 personal property. The board shall hear and determine each such claim
696 and may, if it determines the claim is one which in equity and justice
697 the state should pay, award damages. If the board denies a claim in
698 whole or in part, the inmate may, not later than sixty days after such
699 decision, present the claim to the Office of the Claims Commissioner in
700 accordance with section 4-147, as amended by this act. The filing of a
701 claim with the lost property board shall toll the time limit for
702 presenting a claim to the Office of the Claims Commissioner pursuant
703 to section 4-148, as amended by this act. The Commissioner of
704 Correction shall adopt regulations, in accordance with chapter 54, to
705 implement the provisions of this section.

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

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

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

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

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

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

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

738 (c) At the hearing on such claim, such person shall have the burden
739 of establishing by a preponderance of the evidence that such person
740 meets the eligibility requirements of subsection (a) of this section. In
741 addition, such person shall present evidence as to [the damages
742 suffered by such person which may include, but are not limited to,
743 claims for loss of liberty and enjoyment of life, loss of earnings, loss of
744 earning capacity, loss of familial relationships, loss of reputation,
745 physical pain and suffering, mental pain and suffering and attorney's
746 fees and other expenses] (1) the person's age, income, vocational
747 training and level of education at the time of conviction, (2) loss of

748 familial relationships, (3) damage to reputation, (4) the severity of the
749 crime for which such person was convicted and whether such person
750 was under a sentence of death pursuant to section 53a-46a for any
751 period of time, (5) whether such person was required to register
752 pursuant to section 54-251 or 54-252, and for what length of time such
753 person complied with the registration requirements of chapter 969, and
754 (6) any other damages such person may have suffered arising from or
755 related to such person's arrest, prosecution, conviction and
756 incarceration.

757 (d) (1) If the Claims Commissioner determines that such person has
758 established such person's eligibility under subsection (a) of this section
759 by a preponderance of the evidence, the Claims Commissioner shall
760 order the immediate payment to such person of compensation for such
761 wrongful incarceration in an amount determined pursuant to
762 subdivision (2) of this subsection, unless (A) such compensation award
763 is in an amount exceeding twenty thousand dollars, or (B) such person
764 requests, in accordance with section 4-158, that the General Assembly
765 review such compensation award, in which cases the Claims
766 Commissioner shall submit any such claim to the General Assembly in
767 the same manner as provided under section 4-159, not later than five
768 business days after such award determination is made or such review
769 is requested. The General Assembly shall review any such
770 compensation award and the claim from which it arose not later than
771 forty-five days after such claim is submitted to the General Assembly
772 and may deny such claim or confirm or modify such compensation
773 award. If the General Assembly modifies the amount of the
774 compensation award, the General Assembly may award any amount
775 of compensation the General Assembly deems just and reasonable. If
776 the General Assembly takes no action on such compensation award or
777 the claim from which it arose, the determination made by the Claims
778 Commissioner shall be deemed confirmed.

779 (2) In determining the amount of such compensation, the Claims
780 Commissioner shall [consider] award an amount based on the median
781 household income for the state for each year such person was

782 incarcerated, as determined by the United States Department of
783 Housing and Urban Development, adjusted for inflation using the
784 consumer price index for urban consumers, provided the amount for
785 any partial year shall be prorated in order to compensate only for the
786 portion of such year in which such person was incarcerated. The
787 Claims Commissioner may increase or decrease the award amount by
788 twenty-five per cent based on an assessment of relevant factors
789 including, but not limited to, the evidence presented by the person
790 under subdivisions (1) to (6), inclusive, of subsection (c) of this section,
791 [as to the damages suffered by such person and whether any
792 negligence or misconduct by any officer, agent, employee or official of
793 the state or any political subdivision of the state contributed to such
794 person's arrest, prosecution, conviction or incarceration.]

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

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

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

815 thereof] arising out of such wrongful conviction and incarceration.

816 Sec. 30. (*Effective from passage*) Notwithstanding the provisions of
817 section 4-159a of the general statutes, as amended by this act,
818 authorizing parties to a claim who choose to stipulate to an extension
819 of time for the Claims Commissioner to dispose of such claim to so
820 stipulate within two years of the date of filing of such claim or within
821 the period of any previous extension of time stipulated to or granted
822 by the General Assembly, in the case of (1) any claim filed before July
823 1, 2014, or (2) any claim for which an extension of time expired before
824 July 1, 2016, the parties to any such claim described in subdivision (1)
825 or (2) of this subsection may, not later than January 1, 2017, stipulate to
826 an extension of time, even if such extension is stipulated to (A) two
827 years or more after the date such claim was filed, or (B) after the
828 expiration of the most recent extension previously stipulated to by the
829 parties or granted by the General Assembly. Any such stipulation to an
830 extension of time for the Claims Commissioner to dispose of the claim
831 shall cause such claim to be properly before the Claims Commissioner
832 for the period of such extension.

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

849 pending in the Superior Court on the effective date of this section, the
 850 Claims Commissioner shall immediately authorize such claimant to
 851 bring suit against the state and, upon filing of an action in Superior
 852 Court pursuant to such authorization, such action shall be deemed to
 853 be properly within the jurisdiction of the court."

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|---|---------------------|-------------|
| 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> | 4-165b |
| Sec. 24 | <i>from passage</i> | 1-84(d) |
| Sec. 25 | <i>from passage</i> | 3-70a(b) |
| Sec. 26 | <i>from passage</i> | 4-186(c) |
| Sec. 27 | <i>from passage</i> | 18-81y |
| Sec. 28 | <i>from passage</i> | 52-592(e) |
| Sec. 29 | <i>from passage</i> | 54-102uu |
| Sec. 30 | <i>from passage</i> | New section |
| Sec. 31 | <i>from passage</i> | New section |