



House of Representatives

General Assembly

File No. 545

February Session, 2022

Substitute House Bill No. 5235

House of Representatives, April 20, 2022

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE CONTENT OF REPORTS FROM THE OFFICE OF THE CLAIMS COMMISSIONER TO THE GENERAL ASSEMBLY.

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

1 Section 1. Section 4-158 of the 2022 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2022*):

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

10 (b) Any person who has filed a claim for more than fifty thousand
11 dollars may request the General Assembly to review a decision of the
12 Claims Commissioner (1) ordering the denial or dismissal of the claim

13 pursuant to subdivision (1) of subsection (a) of this section, including
14 denying or dismissing a claim that requests permission to sue the state,
15 or (2) ordering immediate payment of a just claim in an amount not
16 exceeding thirty-five thousand dollars pursuant to subdivision (2) of
17 subsection (a) of this section. A person who has filed a claim that has
18 been denied or dismissed by a temporary deputy pursuant to subsection
19 (d) of section 4-160, may request the General Assembly to review such
20 denial or dismissal. A request for review shall be in writing and filed
21 with the Office of the Claims Commissioner not later than twenty days
22 after the date the person requesting such review receives a copy of the
23 decision. The filing of a request for review shall automatically stay the
24 decision of the Claims Commissioner or temporary deputy.

25 (c) The Office of the Claims Commissioner shall submit each claim
26 for which a request for review is filed pursuant to this section to the
27 General Assembly pursuant to section 4-159.

28 (d) If the Claims Commissioner orders immediate payment of a just
29 claim in an amount not exceeding thirty-five thousand dollars pursuant
30 to subdivision (2) of subsection (a) of this section and a request for
31 review is not timely filed pursuant to subsection (b) of this section, the
32 Office of the Claims Commissioner shall deliver to the Comptroller a
33 certified copy of the Claims Commissioner's order and the Comptroller
34 shall make payment from such appropriation as the General Assembly
35 may have made for the payment of claims or, in the case of contractual
36 claims for goods or services furnished or for property leased, from the
37 appropriation of the agency which received such goods or services or
38 occupied such property.

39 (e) Whenever the Claims Commissioner deems it just and equitable,
40 the Claims Commissioner may, at any time prior to the submission of a
41 claim to the General Assembly pursuant to subsection (a) of section 4-
42 159, vacate the decision made pursuant to subsection (a) of this section
43 and undertake such further proceedings in accordance with this chapter
44 as the Claims Commissioner may, in his or her discretion, deem
45 appropriate.

46 (f) Not later than five days after the convening of each regular session,
47 the Office of the Claims Commissioner shall report to the General
48 Assembly on all claims decided pursuant to this section during the
49 preceding calendar year. Such report shall include, but not be limited to,
50 the following information for the preceding calendar year: (1) The total
51 number of new claims filed; (2) the total number of claims disposed of;
52 (3) the total number of claims that were dismissed; (4) the total number
53 of claims that were denied; (5) a description of each order of immediate
54 payment of a just claim in an amount not exceeding thirty-five thousand
55 dollars, which description shall minimally include, the name of the
56 claimant, the amount paid to the claimant and the reasoning for the
57 payment to the claimant; and (6) the total number of claimants who
58 were authorized to sue the state.

59 Sec. 2. Section 4-159a of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective October 1, 2022*):

61 (a) (1) Not later than five days after the convening of each regular
62 session, the [Office of the] Claims Commissioner shall report to the
63 General Assembly on all claims that have been filed with the Office of
64 the Claims Commissioner pursuant to section 4-147 and have not been
65 disposed of by the Office of the Claims Commissioner within two years
66 of the date of filing or within any extension thereof granted by the
67 General Assembly pursuant to subsection (c) of this section, except
68 claims in which the parties have stipulated to an extension of time for
69 the Office of the Claims Commissioner to dispose of the claim. (2) The
70 report submitted by the Claims Commissioner pursuant to subdivision
71 (1) of this subsection shall minimally include (A) an explanation as to
72 why the claim has not been disposed of, and (B) the date by which a
73 decision will be rendered on the claim in the event the General
74 Assembly were to grant the Office of the Claims Commissioner an
75 extension of time to dispose of the claim.

76 (b) The Office of the Claims Commissioner shall give notice to all
77 claimants whose claims are the subject of a report as provided in
78 subsection (a) of this section that their claims will be considered at the

79 next regular session of the General Assembly pursuant to subsection (c)
80 of this section.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	4-158
Sec. 2	October 1, 2022	4-159a

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which modifies two reports that the Claims Commissioner is required to submit to the General Assembly, has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5235

AN ACT CONCERNING THE CONTENT OF REPORTS FROM THE OFFICE OF THE CLAIMS COMMISSIONER TO THE GENERAL ASSEMBLY.

SUMMARY

By law, the claims commissioner must submit two reports within five days of the General Assembly convening for regular session. She must submit a report on (1) all decided claims and (2) undisposed claims, for which the General Assembly may consider certain actions (including granting the claim or an extension).

This bill requires the report on all claims made to be for the preceding calendar year and include the following information for that year:

1. the total number of new claims filed;
2. the total number of claims disposed of, dismissed, and denied;
3. a description of each order of immediate payment of a just claim in an amount not exceeding \$35,000, including the claimant's name, the amount he or she was paid, and the reasoning for the payment; and
4. the total number of claimants who were authorized to sue the state.

By law, the claims commissioner must report on claims that remain undisposed for two years following the filing date or any granted extension. For the undisposed claims report, the bill requires it to also include:

1. an explanation on why the claim has not been disposed of, and

2. the date a decision will be given on the claim if the General Assembly grants an extension of time to dispose of it.

EFFECTIVE DATE: October 1, 2022

BACKGROUND

Claims Against the State

Sovereign immunity limits when someone can sue the state. Some statutes authorize a person to sue the state in court for certain types of cases but, in most instances, someone who wishes to sue the state must instead file a claim with the claims commissioner.

The commissioner must decide whether to (1) deny or dismiss the claim, (2) grant the claimant permission to sue the state, (3) award a claimant up to \$35,000, or (4) recommend that the General Assembly approve an award of a higher amount.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0 (04/04/2022)