
OLR Bill Analysis

sHB 5487

AN ACT CONCERNING THE OPERATION AND ADMINISTRATION OF THE OFFICE OF THE CLAIMS COMMISSIONER.

SUMMARY

This bill makes several changes in the laws governing claims against the state and the Office of the Claims Commissioner (“the office”). Principally, it:

1. reinstates the \$50,000 minimum threshold for claimants seeking legislative review of the office’s decision on certain claims, and requires all claimants seeking legislative review to submit a summary, of no more than two pages, of the basis for their request;
2. renames the “temporary” deputies within the office as “special” deputies and removes the current limitation on their service on or after March 1, 2026;
3. removes the 90-day post-hearing deadline for the office to issue decisions on claims, instead requiring that it make all reasonable efforts to do so within this period, and sets a limit on the duration of extensions that the legislature may grant the office;
4. makes changes to the required information in claim notices;
5. specifically requires the claims commissioner to work full time in the position (§ 2); and
6. adds claims for \$50,000 or less to the list of claims that are privileged for hearing assignment (the existing list includes, among others, claims by people ages 65 or older) (§ 5).

The bill also makes minor, technical, and conforming changes, such as specifying that certain provisions in law apply to the deputy claims

commissioner and special deputies, not just the claims commissioner.

EFFECTIVE DATE: July 1, 2024

§§ 8 & 9 — GENERAL ASSEMBLY REVIEW OF DECISIONS

The bill reinstates the \$50,000 claim threshold for which claimants may request legislative review of certain decisions by the office. PA 23-131 removed this threshold, allowing claimants to request legislative review regardless of the amount of the claim. Under current law, and under the bill only for claims meeting this threshold, a claimant may request that the legislature review any decision ordering (1) a claim's denial or dismissal, including claims requesting permission to sue the state, or (2) immediate payment of a just claim of up to \$35,000. By law, claimants may also seek legislative review of denials or dismissals by special deputies of certain claims exclusively seeking permission to sue, with no monetary threshold.

By law, a claimant seeking legislative review must submit a written request to the office within 20 days of receiving the decision. The bill requires the request to include a summary, no longer than two pages, of the factual and legal basis for requesting review.

By law, if a claimant has the right to seek legislative review, the office must notify the claimant of this in writing and include the deadline to do so. The bill additionally requires this notice to inform the claimant (1) of the claimant's responsibility to include a written summary of the basis for the request (see above) and (2) that failure to meet the deadline, or to include the summary, extinguishes any right to legislative review. Under the bill, the office must submit claims to the legislature for review only if they meet these requirements, and must not otherwise submit them.

§§ 1 & 2 — SPECIAL DEPUTIES

By law, the office includes up to six temporary deputies, who hear and decide claims against the state or make recommendations on claims as assigned by the claims commissioner. Current law prohibits these deputies from being appointed or serving on or after March 1, 2026. The

bill eliminates this termination date and correspondingly renames the role as “special deputies.” As under current law, they serve at the governor’s pleasure for the same term as him or until a successor is qualified and appointed, whichever is later.

By law, the governor appoints these deputies within available appropriations. They must be attorneys with trial experience and experience practicing before Connecticut courts. They are paid a per-diem rate for their service.

§§ 8 & 12 — DECISION DEADLINES

Current law requires the claims commissioner, deputy claims commissioner, or special deputies to reach a decision within 90 days after hearing a claim. The bill instead requires them to make all reasonable efforts to reach a decision within this time frame.

The bill makes a similar change to a current deadline after a claimant files a notice that a claim only seeking permission to sue the state remains pending after 18 months. It requires the office to make all reasonable efforts to reach a decision within 90 days after the notice filing, rather than to reach a decision within that time frame. Under the bill, the office keeps jurisdiction over the claim after the 90-day period until the end of the next regular legislative session.

Under existing law, if these claims remain undecided after this 90-day period, they are referred to a special deputy, who must issue a decision within 90 days.

§ 11 — LEGISLATIVE EXTENSIONS

By law, within five days after the start of each regular legislative session, the claims commissioner must report on claims that remain undisposed for two years following the filing date or any granted or agreed-upon extension. The office must notify the claimants that the legislature will consider these claims at its next regular session. Under current law, the legislature has the option to grant the office an extension for these claims. The bill limits any extension to no later than the end of the next regular session.

§ 4 — CLAIM NOTICES

The bill removes the requirement that claimants, when filing a claim notice with the office, file duplicate copies. It requires the notice to include the telephone number and email address, if any, of the claimant, and if applicable, of the claimant’s principal and attorney, in addition to their names and addresses as under current law. It also requires claimants or their attorneys to notify the office of any changes in address, telephone number, or email address.

Existing law requires the claim notice to indicate the amount requested. The bill requires this to at least indicate whether the claim is not over \$50,000, instead of under \$35,000 as under current law.

The bill specifies that electronic claim notices are deemed to have been filed with the office on the date they were electronically sent.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/28/2024)