



General Assembly

Amendment

January Session, 2023

LCO No. 9031



Offered by:

REP. STAFSTROM, 129th Dist.

SEN. WINFIELD, 10th Dist.

REP. FISHBEIN, 90th Dist.

To: Subst. House Bill No. 6876

File No. 653

Cal. No. 421

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

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

3 "Section 1. Section 4-142 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2023*):

5 (a) There shall be an Office of the Claims Commissioner which shall
6 hear and determine all claims against the state except: (1) Claims for the
7 periodic payment of disability, pension, retirement or other
8 employment benefits; (2) claims upon which suit otherwise is
9 authorized by law including suits to recover similar relief arising from
10 the same set of facts; (3) claims for which an administrative hearing
11 procedure otherwise is established by law; (4) requests by political
12 subdivisions of the state for the payment of grants in lieu of taxes; and
13 (5) claims for the refund of taxes.

14 (b) The Office of the Claims Commissioner shall consist of the Claims
15 Commissioner, and, within available appropriations, the Deputy
16 Claims Commissioner, not more than six temporary deputies and such
17 administrative staff as may be provided by the Department of
18 Administrative Services. The Claims Commissioner, the Deputy Claims
19 Commissioner, or a temporary deputy [or a magistrate] assigned to
20 assist the Claims Commissioner pursuant to section 4-142b, as amended
21 by this act, shall hear and determine all claims against the state, except
22 as otherwise provided in subsection (a) of this section. Such claims shall
23 be heard and determined in accordance with the rules prescribed by the
24 Claims Commissioner pursuant to section 4-157, except as may be
25 provided in section 4-160, as amended by this act.

26 Sec. 2. Section 4-142a of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective July 1, 2023*):

28 (a) (1) The Claims Commissioner shall be [appointed] nominated by
29 the Governor with the advice and consent of the General Assembly to
30 serve for a term of four years from the first day in July [in] of the year of
31 [his or her] such appointment and until [his or her] a successor has been
32 appointed and has qualified. [The Claims Commissioner shall be an
33 attorney-at-law and shall have been admitted to practice before the
34 courts of the state of Connecticut for at least five years prior to his or her
35 appointment. The Claims Commissioner serving on June 28, 2021, may
36 continue to serve until the expiration of his or her term. On and after
37 June 28, 2021, each] Each nomination for appointment as Claims
38 Commissioner by the Governor shall be referred, without debate, to the
39 joint standing committee of the General Assembly having cognizance of
40 matters relating to the judiciary, which shall report on each appointment
41 not later than thirty days after the date of reference. Each appointment
42 by the General Assembly of the Claims Commissioner shall be by
43 concurrent resolution. The Claims Commissioner shall be an attorney-
44 at-law and shall have been admitted to practice before the courts of the
45 state of Connecticut for at least five years prior to such appointment.

46 (2) The Claims Commissioner shall receive such compensation as is

47 fixed under the provisions of section 4-40. The Claims Commissioner
48 may enter into such contractual agreements, in accordance with
49 established procedures, as may be necessary for the discharge of [his or
50 her] the commissioner's duties. Subject to the provisions of section 4-32,
51 and unless otherwise provided by law, the Claims Commissioner is
52 authorized to receive any money, revenue or services from the federal
53 government, corporations, associations or individuals, including
54 payments from the sale of printed matter or any other materials or
55 services.

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

59 (c) (1) The Governor [shall] may, within available appropriations,
60 appoint not more than six temporary deputies to serve in the Office of
61 the Claims Commissioner. A temporary deputy shall be an attorney-at-
62 law who has experience practicing law before the courts of the state of
63 Connecticut and has trial experience. A temporary deputy may not be
64 an employee of the office of the Attorney General or have a claim
65 pending before the Claims Commissioner, either as a claimant or as an
66 attorney appearing on behalf of a claimant. Each temporary deputy shall
67 serve at the pleasure of the Governor, for a term coterminous with the
68 Governor, or until a successor is appointed and qualified, whichever is
69 longer, provided no temporary deputy may be appointed or serve in
70 such position on or after [October 1, 2023] March 1, 2026.

71 (2) A temporary deputy shall receive, for each day of service, the
72 same compensation as paid to a judge trial referee under subdivision (1)
73 of subsection (f) of section 52-434 for each day of service by such referee.

74 (3) Each temporary deputy shall have decision-making authority to
75 issue a final decision to grant or deny permission to sue for each claim
76 referred to such deputy under the provisions of subsection (b) or (c) of
77 section 4-160, as amended by this act.

78 (d) The Claims Commissioner shall, within available appropriations,

79 appoint a Deputy Claims Commissioner who shall be an attorney-at-
80 law qualified by training and experience for the duties of the Office of
81 the Claims Commissioner and shall, in the absence, disability or
82 disqualification of the Claims Commissioner, perform all the functions
83 and have all the powers and duties of said office and such other duties
84 as may be prescribed. The position of Deputy Claims Commissioner
85 shall be exempt from the classified service. The Deputy Claims
86 Commissioner shall serve until a successor is appointed by the Claims
87 Commissioner. The term of the Deputy Claims Commissioner shall not
88 be coterminous with that of the Claims Commissioner, instead the
89 Deputy Claims Commissioner may be replaced upon the appointment
90 of a new Claims Commissioner in accordance with the provisions of
91 subdivision (1) of subsection (a) of this section.

92 Sec. 3. Section 4-142b of the general statutes is repealed and the
93 following is substituted in lieu thereof (*Effective July 1, 2023*):

94 The Office of the Claims Commissioner shall maintain a permanent
95 office in Hartford County in such suitable space as the Commissioner of
96 Administrative Services provides. All papers required to be filed with
97 the Office of the Claims Commissioner shall be delivered to such office.
98 The Claims Commissioner may [designate one or more magistrates who
99 shall be available to the Office of the Claims Commissioner] assign a
100 temporary deputy to hear a claim and issue a decision concerning the
101 final disposition of a claim against the state, or make recommendations
102 to the Claims Commissioner or Deputy Claims Commissioner
103 concerning the final disposition of a claim as provided for in this
104 chapter. [The Claims Commissioner may appoint any magistrate who is
105 on the list of available magistrates maintained by the Chief Court
106 Administrator. A magistrate appointed by the Claims Commissioner
107 may review, hear and decide a claim, or make a recommendation to the
108 Claims Commissioner concerning the final disposition of a claim. The
109 Claims Commissioner shall establish such rules as he or she deems
110 necessary to provide for the appointment of a magistrate to hear and
111 decide matters pursuant to the provisions of this chapter. Such rules
112 may include limitations on the types of matters that may be heard and

113 decided by a magistrate and may provide for the issuance of a
114 recommendation by a magistrate concerning the final disposition of a
115 claim that is subject to review and approval by the Claims
116 Commissioner.]

117 Sec. 4. Section 4-151 of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective July 1, 2023*):

119 (a) Claims shall be [heard] considered as soon as practicable after they
120 are filed. The following claims shall be privileged with respect to
121 assignment for hearing: (1) Claims by persons who are sixty-five years
122 or older or who reach such age during the pendency of the claim, (2)
123 claims by persons who are terminally ill, as defined in section 52-191c,
124 and (3) claims by executors or administrators of estates. Hearings may
125 be held at the Office of the Claims Commissioner, at any available
126 hearing facility in the State Capitol or Legislative Office Building, upon
127 request at any courthouse serving a judicial district or geographical area
128 or city or town hall in the state or at such other suitable place as the
129 Claims Commissioner, the Deputy Claims Commissioner or a
130 [magistrate] temporary deputy finds is convenient and just to the
131 claimant and to the Attorney General.

132 (b) The Claims Commissioner, the Deputy Claims Commissioner or
133 a [magistrate] temporary deputy may call witnesses, examine and cross-
134 examine any witness, require information not offered by the claimant or
135 the Attorney General and stipulate matters to be argued. The Claims
136 Commissioner, the Deputy Claims Commissioner or a [magistrate]
137 temporary deputy shall not be bound by any law or rule of evidence,
138 except the rules prescribed by the Claims Commissioner pursuant to
139 section 4-157.

140 (c) The Claims Commissioner, the Deputy Claims Commissioner or a
141 [magistrate] temporary deputy may administer oaths, cause depositions
142 to be taken, issue subpoenas and order inspection and disclosure of
143 books, papers, records and documents. Upon good cause shown, any
144 such order or subpoena may be quashed by the Claims Commissioner,

145 the Deputy Claims Commissioner or a [magistrate] temporary deputy.

146 (d) If any person fails to respond to a subpoena, the Claims
147 Commissioner, the Deputy Claims Commissioner or a [magistrate]
148 temporary deputy may issue a *capias*, directed to a state marshal to
149 arrest such person and bring such person before the Claims
150 Commissioner, the Deputy Claims Commissioner or a [magistrate]
151 temporary deputy to testify.

152 (e) If any person refuses to testify or to produce any relevant,
153 unprivileged book, paper, record or document, the Claims
154 Commissioner, the Deputy Claims Commissioner or a [magistrate]
155 temporary deputy shall certify such fact to the Attorney General, who
156 shall apply to the superior court for the judicial district in which such
157 person resides for an order compelling compliance. Further refusal of
158 such person shall be punished as provided by section 2-46. If such
159 person is the claimant, the Claims Commissioner, the Deputy Claims
160 Commissioner or a temporary deputy shall summarily dismiss the claim
161 and order it forfeited to the state.

162 (f) When subpoenaed by the Claims Commissioner, the Deputy
163 Claims Commissioner or a [magistrate, witnesses] temporary deputy, a
164 witness shall be offered the fees and mileage allowances authorized by
165 section 52-260, provided no such fee or allowance shall be paid to any
166 state officer or employee who appears on behalf of the state.

167 Sec. 5. Section 4-151a of the general statutes is repealed and the
168 following is substituted in lieu thereof (*Effective July 1, 2023*):

169 [On his or her own motion] Upon the motion of the Claims
170 Commissioner, the Deputy Claims Commissioner, or a temporary
171 deputy, or at the request of the claimant or the representative for the
172 state, which representative may in appropriate cases be the Attorney
173 General, the Claims Commissioner, the Deputy Claims Commissioner
174 or a [magistrate] temporary deputy may waive the hearing of any claim
175 for ten thousand dollars or less and proceed upon affidavits filed by the
176 claimant and the state agency concerned.

177 Sec. 6. Section 4-152 of the general statutes is repealed and the
178 following is substituted in lieu thereof (*Effective July 1, 2023*):

179 If in the course of any proceeding any person is guilty of misbehavior
180 which obstructs such proceeding, [he or she] such person may be
181 excluded from further participation [therein] in such hearing. If the
182 miscreant is the claimant or [his or her] the claimant's attorney, the
183 Claims Commissioner, the Deputy Claims Commissioner or a
184 [magistrate] temporary deputy may summarily terminate the
185 proceeding, and the Claims Commissioner, Deputy Claims
186 Commissioner or temporary deputy may dismiss the claim and order it
187 forfeited to the state.

188 Sec. 7. Subsection (a) of section 4-154 of the general statutes is
189 repealed and the following is substituted in lieu thereof (*Effective July 1,*
190 *2023*):

191 (a) Not later than ninety days after hearing a claim, the Claims
192 Commissioner, the Deputy Claims Commissioner or a temporary
193 deputy shall render a decision as provided in subsection (a) of section
194 4-158, as amended by this act. The Claims Commissioner, the Deputy
195 Claims Commissioner or [the magistrate] a temporary deputy shall
196 make a finding of fact for each claim and file such finding with the order,
197 recommendation or authorization disposing of the claim. The Office of
198 the Claims Commissioner shall [deliver] provide a copy of such finding
199 and order, recommendation or authorization to the claimant and to the
200 representative for the state, which representative may in appropriate
201 cases be the Attorney General.

202 Sec. 8. Subsections (a) and (b) of section 4-158 of the general statutes
203 are repealed and the following is substituted in lieu thereof (*Effective July*
204 *1, 2023*):

205 (a) The Claims Commissioner, the Deputy Claims Commissioner or
206 a temporary deputy may (1) order that a claim be denied or dismissed,
207 (2) order immediate payment of a just claim in an amount not exceeding
208 thirty-five thousand dollars, (3) recommend to the General Assembly

209 payment of a just claim in an amount exceeding thirty-five thousand
210 dollars, or (4) authorize a claimant to sue the state, as provided in section
211 4-160, as amended by this act.

212 (b) Any person who has filed a claim [for more than fifty thousand
213 dollars] may request the General Assembly to review a decision of the
214 Claims Commissioner, the Deputy Claims Commissioner or a
215 temporary deputy (1) ordering the denial or dismissal of the claim
216 pursuant to subdivision (1) of subsection (a) of this section, including
217 denying or dismissing a claim that requests permission to sue the state,
218 or (2) ordering immediate payment of a just claim in an amount not
219 exceeding thirty-five thousand dollars pursuant to subdivision (2) of
220 subsection (a) of this section. A person who has filed a claim that has
221 been denied or dismissed by a temporary deputy pursuant to subsection
222 (d) of section 4-160, as amended by this act, may request the General
223 Assembly to review such denial or dismissal. A request for review shall
224 be in writing and filed with the Office of the Claims Commissioner not
225 later than twenty days after the date the person requesting such review
226 receives a copy of the decision. The filing of a request for review shall
227 automatically stay the decision of the Claims Commissioner or
228 temporary deputy.

229 Sec. 9. Section 4-159 of the general statutes is repealed and the
230 following is substituted in lieu thereof (*Effective July 1, 2023*):

231 (a) Not later than five days after the convening of each regular session
232 and at such other times as the speaker of the House of Representatives
233 and president pro tempore of the Senate may desire, the Office of the
234 Claims Commissioner shall submit to the General Assembly (1) all
235 claims for which the Claims Commissioner, the Deputy Commissioner
236 or a [magistrate] temporary deputy recommended payment of a just
237 claim in an amount exceeding thirty-five thousand dollars pursuant to
238 subdivision (3) of subsection (a) of section 4-158, as amended by this act,
239 and (2) all claims for which a request for review has been filed pursuant
240 to subsection (b) of section 4-158, as amended by this act, together with
241 a copy of the Claims Commissioner's, [the magistrate's] Deputy

242 Commissioner's or [the] temporary deputy's findings and the hearing
243 record, if any, of each claim so reported.

244 (b) The General Assembly shall:

245 (1) With respect to a decision of the Claims Commissioner, the
246 Deputy Claims Commissioner or a temporary deputy ordering the
247 denial or dismissal of a claim pursuant to subdivision (1) of subsection
248 (a) of section 4-158, as amended by this act; or a decision of a temporary
249 deputy ordering the denial or dismissal of a claim pursuant to
250 subsection (d) of section 4-160, as amended by this act:

251 (A) Confirm the decision; or

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

255 (2) With respect to a decision of the Claims Commissioner ordering
256 the immediate payment of a just claim in an amount not exceeding
257 thirty-five thousand dollars pursuant to subdivision (2) of subsection (a)
258 of section 4-158, as amended by this act:

259 (A) Confirm the decision;

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

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

264 (3) With respect to a decision of the Claims Commissioner, the
265 Deputy Claims Commissioner or a temporary deputy recommending
266 payment of a just claim in an amount exceeding thirty-five thousand
267 dollars pursuant to subdivision (3) of subsection (a) of section 4-158, as
268 amended by this act:

269 (A) Accept the recommendation and order payment of the specified

270 amount;

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

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

275 (4) With respect to a decision of the Claims Commissioner, the
276 Deputy Claims Commissioner or a temporary deputy pursuant to
277 subdivision (1), (2) or (3) of subsection (a) of section 4-158, as amended
278 by this act, or a decision of a temporary deputy pursuant to subsection
279 (d) of section 4-160, as amended by this act, remand the claim to the
280 Office of the Claims Commissioner for such further proceedings as the
281 General Assembly may direct.

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

287 (d) If the General Assembly orders the payment of a claim, the Office
288 of the Claims Commissioner shall [deliver to the Comptroller a notice
289 of] provide a copy of the order to the Comptroller and the Comptroller
290 shall make payment in the manner prescribed for payment of an order
291 of the Claims Commissioner pursuant to section 4-158, as amended by
292 this act.

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

297 Sec. 10. Section 4-160 of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective July 1, 2023*):

299 (a) Whenever the Claims Commissioner deems it just and equitable,

300 the Claims Commissioner, the Deputy Claims Commissioner or a
301 temporary deputy may authorize suit against the state on any claim
302 which, in the opinion of the Claims Commissioner, presents an issue of
303 law or fact under which the state, were it a private person, could be
304 liable. The Claims Commissioner may grant permission to sue for a
305 claim that exclusively seeks permission to sue the state based solely on
306 the notice of claim or any supporting evidence submitted pursuant to
307 section 4-147, as amended by this act, or both, without holding a
308 hearing, upon the filing by the attorney or pro se claimant of (1) a motion
309 for approval to assert a claim without a hearing, requesting a ruling
310 based solely on the notice of the claim and any supporting evidence
311 submitted under the provisions of this chapter, and (2) an affidavit
312 attesting to the validity of a claim. Such affidavit shall be signed,
313 notarized and filed by both the attorney and claimant or a pro se
314 claimant, attesting to the following, in the following form: "I have made
315 a reasonable inquiry, as permitted by the circumstances, which has
316 given rise to a good faith belief that grounds exist for a suit against the
317 state. Such inquiry includes (provide a brief description of the inquiry
318 made)". The claimant shall serve any motion for approval and affidavit
319 on the office of the Attorney General and any state agency that is a
320 subject of the claim. The state may file an opposition to the motion for
321 approval and the affidavit not later than thirty days after such service of
322 the motion and affidavit. Such opposition shall be limited to opposition
323 of the claim based solely on jurisdictional grounds, including pursuant
324 to section 4-142, as amended by this act, or subsection (a) of section 4-
325 148, or prosecutorial, judicial, quasi-judicial or legislative immunity.

326 (b) Any claim exclusively requesting permission to sue the state that
327 was filed more than three years prior to ~~June 28, 2021~~ July 1, 2023, that
328 has not been disposed of by the Office of the Claims Commissioner, shall
329 be referred to a temporary deputy for proceedings in accordance with
330 subsection (d) of this section, unless the claimant expressly states the
331 desire to have ~~his or her~~ such claim remain before the Claims
332 Commissioner.

333 (c) ~~On and after July 1, 2022, if~~ If a claim exclusively requesting

334 permission to sue the state remains pending with the Office of the
335 Claims Commissioner eighteen months after the date on which such
336 claim was filed with the office, a claimant may file a notice indicating
337 the passage of such eighteen months with the Attorney General, the
338 Governor and the joint standing committee of the General Assembly
339 having cognizance of matters relating to the judiciary. The Claims
340 Commissioner shall issue a decision on such claim not later than ninety
341 days after the filing of such notice. If the Claims Commissioner does not
342 issue a decision during such ninety-day period, the claim shall be
343 referred to a temporary deputy for proceedings in accordance with
344 subsection (d) of this section. [, provided no claim may be referred to a
345 temporary deputy on or after July 1, 2023.] The provisions of this
346 subsection shall not apply to a claim in which the parties have
347 [stipulated] not objected to an extension of time for the Office of the
348 Claims Commissioner to dispose of the claim.

349 (d) (1) If a claim is referred to a temporary deputy under subsection
350 (b) or (c) of this section, such temporary deputy shall review the notice
351 of claim, the state's notice of opposition and any discovery or other
352 supporting evidence, and may, if the temporary deputy deems it
353 necessary, hold a conference with the parties using telephonic or video
354 conferencing technology. Consideration of the state's opposition to such
355 claims shall be limited to jurisdictional grounds or prosecutorial,
356 judicial, quasi-judicial or legislative immunity. The temporary deputy
357 shall make a determination to deny or dismiss a claim or authorize a
358 claimant to sue the state, not later than ninety days after the claim is
359 referred to such temporary deputy. A temporary deputy shall authorize
360 suit against the state if the claim, in the opinion of the temporary deputy,
361 presents an issue of law or fact under which the state, were it a private
362 person, could be liable. If the resolution of the state's opposition to the
363 claim is based on a dispute of a material fact, the temporary deputy shall
364 grant permission to sue the state and preserve the state's right to pursue
365 such defense in court.

366 (2) A temporary deputy shall make a finding of fact for each claim
367 and file such finding with the order or authorization disposing of the

368 claim with the Claims Commissioner. The temporary deputy shall
369 [deliver] provide a copy of such finding and order or authorization to
370 the claimant and to the representative for the state, which representative
371 may in appropriate cases be the Attorney General.

372 (e) A claimant exclusively seeking permission to sue the state shall be
373 deemed to have been granted permission to sue the state by the Claims
374 Commissioner if the Attorney General files with the Office of the Claims
375 Commissioner a signed stipulation authorizing permission to sue the
376 state for a particular claim of the claimant.

377 (f) In any claim alleging malpractice against the state, a state hospital
378 or against a physician, surgeon, dentist, podiatrist, chiropractor or other
379 licensed health care provider employed by the state, the attorney or pro
380 se party filing the claim may submit a certificate of good faith to the
381 Office of the Claims Commissioner in accordance with section 52-190a.
382 If such a certificate is submitted, permission to sue the state shall be
383 deemed granted by the Claims Commissioner (1) on June 28, 2021, if the
384 certificate has been filed with the Claims Commissioner prior to June 28,
385 2021, or (2) upon the filing of the certificate with the Office of the Claims
386 Commissioner, if such certificate is filed on or after June 28, 2021. In lieu
387 of filing a notice of claim pursuant to section 4-147, as amended by this
388 act, a claimant may commence a medical malpractice action against the
389 state prior to the expiration of the limitation period set forth in section
390 4-148 and authorization for such action against the state shall be deemed
391 granted. Any such action shall be limited to medical malpractice claims
392 only and any such action shall be deemed a suit otherwise authorized
393 by law in accordance with subsection (a) of section 4-142, as amended
394 by this act. The provisions of this subsection shall apply to any claim
395 alleging malpractice against the state that was timely filed with the
396 Claims Commissioner and remains pending with said commissioner,
397 regardless of whether such claim was filed before, on or after October 1,
398 2019.

399 (g) After completion of discovery in a suit filed in the Superior Court
400 after receiving permission to sue the state on the basis of an affidavit

401 attesting to the validity of a claim filed in accordance with subsection (a)
402 of this section, if the court determines that such affidavit was not made
403 in good faith, that no justiciable issue was presented against the state
404 and that the state cooperated in good faith with the claimant by
405 providing informal discovery, the court, upon motion or on its own
406 initiative, shall impose upon the attorney and claimant or pro se
407 claimant who signed such affidavit an appropriate sanction, which may
408 include an order to pay to the state the reasonable expenses incurred by
409 the state because of the filing of the suit. The court may also submit the
410 matter to the appropriate authority for disciplinary review of any
411 attorney who submitted the affidavit.

412 (h) In each action authorized by the Claims Commissioner or a
413 temporary deputy, or any action where permission to sue the state has
414 been deemed to have been granted by the Claims Commissioner,
415 pursuant to subsections (a) to (f), inclusive, of this section or by the
416 General Assembly pursuant to section 4-159, as amended by this act, or
417 4-159a, as amended by this act, the claimant shall allege such
418 authorization or permission and the date on which it was granted,
419 except that evidence of such authorization or permission shall not be
420 admissible in such action as evidence of the state's liability. Except as
421 provided in subsection (d) of this section, (1) the state waives its
422 immunity from liability and from suit in each such action and waives all
423 defenses which might arise from the eleemosynary or governmental
424 nature of the activity complained of, and (2) the rights and liability of
425 the state in each such action shall be coextensive with and shall equal
426 the rights and liability of private persons in like circumstances.

427 (i) No such action shall be brought but within one year from the date
428 such authorization becomes effective or permission to sue is granted,
429 whichever date is later. With respect to any claim presented to the Office
430 of the Claims Commissioner for which authorization or permission to
431 sue is granted, any statute of limitation applicable to such action shall
432 be tolled until the date such authorization or permission to sue is
433 granted. The claimant shall bring such action against the state as party
434 defendant in the judicial district in which the claimant resides or, if the

435 claimant is not a resident of this state, in the judicial district of Hartford
436 or in the judicial district in which the claim arose.

437 (j) Civil process directed against the state shall be served as provided
438 by section 52-64.

439 (k) Issues arising in such actions shall be tried to the court without a
440 jury.

441 (l) The laws and rules of practice governing disclosures in civil
442 actions shall apply against state agencies and state officers and
443 employees possessing books, papers, records, documents or
444 information pertinent to the issues involved in any such action.

445 (m) The Attorney General, with the consent of the court, may
446 compromise or settle any such action. The terms of every such
447 compromise or settlement shall be expressed in a judgment of the court.

448 (n) Costs may be allowed against the state as the court deems just,
449 consistent with the provisions of chapter 901.

450 (o) The clerk of the court in which judgment is entered against the
451 state shall forward a certified copy of such judgment to the Comptroller.
452 The Attorney General shall certify to the Comptroller when the time
453 allowed by law for proceeding subsequent to final judgment has expired
454 and the Attorney General shall designate the state agency involved in
455 the action. Upon receipt of such judgment and certification the
456 Comptroller shall make payment as follows: Amounts directed by law
457 to be paid from a special fund shall be paid from such special fund;
458 amounts awarded upon contractual claims for goods or services
459 furnished or for property leased shall be paid from the appropriation of
460 the agency which received such goods or services or occupied such
461 property; all other amounts shall be paid from such appropriation as the
462 General Assembly may have made for the payment of claims.

463 (p) Not later than five days after the convening of each regular
464 session, the Attorney General shall report to the joint standing

465 committee of the General Assembly having cognizance of matters
466 relating to the judiciary on the status and disposition of all actions
467 authorized pursuant to this section or section 4-159, as amended by this
468 act, or brought against the state under any other provision of law and in
469 which the interests of the state are represented by the Attorney General.
470 The report shall include: (1) The number of such actions pending in state
471 and federal court, categorized by the alleged ground for the action, (2)
472 the number of new actions brought in the preceding year in state and
473 federal court, categorized by the alleged ground for the action, (3) the
474 number of actions disposed of in the preceding year, categorized by the
475 ground for the action that was disposed of and whether the action was
476 disposed of by settlement or litigation to final judgment, and the amount
477 paid for actions within the respective categories, and (4) such other
478 information as may be requested, from time to time, by the joint
479 standing committee of the General Assembly having cognizance of
480 matters relating to the judiciary. The report shall identify each action
481 disposed of by payment of an amount exceeding one hundred thousand
482 dollars.

483 Sec. 11. Section 4-147 of the general statutes is repealed and the
484 following is substituted in lieu thereof (*Effective July 1, 2023*):

485 Any person wishing to present a claim against the state shall file with
486 the Office of the Claims Commissioner a notice of claim, in duplicate,
487 containing the following information: (1) The name and address of the
488 claimant; the name and address of [his] the claimant's principal, if the
489 claimant is acting in a representative capacity, and the name and
490 address of [his] the claimant's attorney, if the claimant is so represented;
491 (2) a concise statement of the basis of the claim, including the date, time,
492 place and circumstances of the act or event complained of; (3) a
493 statement of the amount requested, which shall minimally indicate
494 whether such amount is less than thirty-five thousand dollars, or equal
495 to or in excess of thirty-five thousand dollars; and (4) a request for
496 permission to sue the state, if such permission is sought. A claim
497 exclusively setting forth a request for permission to sue the state may be
498 accompanied by supporting evidence, including, but not limited to,

499 transcripts, records, documents, reports, affidavits or memoranda. A
500 notice of claim, if sent by mail, shall be deemed to have been filed with
501 the Office of the Claims Commissioner on the date such notice of claim
502 is postmarked. [Claims in excess of five thousand dollars shall be
503 accompanied by a check or money order in the sum of fifty dollars
504 payable to the Treasurer, state of Connecticut. Claims for five thousand
505 dollars or less shall be accompanied by a check or money order in the
506 sum of twenty-five dollars payable to the Treasurer, state of
507 Connecticut. Except as provided in section 4-165b, fees may be waived
508 by the Claims Commissioner for good cause but such action by the
509 Claims Commissioner shall not relieve the claimant from the obligation
510 of filing the notice of claim in timely fashion within the statute of
511 limitations under section 4-148.] The Office of the Claims Commissioner
512 shall promptly [deliver] provide a copy of the notice of claim to the
513 Attorney General. Such notice shall be for informational purposes only
514 and shall not be subject to any formal or technical requirements, except
515 as may be necessary for clarity of presentation and facility of
516 understanding.

517 Sec. 12. Section 4-149 of the general statutes is repealed and the
518 following is substituted in lieu thereof (*Effective July 1, 2023*):

519 (a) The Attorney General shall review each claim [delivered] filed
520 under section 4-147, as amended by this act. If such review discloses to
521 the satisfaction of the Attorney General that protection of the state's
522 interest does not reasonably require representation by the Attorney
523 General before the Claims Commissioner, then such representation shall
524 be provided by the state agency or department involved in the claim. In
525 making such determination, the Attorney General shall consider (1) the
526 sum of money involved; (2) the legal significance of the claim as a
527 precedent; and (3) the complexity of the legal and factual issues
528 presented.

529 (b) The Attorney General shall notify the Claims Commissioner and
530 the agency or department involved within ninety days of receipt of a
531 claim by the Attorney General in those instances when the Attorney

532 General determines that protection of the state's interest does not
533 reasonably require representation by the Attorney General before the
534 Claims Commissioner.

535 (c) When the representative for the state, which representative may
536 in appropriate cases be the Attorney General, desires to oppose a claim,
537 such representative shall file with the Office of the Claims
538 Commissioner a notice of opposition, [in duplicate,] containing a
539 concise statement of such representative's objections. The Office of the
540 Claims Commissioner shall promptly [deliver a copy thereof] provide a
541 copy of the notice of opposition to the claimant.

542 Sec. 13. Section 4-156 of the general statutes is repealed and the
543 following is substituted in lieu thereof (*Effective July 1, 2023*):

544 Upon the discovery of new evidence, any claimant aggrieved by an
545 order of the Claims Commissioner rejecting or recommending the
546 rejection of [his or her] the claimant's claim, in whole or in part, may
547 apply for rehearing. The claimant shall file with the Office of the Claims
548 Commissioner an application for such rehearing, [in duplicate,] stating
549 concisely in the application the matters which he or she desires to
550 submit to the Office of the Claims Commissioner. The Office of the
551 Claims Commissioner shall promptly [deliver] provide a copy of the
552 application to the Attorney General. The Attorney General shall review
553 the application in the manner specified in subsection (a) of section 4-149,
554 as amended by this act. If such review discloses to the satisfaction of the
555 Attorney General that protection of the state's interest does not
556 reasonably require representation before the Office of the Claims
557 Commissioner by the Attorney General, the Attorney General shall refer
558 the application to the state agency or department involved in the claim
559 for representation of the state before the Office of the Claims
560 Commissioner not later than ninety days after receipt of the application
561 by the Attorney General. Each such rehearing shall be subject to the
562 provisions of this chapter and the rules made thereunder respecting the
563 hearing and disposition of claims and reports to the General Assembly.

564 Sec. 14. Section 4-165b of the general statutes is repealed and the
565 following is substituted in lieu thereof (*Effective July 1, 2023*):

566 (a) Any inmate, as defined in section 18-84, who suffers an injury may
567 file a claim against the state. Such claim shall be heard and decided in
568 accordance with the provisions of this chapter, provided no such claim
569 shall be presented to the Office of the Claims Commissioner until the
570 inmate has exhausted all administrative remedies provided by the
571 Department of Correction. Notwithstanding the provisions of this
572 subsection, the legal representative of the estate of an inmate may
573 present to the Office of the Claims Commissioner a claim against the
574 state prior to having exhausted any administrative remedy provided by
575 the Department of Correction.

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

582 [(c) The Claims Commissioner may not grant a waiver of the filing
583 fee prescribed in section 4-147 to an inmate when, on three or more prior
584 occasions, the inmate filed with the Office of the Claims Commissioner
585 a claim that was dismissed on grounds that it was frivolous, duplicative,
586 malicious or otherwise failed to state a claim upon which relief could be
587 granted.]

588 Sec. 15. Section 4-159a of the general statutes is repealed and the
589 following is substituted in lieu thereof (*Effective July 1, 2023*):

590 (a) (1) Not later than five days after the convening of each regular
591 session, the Claims Commissioner shall report to the General Assembly
592 on all claims that have been filed with the Office of the Claims
593 Commissioner pursuant to section 4-147, as amended by this act, and
594 have not been disposed of by the Office of the Claims Commissioner
595 within two years of the date of filing or within any extension thereof

596 granted by the General Assembly pursuant to subsection (c) of this
 597 section, except claims in which the parties have [stipulated] not objected
 598 within thirty days to an extension of time sought by the Office of the
 599 Claims Commissioner for [the Office of the Claims Commissioner] said
 600 office to dispose of the claim. (2) The report submitted by the Claims
 601 Commissioner pursuant to subdivision (1) of this subsection shall
 602 minimally include (A) an explanation as to why the claim has not been
 603 disposed of, and (B) the date by which a decision will be rendered on
 604 the claim in the event the General Assembly were to grant the Office of
 605 the Claims Commissioner an extension of time to dispose of the claim.

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

611 (c) With respect to any claim that is the subject of a report as provided
 612 in subsection (a) of this section, the General Assembly may (1) grant the
 613 Office of the Claims Commissioner an extension for a period specified
 614 by the General Assembly to dispose of such claim, (2) grant the claimant
 615 permission to sue the state, (3) grant an award to the claimant, or (4)
 616 deny the claim."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	4-142
Sec. 2	July 1, 2023	4-142a
Sec. 3	July 1, 2023	4-142b
Sec. 4	July 1, 2023	4-151
Sec. 5	July 1, 2023	4-151a
Sec. 6	July 1, 2023	4-152
Sec. 7	July 1, 2023	4-154(a)
Sec. 8	July 1, 2023	4-158(a) and (b)
Sec. 9	July 1, 2023	4-159
Sec. 10	July 1, 2023	4-160
Sec. 11	July 1, 2023	4-147

Sec. 12	<i>July 1, 2023</i>	4-149
Sec. 13	<i>July 1, 2023</i>	4-156
Sec. 14	<i>July 1, 2023</i>	4-165b
Sec. 15	<i>July 1, 2023</i>	4-159a