



General Assembly

Substitute Bill No. 6876

January Session, 2023



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

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

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 Section 4-142 of the general statutes is repealed and the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

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

12 (b) The Office of the Claims Commissioner shall consist of the
13 Claims Commissioner, the Deputy Claims Commissioner, six
14 temporary deputies and such administrative staff as may be provided
15 by the Department of Administrative Services. The Claims
16 Commissioner, the Deputy Claims Commissioner, or a temporary
17 deputy [or a magistrate] assigned to assist the Claims Commissioner
18 pursuant to section 4-142b, as amended by this act, shall hear and

19 determine all claims against the state, except as otherwise provided in
20 subsection (a) of this section. Such claims shall be heard and
21 determined in accordance with the rules prescribed by the Claims
22 Commissioner pursuant to section 4-157, except as may be provided in
23 section 4-160, as amended by this act.

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 Section 4-142a of the general statutes is repealed and the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

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

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

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

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

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

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

75 (d) The Claims Commissioner shall appoint a Deputy Claims
76 Commissioner who shall be an attorney-at-law qualified by training
77 and experience for the duties of the Office of the Claims Commissioner
78 and shall, in the absence, disability or disqualification of the Claims
79 Commissioner, perform all the functions and have all the powers and
80 duties of said office and such other duties as may be prescribed. The
81 position of Deputy Claims Commissioner shall be exempt from the
82 classified service. The Deputy Claims Commissioner shall serve until a
83 successor is appointed by the Claims Commissioner. The term of the

84 Deputy Claims Commissioner shall not be coterminous with that of
85 the Claims Commissioner, instead the Deputy Claims Commissioner
86 may be replaced upon the appointment of a new Claims
87 Commissioner in accordance with the provisions of subdivision (1) of
88 subsection (a) of this section.

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

91 The Office of the Claims Commissioner shall maintain a permanent
92 office in Hartford County in such suitable space as the Commissioner
93 of Administrative Services provides. All papers required to be filed
94 with the Office of the Claims Commissioner shall be delivered to such
95 office. The Claims Commissioner may [designate one or more
96 magistrates who shall be available to the Office of the Claims
97 Commissioner] assign a temporary deputy to hear a claim and issue a
98 decision concerning the final disposition of a claim against the state, or
99 make recommendations to the Claims Commissioner or Deputy
100 Claims Commissioner concerning the final disposition of a claim as
101 provided for in this chapter. [The Claims Commissioner may appoint
102 any magistrate who is on the list of available magistrates maintained
103 by the Chief Court Administrator. A magistrate appointed by the
104 Claims Commissioner may review, hear and decide a claim, or make a
105 recommendation to the Claims Commissioner concerning the final
106 disposition of a claim. The Claims Commissioner shall establish such
107 rules as he or she deems necessary to provide for the appointment of a
108 magistrate to hear and decide matters pursuant to the provisions of
109 this chapter. Such rules may include limitations on the types of matters
110 that may be heard and decided by a magistrate and may provide for
111 the issuance of a recommendation by a magistrate concerning the final
112 disposition of a claim that is subject to review and approval by the
113 Claims Commissioner.] No decision made by a temporary deputy shall
114 have the force and effect of a ruling of the Claims Commissioner or
115 Deputy Claims Commissioner without written approval by the Claims
116 Commissioner or Deputy Claims Commissioner. The Claims

117 Commissioner shall establish such rules as the commissioner deems
118 necessary to provide for the appointment of a temporary deputy to
119 hear and decide matters pursuant to the provisions of this chapter.
120 Such rules may include limitations on the types of matters that may be
121 heard and decided by a temporary deputy.

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

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

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

145 (c) The Claims Commissioner, the Deputy Claims Commissioner or
146 a [magistrate] temporary deputy may administer oaths, cause
147 depositions to be taken, issue subpoenas and order inspection and
148 disclosure of books, papers, records and documents. Upon good cause

149 shown, any such order or subpoena may be quashed by the Claims
150 Commissioner, the Deputy Claims Commissioner or a [magistrate]
151 temporary deputy.

152 (d) If any person fails to respond to a subpoena, the Claims
153 Commissioner, the Deputy Claims Commissioner or a [magistrate]
154 temporary deputy may issue a *capias*, directed to a state marshal to
155 arrest such person and bring such person before the Claims
156 Commissioner, the Deputy Claims Commissioner or a [magistrate]
157 temporary deputy to testify.

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

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

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

175 [On his or her own motion] Upon the motion of the Claims
176 Commissioner, the Deputy Claims Commissioner, or a temporary
177 deputy, or at the request of the claimant or the representative for the
178 state, which representative may in appropriate cases be the Attorney
179 General, the Claims Commissioner, the Deputy Claims Commissioner

180 or a [magistrate] temporary deputy may waive the hearing of any
181 claim for ten thousand dollars or less and proceed upon affidavits filed
182 by the claimant and the state agency concerned.

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

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

194 Sec. 7. Subsection (a) of section 4-154 of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective*
196 *October 1, 2023*):

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

208 Sec. 8. Subsections (a) and (b) of section 4-158 of the general statutes
209 are repealed and the following is substituted in lieu thereof (*Effective*
210 *October 1, 2023*):

211 (a) The Claims Commissioner, the Deputy Claims Commissioner or
212 a temporary deputy may (1) order that a claim be denied or dismissed,
213 (2) order immediate payment of a just claim in an amount not
214 exceeding thirty-five thousand dollars, (3) recommend to the General
215 Assembly payment of a just claim in an amount exceeding thirty-five
216 thousand dollars, or (4) authorize a claimant to sue the state, as
217 provided in section 4-160, as amended by this act.

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

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

237 (a) Not later than five days after the convening of each regular
238 session and at such other times as the speaker of the House of
239 Representatives and president pro tempore of the Senate may desire,
240 the Office of the Claims Commissioner shall submit to the General
241 Assembly (1) all claims for which the Claims Commissioner, the
242 Deputy Commissioner or a [magistrate] temporary deputy
243 recommended payment of a just claim in an amount exceeding thirty-

244 five thousand dollars pursuant to subdivision (3) of subsection (a) of
245 section 4-158, as amended by this act, and (2) all claims for which a
246 request for review has been filed pursuant to subsection (b) of section
247 4-158, as amended by this act, together with a copy of the Claims
248 Commissioner's, [the magistrate's] Deputy Commissioner's or [the]
249 temporary deputy's findings and the hearing record, if any, of each
250 claim so reported.

251 (b) The General Assembly shall:

252 (1) With respect to a decision of the Claims Commissioner, the
253 Deputy Claims Commissioner or a temporary deputy ordering the
254 denial or dismissal of a claim pursuant to subdivision (1) of subsection
255 (a) of section 4-158, as amended by this act; or a decision of a
256 temporary deputy ordering the denial or dismissal of a claim pursuant
257 to subsection (d) of section 4-160, as amended by this act:

258 (A) Confirm the decision; or

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

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

266 (A) Confirm the decision;

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

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

271 (3) With respect to a decision of the Claims Commissioner, the

272 Deputy Claims Commissioner or a temporary deputy recommending
273 payment of a just claim in an amount exceeding thirty-five thousand
274 dollars pursuant to subdivision (3) of subsection (a) of section 4-158, as
275 amended by this act:

276 (A) Accept the recommendation and order payment of the specified
277 amount;

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

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

282 (4) With respect to a decision of the Claims Commissioner, the
283 Deputy Claims Commissioner or a temporary deputy pursuant to
284 subdivision (1), (2) or (3) of subsection (a) of section 4-158, as amended
285 by this act, or a decision of a temporary deputy pursuant to subsection
286 (d) of section 4-160, as amended by this act, remand the claim to the
287 Office of the Claims Commissioner for such further proceedings as the
288 General Assembly may direct.

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

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

299 (e) The review by the General Assembly of claims submitted to it by
300 the Office of the Claims Commissioner under this section shall be
301 conducted in accordance with such procedures as the General

302 Assembly may prescribe.

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

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

332 (b) Any claim exclusively requesting permission to sue the state that
333 was filed more than three years prior to ~~June 28, 2021~~ July 1, 2023,
334 that has not been disposed of by the Office of the Claims

335 Commissioner, shall be referred to a temporary deputy for
336 proceedings in accordance with subsection (d) of this section, unless
337 the claimant expressly states the desire to have [his or her] such claim
338 remain before the Claims Commissioner.

339 (c) [On and after July 1, 2022, if] If a claim exclusively requesting
340 permission to sue the state remains pending with the Office of the
341 Claims Commissioner eighteen months after the date on which such
342 claim was filed with the office, a claimant may file a notice indicating
343 the passage of such eighteen months with the Attorney General, the
344 Governor and the joint standing committee of the General Assembly
345 having cognizance of matters relating to the judiciary. The Claims
346 Commissioner shall issue a decision on such claim not later than
347 ninety days after the filing of such notice. If the Claims Commissioner
348 does not issue a decision during such ninety-day period, the claim
349 shall be referred to a temporary deputy for proceedings in accordance
350 with subsection (d) of this section. [, provided no claim may be
351 referred to a temporary deputy on or after July 1, 2023.] The provisions
352 of this subsection shall not apply to a claim in which the parties have
353 stipulated to an extension of time for the Office of the Claims
354 Commissioner to dispose of the claim.

355 (d) (1) If a claim is referred to a temporary deputy under subsection
356 (b) or (c) of this section, such temporary deputy shall review the notice
357 of claim, the state's notice of opposition and any discovery or other
358 supporting evidence, and may, if the temporary deputy deems it
359 necessary, hold a conference with the parties using telephonic or video
360 conferencing technology. Consideration of the state's opposition to
361 such claims shall be limited to jurisdictional grounds or prosecutorial,
362 judicial, quasi-judicial or legislative immunity. The temporary deputy
363 shall make a determination to deny or dismiss a claim or authorize a
364 claimant to sue the state, not later than ninety days after the claim is
365 referred to such temporary deputy. A temporary deputy shall
366 authorize suit against the state if the claim, in the opinion of the
367 temporary deputy, presents an issue of law or fact under which the

368 state, were it a private person, could be liable. If the resolution of the
369 state's opposition to the claim is based on a dispute of a material fact,
370 the temporary deputy shall grant permission to sue the state and
371 preserve the state's right to pursue such defense in court.

372 (2) A temporary deputy shall make a finding of fact for each claim
373 and file such finding with the order or authorization disposing of the
374 claim with the Claims Commissioner. The temporary deputy shall
375 deliver a copy of such finding and order or authorization to the
376 claimant and to the representative for the state, which representative
377 may in appropriate cases be the Attorney General.

378 (e) A claimant exclusively seeking permission to sue the state shall
379 be deemed to have been granted permission to sue the state by the
380 Claims Commissioner if the Attorney General files with the Office of
381 the Claims Commissioner a signed stipulation authorizing permission
382 to sue the state for a particular claim of the claimant.

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

401 of this subsection shall apply to any claim alleging malpractice against
402 the state that was timely filed with the Claims Commissioner and
403 remains pending with said commissioner, regardless of whether such
404 claim was filed before, on or after October 1, 2019.

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

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

433 (i) No such action shall be brought but within one year from the

434 date such authorization becomes effective or permission to sue is
435 granted, whichever date is later. With respect to any claim presented to
436 the Office of the Claims Commissioner for which authorization or
437 permission to sue is granted, any statute of limitation applicable to
438 such action shall be tolled until the date such authorization or
439 permission to sue is granted. The claimant shall bring such action
440 against the state as party defendant in the judicial district in which the
441 claimant resides or, if the claimant is not a resident of this state, in the
442 judicial district of Hartford or in the judicial district in which the claim
443 arose.

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

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

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

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

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

458 (o) The clerk of the court in which judgment is entered against the
459 state shall forward a certified copy of such judgment to the
460 Comptroller. The Attorney General shall certify to the Comptroller
461 when the time allowed by law for proceeding subsequent to final
462 judgment has expired and the Attorney General shall designate the
463 state agency involved in the action. Upon receipt of such judgment and
464 certification the Comptroller shall make payment as follows: Amounts

465 directed by law to be paid from a special fund shall be paid from such
 466 special fund; amounts awarded upon contractual claims for goods or
 467 services furnished or for property leased shall be paid from the
 468 appropriation of the agency which received such goods or services or
 469 occupied such property; all other amounts shall be paid from such
 470 appropriation as the General Assembly may have made for the
 471 payment of claims.

472 (p) Not later than five days after the convening of each regular
 473 session, the Attorney General shall report to the joint standing
 474 committee of the General Assembly having cognizance of matters
 475 relating to the judiciary on the status and disposition of all actions
 476 authorized pursuant to this section or section 4-159, as amended by
 477 this act, or brought against the state under any other provision of law
 478 and in which the interests of the state are represented by the Attorney
 479 General. The report shall include: (1) The number of such actions
 480 pending in state and federal court, categorized by the alleged ground
 481 for the action, (2) the number of new actions brought in the preceding
 482 year in state and federal court, categorized by the alleged ground for
 483 the action, (3) the number of actions disposed of in the preceding year,
 484 categorized by the ground for the action that was disposed of and
 485 whether the action was disposed of by settlement or litigation to final
 486 judgment, and the amount paid for actions within the respective
 487 categories, and (4) such other information as may be requested, from
 488 time to time, by the joint standing committee of the General Assembly
 489 having cognizance of matters relating to the judiciary. The report shall
 490 identify each action disposed of by payment of an amount exceeding
 491 one hundred thousand dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	4-142
Sec. 2	<i>October 1, 2023</i>	4-142a
Sec. 3	<i>October 1, 2023</i>	4-142b
Sec. 4	<i>October 1, 2023</i>	4-151

Sec. 5	<i>October 1, 2023</i>	4-151a
Sec. 6	<i>October 1, 2023</i>	4-152
Sec. 7	<i>October 1, 2023</i>	4-154(a)
Sec. 8	<i>October 1, 2023</i>	4-158(a) and (b)
Sec. 9	<i>October 1, 2023</i>	4-159
Sec. 10	<i>October 1, 2023</i>	4-160

Statement of Legislative Commissioners:

In Sections 8(b), 9(b)(1) and 9(b)(4), brackets around provisions relating to a decision on a claim that has been dismissed or denied by a temporary deputy pursuant to subsection (d) of section 4-160 have been removed for consistency with Section 10 of the bill.

JUD *Joint Favorable Subst.*