



# House of Representatives

General Assembly

**File No. 419**

February Session, 2002

House Bill No. 5751

*House of Representatives, April 9, 2002*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF THE ESTATE OF J. BLAINE LEWIS AND THE CLAIMS AGAINST THE STATE OF ELAINE BURNS, INDIVIDUALLY AND AS NEXT FRIEND OF RYAN CORNELL.***

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

1 Section 1. (*Effective from passage*) (a) Notwithstanding the failure to  
2 file a claim against the state with the Claims Commissioner within the  
3 time limitations specified by subsection (a) of section 4-148 of the  
4 general statutes, and notwithstanding the provisions of subsection (c)  
5 of said section 4-148 barring the presentment of a claim once  
6 considered by the Claims Commissioner, by the General Assembly or  
7 in a judicial proceeding, the estate of J. Blaine Lewis is authorized  
8 pursuant to the provisions of subsection (b) of said section 4-148 to  
9 present its claim against the state to the Claims Commissioner. The  
10 General Assembly deems such authorization to be just and equitable  
11 and finds that such authorization is supported by compelling equitable  
12 circumstances and would serve a public purpose.

13 (b) The state shall be barred from setting up the failure to comply  
 14 with the provisions of section 4-148 of the general statutes and from  
 15 setting up the fact that the claim had once been considered by the  
 16 Claims Commissioner, by the General Assembly or in a judicial  
 17 proceeding as defenses to such claim.

18 Sec. 2. (*Effective from passage*) (a) Notwithstanding the failure to file a  
 19 claim against the state with the Claims Commissioner within the time  
 20 limitations specified by subsection (a) of section 4-148 of the general  
 21 statutes, and notwithstanding the provisions of subsection (c) of said  
 22 section 4-148 barring the presentment of a claim once considered by  
 23 the Claims Commissioner, by the General Assembly or in a judicial  
 24 proceeding, Elaine Burns, as next friend of and conservator for Ryan  
 25 Cornell, and Elaine Burns, individually, is authorized pursuant to the  
 26 provisions of subsection (b) of said section 4-148 to present her claims  
 27 against the state to the Claims Commissioner. The General Assembly  
 28 deems such authorization to be just and equitable and finds that such  
 29 authorization is supported by compelling equitable circumstances and  
 30 would serve a public purpose.

31 (b) The state shall be barred from setting up the failure to comply  
 32 with the provisions of section 4-148 of the general statutes and from  
 33 setting up the fact that the claims had once been considered by the  
 34 Claims Commissioner, by the General Assembly or in a judicial  
 35 proceeding as defenses to such claims.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill permits two claimants to present their claims before the Claims Commissioner. They would otherwise be unable to present their claims because the one year statute of limitation had expired before they presented their claims initially to the Claims Commissioner. The Claims Commissioner may approve payment of just claims not exceeding \$7,500, or make his recommendations to the General Assembly for the payment or rejection of amounts exceeding \$7,500.

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**OLR Bill Analysis**

HB 5751

***AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF THE ESTATE OF J. BLAINE LEWIS AND THE CLAIMS AGAINST THE STATE OF ELAINE BURNS, INDIVIDUALLY AND AS NEXT FRIEND OF RYAN CORNELL.***

**SUMMARY:**

The Office of Legislative Research does not analyze special acts.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea 41    Nay 0