



# House of Representatives

General Assembly

**File No. 443**

February Session, 2002

Substitute House Joint Resolution No. 145

*House of Representatives, April 10, 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 substitute joint resolution ought to be adopted.

**RESOLUTION REJECTING THE RECOMMENDATION OF THE CLAIMS COMMISSIONER WITH REGARD TO THE CLAIM OF PAMELA SMITH.**

Resolved by this Assembly:

- 1 That the recommendation of the Claims Commissioner, file number
- 2 17216 of said commissioner, that no award be granted to Pamela Smith
- 3 on her claim against the state in excess of seven thousand five hundred
- 4 dollars and that permission to sue be denied, is rejected and Pamela
- 5 Smith is authorized to institute and prosecute to final judgment an
- 6 action against the state to recover damages as compensation for
- 7 personal injury allegedly suffered by her on September 24, 1996. Such
- 8 action shall be brought not later than one year from the date of the
- 9 final adoption by the General Assembly of this resolution.

**JUD**      *Joint Favorable Subst.*

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:**

<b>Fund-Type</b>	<b>Agency Affected</b>	<b>Future</b>
GF - Cost	Adjudicated Claims Account	Potential Significant
TF - Cost	Transportation, Dept.	Potential Minimal

Note: GF=General Fund; TF=Transportation Fund

**Municipal Impact:** None

**Explanation**

The resolution permits Pamela Smith to sue the state to recover damages for a personal injury she allegedly suffered as a result of negligence by the Department of Transportation. The resolution could result in a significant cost to the State from any judgment rendered against it.

Should judgment be rendered against the State, payment would be made from the Adjudicated Claims account in the General Fund. Under current law, the Attorney General is required to represent state agencies and departments in civil proceedings. He may choose to assign a third party to represent state entities on his behalf, in which case the Department of Transportation could incur a \$25,000 - \$50,000 expense for outside legal services. However, it is anticipated that the Attorney General would represent the Department of Transportation in this matter.

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**OLR Bill Analysis**

sHJ 145

***RESOLUTION REJECTING THE RECOMMENDATION OF THE CLAIMS COMMISSIONER WITH REGARD TO THE CLAIM OF PAMELA SMITH.***

**SUMMARY:**

The Office of Legislative Research does not analyze resolutions.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 41    Nay 0