



House of Representatives

General Assembly

File No. 446

February Session, 2002

Substitute House Joint Resolution No. 154

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 CLAIMS OF MARIA TORRES, INDIVIDUALLY, AND MARIA TORRES AS ADMINISTRATRIX OF THE ESTATE OF YOANA MARIA NODA.

Resolved by this Assembly:

1 That the recommendation of the Claims Commissioner, file
2 numbers 12299 and 12300 of said commissioner, that no award be
3 granted to Maria Torres, individually, and Maria Torres as
4 administratrix of the Estate of Yoana Maria Noda, on her claims
5 against the state in excess of seven thousand five hundred dollars and
6 that permission to sue be denied, is rejected and the claimant is
7 authorized to institute and prosecute to final judgment an action
8 against the state to recover damages as compensation for the wrongful
9 death of Yoana Maria Noda on October 28, 1990. Such action shall be
10 brought not later than one year from the date of the final adoption by
11 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:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	Future
GF - Cost	Adjudicated Claims Account	Potential Significant
GF - Cost	Correction, Dept.	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The resolution permits Maria Torres to sue the state to recover damages for the wrongful death of Yoana Maria Noda, which she alleges resulted from negligence by the Department of Correction. 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 Correction 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 Correction in this matter.

OLR Bill Analysis

sHJ 154

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SUMMARY:

The Office of Legislative Research does not analyze resolutions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0