



House of Representatives

General Assembly

File No. 23

January Session, 2003

House Bill No. 5517

House of Representatives, March 14, 2003

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 JOYCE QUICKEL.

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 proper notice of a claim against the state with the clerk of the
3 Office of the Claims Commissioner, as required by section 4-147 of the
4 general statutes, within the time limitations specified by subsection (a)
5 of section 4-148 of the general statutes, and notwithstanding the
6 provisions of subsection (c) of said section 4-148 barring the
7 presentment of a claim once considered by the Claims Commissioner,
8 by the General Assembly or in a judicial proceeding, Joyce Quickel is
9 authorized pursuant to the provisions of subsection (b) of said section
10 4-148 to present her claim against the state to the Claims
11 Commissioner. The General Assembly deems such authorization to be
12 just and equitable and finds that such authorization is supported by
13 compelling equitable circumstances and would serve a public purpose.

14 (b) The state shall be barred from setting up the failure to comply
15 with the provisions of sections 4-147 and 4-148 of the general statutes,
16 from denying that notice of the claim was properly and timely given
17 pursuant to sections 4-147 and 4-148 of the general statutes and from
18 setting up the fact that the claim had once been considered by the
19 Claims Commissioner, by the General Assembly or in a judicial
20 proceeding as defenses to such claim.

| | |
|--|---------------------|
| This act shall take effect as follows: | |
| Section 1 | <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:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Type | FY 04 or FY 05 |
|----------------------------------|---------------------|---------------------|
| Adjudicated Claims (Comptroller) | GF - Potential Cost | \$40,000 - \$55,000 |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill permits Joyce Quickel to present her claim against the state to the Claims Commissioner, who may either: (1) after hearing, recommend payment or rejection of her claim to the General Assembly at the beginning of the 2004 regular session; or (2) grant her permission to sue the state. The total, potential cost to the state from permitting Joyce Quickel to pursue her claim is up to \$55,000.

Joyce Quickel is seeking to recover damages in the amount of \$40,000 for personal injuries allegedly suffered as a result of negligence by the Department of Transportation. Related attorney’s fees and court costs, if awarded, could be about \$15,000. Payment would be made from the Adjudicated Claims account¹ if judgment is rendered against the state.

It is anticipated that the Attorney General would represent the Department of Transportation in this matter. Consequently, there would be no additional cost to the state for legal representation.

¹ The Adjudicated Claims account is a non-appropriated, General Fund account within the State Comptroller’s agency for administrative purposes. Payments from this account would reduce a surplus or increase a deficit in the General Fund.

OLR Bill Analysis

HB-5517

***AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF
JOYCE QUICKEL.***

SUMMARY:

The Office of Legislative Research does not analyze special acts.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0