



# House of Representatives

General Assembly

**File No. 229**

*February Session, 2004*

Substitute House Joint Resolution No. 39

*House of Representatives, March 24, 2004*

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 THE ESTATE OF DEAN BARNETT.***

Resolved by this Assembly:

1        That the recommendation of the Claims Commissioner, file number  
2        19285 of said commissioner, that no award be granted to the Estate of  
3        Dean Barnett on its claim against the state in excess of seven thousand  
4        five hundred dollars and that permission to sue be denied, is rejected  
5        and the Estate of Dean Barnett is authorized to institute and prosecute  
6        to final judgment an action against the state to recover damages as  
7        compensation for the alleged wrongful death of Dean Barnett on  
8        August 9, 2001. Such action shall be brought not later than one year  
9        from the date of the final adoption by the General Assembly of this  
10       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:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Comptroller - Adjudicated Claims Account	GF - Potential Cost	Approximately 5,000,000	0
Attorney General	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The resolution grants the claimant permission to sue the state. The claimant seeks to recover \$5 million in damages allegedly resulting from negligence by the Department of Environmental Protection. Any settlement or judgment payment would be made from the Adjudicated Claims account.<sup>1</sup> It is anticipated that the Attorney General would represent the Department of Environmental Protection in this matter. Consequently, there would be no additional cost to the state for legal representation.

<sup>1</sup> 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.

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**OLR Bill Analysis**

sHJ-39

***RESOLUTION REJECTING THE RECOMMENDATION OF THE CLAIMS COMMISSIONER WITH REGARD TO THE CLAIM OF THE ESTATE OF DEAN BARNETT.***

**SUMMARY:**

The Office of Legislative Research does not analyze Resolutions.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 32    Nay 5