



# House of Representatives

General Assembly

**File No. 87**

January Session, 2011

Substitute House Bill No. 6318

*House of Representatives, March 17, 2011*

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING DONATIONS OF EQUIPMENT TO THE REGIONAL VOCATIONAL-TECHNICAL SCHOOL SYSTEM.***

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

1 Section 1. (NEW) (*Effective from passage*) The Commissioner of  
2 Education may indemnify and hold harmless any person, as defined in  
3 section 1-79 of the general statutes, who makes a gift of tangible  
4 property or properties with a fair market value in excess of one  
5 thousand dollars to the Department of Education or the regional  
6 vocational-technical school system for instructional purposes. Any  
7 indemnification under this section shall be solely for any damages  
8 caused as a result of the use of such tangible property, provided there  
9 shall be no indemnification for any liability resulting from intentional  
10 or wilful misconduct by the person providing such tangible property  
11 to the department or the regional vocational-technical school system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**ED**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Attorney General	GF - Cost Adjudicated Claims	Potential Significant	Potential Significant

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill, which indemnifies any person who makes a gift in excess of one thousand dollars to the State Department of Education or the technical high school system, could result in a significant cost to the state. Under the bill, if any of the covered entities makes a donation of property, and the entity is then sued, the state then becomes responsible for any costs brought about by the law suit. Any costs would be paid through the Adjudicated Claims account. The Adjudicated Claims account expended \$9.5 million on average over the last 5 years.

**The Out Years**

The ongoing fiscal impact identified above would continue into the future subject to the number of law suits.

**OLR Bill Analysis**

**sHB 6318**

***AN ACT CONCERNING DONATIONS OF EQUIPMENT TO THE REGIONAL VOCATIONAL-TECHNICAL SCHOOL SYSTEM.***

**SUMMARY:**

This bill allows the education commissioner to indemnify those who donate certain tangible personal property to the State Department of Education or the regional vocational-technical schools for instructional purposes. The donated property must have a fair market value of more than \$1,000.

The bill covers donations by individuals, sole proprietorships, trusts, corporations, limited liability companies, unions, associations, firms, partnerships, committees, clubs, and other organizations or groups. Indemnification covers only damage claims arising from the property's use. It does not extend to any liability for a donor's deliberate misconduct.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/02/2011)