



House of Representatives

General Assembly

File No. 720

January Session, 2011

Substitute House Joint Resolution No. 73

House of Representatives, May 3, 2011

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute joint resolution ought to be adopted.

RESOLUTION VACATING THE DECISION OF THE CLAIMS COMMISSIONER TO DENY THE CLAIM AGAINST THE STATE OF THE ESTATE OF CIARA MCDERMOTT AND AUTHORIZING THE CLAIMANT TO SUE THE STATE.

Resolved by this Assembly:

- 1 That the decision of the Claims Commissioner, file number 20852 of
- 2 said commissioner, ordering the denial of the claim against the state in
- 3 excess of seven thousand five hundred dollars of the estate of Ciara
- 4 McDermott, is vacated and the claimant is authorized to institute and
- 5 prosecute to final judgment an action against the state to recover
- 6 damages as compensation for injury to person or damage to property,
- 7 or both, allegedly suffered by the claimant as set forth in said claim.
- 8 Such action shall be brought not later than one year from the date of
- 9 the 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 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 \$
State Comptroller - Miscellaneous - Adjudicated Claims Account	GF - Potential Cost	Indeterminate	Indeterminate

Note: GF=General Fund

Municipal Impact: None

Explanation

The resolution allows the claimant, the estate of Ciara McDermott, to sue the state to recover damages as compensation for personal injury and/or property damage allegedly suffered totaling \$5 million or more as set forth in said claims. Payout on the claim, were it to occur, would be made from the Comptroller's Adjudicated Claims account.¹ The total cost to the state cannot be determined as the outcome of this future lawsuit is unknown.²

The Out Years

Due to the timing of the lawsuit settlement, the fiscal impact identified above could occur in the out years, but would not continue further into the future since payment of the claim should resolve the matter.

¹ The Adjudicated Claims account has been a non-appropriated, General Fund account within the State Comptroller's accounts for administrative purposes. Payments from this account previously would reduce a surplus or increase a deficit in the General Fund. sHB 6380, the biennial budget, as favorably reported by the Appropriations Committee, has appropriated \$4 million to this account in FY 12 and FY 13.

² Notwithstanding the claimant's failure to file within the time limitations specified by statute.

OLR Bill Analysis

sHJ 73

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SUMMARY:

The Office of Legislative Research does not analyze Resolutions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 45 Nay 0 (04/14/2011)