



House of Representatives

General Assembly

File No. 443

February Session, 2014

House Bill No. 5484

House of Representatives, April 8, 2014

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 bill ought to pass.

AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF THE TOWN OF CHESHIRE.

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, the town of Cheshire is
6 authorized pursuant to the provisions of subsection (b) of section 4-148
7 of the general statutes to present its claim against the state to the
8 Claims Commissioner. The General Assembly deems such
9 authorization to be just and equitable and finds that such authorization
10 is supported by compelling equitable circumstances and would serve a
11 public purpose.

12 (b) The state shall be barred from setting up the failure to comply
13 with the provisions of sections 4-147 and 4-148 of the general statutes,
14 from denying that notice of the claim was properly and timely given

15 pursuant to sections 4-147 and 4-148 of the general statutes and from
16 setting up the fact that the claim had once been considered by the
17 Claims Commissioner, by the General Assembly or in a judicial
18 proceeding as defenses to such claim.

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

JUD *Joint Favorable*

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 15 \$	FY 16 \$
Comptroller - Adjudicated Claims Account	GF - Potential Cost	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
Cheshire	Potential Revenue Gain	See Below	See Below

Explanation

The bill allows the town of Cheshire to present its claim against the state to the Claims Commissioner to recover damages allegedly suffered. Allowing the town to present its claim has no direct fiscal impact.

However, if a decision were to be made in favor of Cheshire, there would be a cost to the state of up to approximately \$1.5 million and a revenue gain to the town of up to approximately \$1.5 million. The total value of the claim cannot be determined as the outcome of this future lawsuit is unknown.¹

The Out Years

Due to the timing of the lawsuit settlement, the fiscal impact identified above could occur in the out years, but would end with the

¹ Notwithstanding the claimant's failure to file within the time limitations specified by statute.

settlement date.

OLR Bill Analysis

HB 5484

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SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 35 Nay 0 (03/24/2014)