



House of Representatives

General Assembly

File No. 496

February Session, 2016

House Bill No. 5599

House of Representatives, April 6, 2016

The Committee on Judiciary reported through REP. TONG of the 147th 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 MILLICENT CORBETT.

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, within the time limitations
4 specified by subsection (a) of section 4-148 of the general statutes,
5 Millicent Corbett is authorized pursuant to the provisions of
6 subsection (b) of section 4-148 of the general statutes to present her
7 claim against the state to the Claims Commissioner. The General
8 Assembly finds that there is a public purpose served by encouraging
9 accountable state government through the full adjudication of cases
10 involving persons who claim to have been injured by the conduct of
11 state actors. The General Assembly further finds it just and equitable
12 that the time limitations provided for in subsection (a) of section 4-148
13 of the general statutes be tolled in a case such as this, involving a
14 claimant who commenced a civil action in the superior court for the

15 judicial district of Ansonia-Milford in 2012, thereby providing notice to
 16 the state of her claim within the statute of limitations for damage to her
 17 property that is alleged to have initially occurred in August 2009. The
 18 General Assembly deems such authorization to be just and equitable
 19 and finds that such authorization is supported by compelling equitable
 20 circumstances and would serve a public purpose. Such claim shall be
 21 presented to the Claims Commissioner not later than one year after the
 22 effective date of this section.

23 (b) The state shall be barred from setting up the failure to comply
 24 with the provisions of sections 4-147 and 4-148 of the general statutes,
 25 from denying that notice of the claim was properly and timely given
 26 pursuant to sections 4-147 and 4-148 of the general statutes and from
 27 setting up the fact that the claim had once been considered by the
 28 Claims Commissioner, by the General Assembly or in a judicial
 29 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 17 \$
State Comptroller - Miscellaneous	GF - Cost	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill permits the claimant to present the claim to the Claims Commissioner for a hearing not later than a year from passage of this bill. This may result in a potential cost to the state related to any future claim award or settlement.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

HB 5599

***AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF
MILLICENT CORBETT.***

SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 37 Nay 4 (03/21/2016)