



House of Representatives

File No. 710

General Assembly

February Session, 2016

(Reprint of File No. 619)

Substitute House Joint Resolution No. 43
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 22, 2016

**RESOLUTION CONCERNING THE DISPOSITION OF THE CLAIMS OF
THE ESTATE OF KEVIN CALES, JOSE COLON, FRANK AND
MELINDA DUMOND AND KEN KRAYESKE.**

Resolved by this Assembly:

1 Section 1. That the decision of the Claims Commissioner, file number
2 21824 of said commissioner, ordering the denial of the claim against the
3 state in excess of twenty thousand dollars of the estate of Kevin Cales, is
4 vacated and the claimant is authorized to institute and prosecute to final
5 judgment an action against the state to recover damages as compensation
6 for injury to person or damage to property, or both, allegedly suffered by
7 the claimant as set forth in said claim. Such action shall be brought not
8 later than one year from the date of the final adoption by the General
9 Assembly of this resolution.

10 Sec. 2. That the decision of the Claims Commissioner, file number
11 24198 of said commissioner, ordering the dismissal of the claim against
12 the state in excess of twenty thousand dollars of Jose Colon, is vacated
13 and the claim is remanded to the Claims Commissioner for a hearing
14 on the merits.

15 Sec. 3. That the decision of the Claims Commissioner, file number
16 23894 of said commissioner, ordering the dismissal of the claim against
17 the state in excess of twenty thousand dollars of Frank and Melinda
18 Dumond, is vacated and the claim is remanded to the Claims
19 Commissioner for a hearing on the merits.

20 Sec. 4. (a) That, notwithstanding the failure to file a claim against the
21 state within the time limitations specified by subsection (a) of section
22 4-148 of the general statutes, Kenneth J. Krayeske is authorized
23 pursuant to the provisions of subsection (b) of section 4-148 of the
24 general statutes to present his claim, file number 22750, against the
25 state to the Claims Commissioner. The General Assembly deems such
26 authorization to be just and equitable and finds that such authorization
27 is supported by compelling equitable circumstances and would serve a
28 public purpose and accordingly, in accordance with the provisions of
29 subdivision (4) of subsection (b) of section 4-159 of the general statutes,
30 remands the claim to the Claims Commissioner for a hearing on the
31 merits of such claim.

32 (b) That the state shall be barred from setting up the failure to
33 comply with the provisions of section 4-148 of the general statutes,
34 from denying that notice of the claim was properly and timely given
35 pursuant to section 4-148 of the general statutes and from setting up
36 the fact that the claim had once been considered by the Claims
37 Commissioner, by the General Assembly or in a judicial proceeding as
38 defenses to such claim.

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 \$	FY 18 \$
Comptroller - Adjudicated Claims Account	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill authorizes Jose Colon, Frank and Melinda Dumond and Ken Krayseske to present their claims against the state to the Claims Commissioner. The associated fiscal impact depends on the adjudication of the claims.

The bill also allows Kevin Cales, to sue the state to recover damages as compensation for personal injury and/or property damage allegedly suffered totaling \$20,000 or more as set forth in said claim. Payout on the claim, were it to occur, would be made from the Comptroller's Adjudicated Claims account. The total cost to the state cannot be determined as the outcome of this future lawsuit is unknown.

House "A" allows Kevin Cales to sue the state and results in the impact described above.

The Out Years

Based on the timing of when the claims are potentially awarded, and since they would be one-time in nature, there would be no out year fiscal impact.

OLR Bill Analysis

sHJ 43 (as amended by House "A")

RESOLUTION CONCERNING THE DISPOSITION OF THE CLAIMS OF THE ESTATE OF KEVIN CALES, JOSE COLON, FRANK AND MELINDA DUMOND AND KEN KRAYESKE.

SUMMARY:

The Office of Legislative Research does not analyze Resolutions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 45 Nay 0 (03/30/2016)