
OLR Bill Analysis

SB 295

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATION REGARDING WAIVER OF SOVEREIGN IMMUNITY.

SUMMARY:

This bill extends the state's sovereign immunity from lawsuits to the public health and developmental services commissioners and their staffs against claims for damages greater than \$20,000. It extends the same immunity to any member of (1) the Council on Tuberculosis Control, Hospital Care and Rehabilitation; (2) the Council on Developmental Services; (3) either of the boards of trustees of the state training schools; (4) any regional advisory and planning council; or (5) superintendents, directors, employees, or staff of any chronic disease hospital, state training school, or state developmental services region.

It accomplishes this by repealing the statute that waives sovereign immunity for these commissioners, staff, and board members.

Current law allows claims for damages greater than \$20,000 against any of the above individuals to be brought as a civil action against the commissioners in their official capacity. The attorney general must represent a commissioner in any such lawsuit. Claims for damages under \$20,000 must be filed with the claims commissioner. Under the bill, all claims would go through the office of the claims commissioner (see BACKGROUND).

EFFECTIVE DATE: October 1, 2014

BACKGROUND

Sovereign Immunity and the Claims Commissioner

Under sovereign immunity, the state is immune from liability and lawsuits. Without its consent, the state cannot be held liable in a legal action for any damage or injury it may cause, or for the cost of any

good, service, or benefit it may have received. By statute, the state has given its consent to be sued for certain types of claims. In all other circumstances, the statutes authorize the claims commissioner to determine, on a case-by-case basis, when it is equitable for the state to waive its immunity and permit a claimant to sue the state in court (CGS §§ 4-141 to 4-165c). For certain claims, the claims commissioner can also order payments or request the legislature authorize payment on a claim.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 24 Nay 1 (03/10/2014)