



Senate

General Assembly

File No. 121

February Session, 2014

Senate Bill No. 295

Senate, March 25, 2014

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 19a-24 of the general statutes is repealed. (*Effective*
- 2 *October 1, 2014*)

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2014</i>	Repealer section
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PH *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 - Indeterminate	Indeterminate	Indeterminate

Municipal Impact: None

Explanation

The bill may result in a fiscal impact to the Adjudicated Claims account to the extent that repealing CGS 19a-24 impacts the number of claims payable out of the account. The bill will require all claims filed against the Departments of Public Health and Developmental Services to go before the Claims Commissioner, not just those claims that are less than \$20,000.

The bill will not result in a fiscal impact to the Office of the Attorney General because the agency will continue to provide legal representation when claims for damages are brought against the agencies.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of civil claims filed against these agencies.

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)