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Sponsor(s): Representatives McMahan, Carrell and Newhouse

Brief Description: Revising provisions relating to governmental activities.

**HB 2997 - DIGEST**

Declares that, while the common law doctrine of sovereign immunity declares that the state is immune from liability for the tortious conduct of its employees and officers, Article II, section 26 of the state Constitution allows the legislature to waive its immunity and specify by statute "in what manner, and in what courts, suit may be brought against the state."

Finds that these constitutional principles are not adequately served by either complete sovereign immunity or the complete waiver of sovereign immunity. Pursuant to the express authority of Article II, section 26 of the state Constitution, the purpose of this act is to recognize and implement these fundamental constitutional principles while providing a fair and equitable means of recovery against governmental entities for the negligent acts of their employees and officers.

Finds that government agencies administer programs, in the exercise of their constitutional, statutory, and moral obligations, that inherently create a significant risk of tort liability in the absence of sovereign immunity. This potential liability is unique to the governmental function.

Declares that, as a result, state and local governments are not similarly situated to individual and private organizations, who are not under legal or moral obligations to provide for the public health, safety, and welfare. For these reasons, the legislature finds it necessary and appropriate to distinguish between the civil liability of private entities and governmental agencies.