

The House Committee on Judiciary offers the following substitute to HB 59:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to  
2 waiver of sovereign immunity as to actions ex contractu and state tort claims, so as to  
3 provide for waiver of sovereign immunity for declaratory judgment or injunctive relief under  
4 certain circumstances; to provide for related matters; to provide for an effective date and  
5 applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to waiver of  
9 sovereign immunity as to actions ex contractu and state tort claims, is amended by adding  
10 a new article to read as follows:

11 "ARTICLE 3

12 50-21-50.

13 The defense of sovereign immunity is waived as to any claim, counterclaim, cross-claim,  
14 or third-party claim brought in the courts of this state by an aggrieved person seeking a  
15 declaratory judgment or injunctive relief against the state or any political subdivision  
16 thereof; provided, however, that sovereign immunity is not waived as to any claim for  
17 monetary relief, attorney's fees, or expenses of litigation that are included in or related to  
18 such claim, counterclaim, cross-claim, or third-party claim. This Code section shall not be  
19 construed to alter or amend any other waiver of sovereign immunity provided by law."

20 **SECTION 2.**

21 This Act shall become effective upon its approval by the Governor or upon its becoming law  
22 without such approval and shall apply to all actions filed on or after such date.

23

**SECTION 3.**

24 All laws and parts of laws in conflict with this Act are repealed.