

The Senate Committee on Judiciary offered 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 (a) The defense of sovereign immunity is waived as to any claim, counterclaim,
14 cross-claim, or third-party claim brought in the courts of this state by an aggrieved person
15 seeking a declaratory judgment, injunctive relief, or decree in a conventional quiet title
16 against the state or any political subdivision thereof to remedy an injury in fact caused by
17 a violation of a provision of the Georgia Constitution or a violation of a state law, except
18 when a law explicitly prohibits such waiver; provided, however, that sovereign immunity
19 is not waived as to:

20 (1) Any claim for monetary relief, attorney's fees, or expenses of litigation that are
21 included in or related to such claim, counterclaim, cross-claim, or third-party claim;

22 (2) Any claim, counterclaim, cross-claim, or third-party claim seeking a declaratory
23 judgment or injunctive relief related to a contract between a third party and the state or
24 any political subdivision thereof; or

- 25 (3) Any claim, counterclaim, or third-party claim brought by, or on behalf of, an inmate
26 or institutionalized person.
- 27 (b) This Code section shall not:
- 28 (1) Be construed to alter or amend any other waiver of sovereign immunity provided by
29 law; or
- 30 (2) Apply to any claim, counterclaim, cross-claim, or third-party claim brought in the
31 courts of the United States."

32 **SECTION 2.**

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

35 **SECTION 3.**

36 All laws and parts of laws in conflict with this Act are repealed.