

The House Committee on Judiciary offers the following substitute to HR 1023:

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that the people of this state may  
 2 petition the judiciary for declaratory relief from certain acts of this state or certain local  
 3 governments or officers or employees thereof that violate the laws or Constitution of this  
 4 state or the Constitution of the United States; to provide for related matters; to provide for  
 5 the submission of this amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 7 SECTION 1.

8 Article I, Section II of the Constitution is amended by revising Paragraph V as follows:

9 "Paragraph V. *What acts void.* (a) Legislative acts in violation of this Constitution or  
 10 the Constitution of the United States are void, and the judiciary shall so declare them.

11 (b)(1) Any natural person who is a citizen of this state or a corporation domiciled in  
 12 this state who suffers an injury in fact may petition the judiciary for declaratory relief  
 13 from acts of the state or any agency, authority, branch, board, bureau, commission,  
 14 department, office, or public corporation of this state or officer or employee thereof or  
 15 any county, consolidated government, or municipality of this state or officer or employee  
 16 thereof done outside the scope of lawful authority or in violation of the laws or  
 17 Constitution of this state or the Constitution of the United States.

18 (2) Actions filed pursuant to this subparagraph against this state or any agency,  
 19 authority, branch, board, bureau, commission, department, office, or public corporation  
 20 of this state or officer or employee thereof shall be brought exclusively against the state  
 21 and in the name of the State of Georgia. Actions filed pursuant to this subparagraph  
 22 against any county, consolidated government, or municipality of the state or officer or  
 23 employee thereof shall be brought exclusively against such county, consolidated  
 24 government, or municipality and in the name of such county, consolidated government,  
 25 or municipality. Actions filed pursuant to this subparagraph naming any individual,  
 26 officer, or entity other than as expressly authorized under this subparagraph shall be  
 27 dismissed.



61     " YES    Shall the Constitution of Georgia be amended to allow the people of Georgia  
62      NO     to petition the courts of this state for declaratory relief from governmental  
63                    acts done outside the scope of lawful authority or which violate the laws or  
64                    Constitution of this state or the Constitution of the United States?"

65    All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."  
66    All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
67    such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
68    become a part of the Constitution of this state.