

House Resolution 1023 (COMMITTEE SUBSTITUTE)

By: Representatives Welch of the 110th, Efstoration of the 104th, Fleming of the 121st, Trammell of the 132nd, Kelley of the 16th, and others

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.

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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.