

Senate Bill 585

By: Senators Parent of the 42nd and Jones II of the 22nd

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 claims against state officers and employees
4 whose acts or omissions violate the federal Age Discrimination in Employment Act, Titles
5 I and V of the federal Americans with Disabilities Act Amendments Act, the federal Fair
6 Labor Standards Act, the federal Family and Medical Leave Act, or the federal Rehabilitation
7 Act of 1973 under certain circumstances; to provide that the State of Georgia shall have no
8 liability for losses resulting from the conduct of state officers or employees acting outside
9 the scope of their official duties or employment; to provide legislative intent; to provide for
10 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
11 and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

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

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17 "ARTICLE 3

18 50-21-50.

19 (a) The state waives its sovereign immunity for the acts and omissions of state officers and
20 employees while acting within the scope of their official duties or employment which
21 violate the federal Age Discrimination in Employment Act, Titles I and V of the federal
22 Americans with Disabilities Act Amendments Act, the federal Fair Labor Standards Act,
23 the federal Family and Medical Leave Act, or the federal Rehabilitation Act of 1973, with
24 respect to actions brought in the courts of the State of Georgia or the courts of the United
25 States, and shall be liable for such acts or omissions in the same manner as a private
26 individual or entity would be liable under like circumstances.

27 (b) The state shall have no liability for losses resulting from conduct on the part of state
28 officers or employees which was not within the scope of their official duties or
29 employment.

30 (c) It is the intent of the General Assembly that this article shall operate retroactively so
31 as to apply to claims or causes of action arising under the federal statutes described in
32 subsection (a) of this Code section which accrued on or after January 1, 2010. This article
33 shall not apply to claims or causes of action which accrued prior to January 1, 2010."

34 **SECTION 2.**

35 This Act shall become effective upon its approval by the Governor or upon its becoming law
36 without such approval and shall apply to all actions which accrued on or after January 1,
37 2010.

38 **SECTION 3.**

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