

House Bill 59 (COMMITTEE SUBSTITUTE)

By: Representatives Willard of the 51st, Efstoration of the 104th, Powell of the 171st, Atwood of the 179th, Pak of the 108th, and others

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24 All laws and parts of laws in conflict with this Act are repealed.