

ADOPTED

Senator Kennedy of the 18th offered the following amendment:

1 *Amend the Senate Committee on Judiciary substitute to HR 1023 (LC 41 2448S) by replacing*
 2 *lines 1 through 5 with the following:*

3 Proposing an amendment to the Constitution so as to waive sovereign immunity and allow
 4 petitions to the superior court for relief from certain acts of this state or certain local
 5 governments or officers or employees thereof that violate the laws of this state, the
 6 Constitution of Georgia, or the Constitution of the United States; to provide for related
 7 matters; to provide for the submission of this amendment for ratification or rejection; and for
 8 other purposes.

9 *By replacing line 11 with the following:*

10 (b)(1) Sovereign immunity is hereby waived for actions in the superior court seeking

11 *By deleting "done" on line 15.*

12 *By replacing line 16 with the following:*

13 or the Constitution of this state or the Constitution of the United States. Sovereign
 14 immunity is further waived so that a court awarding declaratory relief pursuant to this
 15 Paragraph may, only after awarding declaratory relief, enjoin such acts to enforce its
 16 judgment. Such waiver of sovereign immunity under this Paragraph shall apply to past,
 17 current, and prospective acts which occur on or after January 1, 2021.

18 *By inserting "as a defendant" after "naming" on line 24.*

19 *By replacing lines 26 through 34 with the following:*

20 (3) Unless otherwise provided herein, this Paragraph shall not affect the power or duty
 21 of a court to dismiss any action or deny relief based on any other appropriate legal or
 22 equitable ground or other limitation on judicial review, including, but not limited to,
 23 administrative exhaustion requirements, ante litem notice requirements, sanctions for
 24 frivolous petitions, standing, statutes of limitation and repose, and venue. The General
 25 Assembly by an Act may limit the power or duty of a court under this Paragraph to
 26 dismiss any action or deny relief.

27 *By deleting lines 46 through 58.*

28 *By replacing lines 62 through 65 with the following:*

29 " YES Shall the Constitution of Georgia be amended to waive sovereign immunity
30 NO and allow the people of Georgia to petition the superior court for relief from
31 governmental acts done outside the scope of lawful authority or which violate
32 the laws of this state, the Constitution of Georgia, or the Constitution of the
33 United States?"