

House Bill 164 (AS PASSED HOUSE AND SENATE)

By: Representative Campbell of the 39<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 15-2-9 of the Official Code of Georgia Annotated, relating to  
2 answers to questions certified by federal appellate courts to the Georgia Supreme Court, so  
3 as to provide that the Supreme Court of this state may answer any question of law certified  
4 to it from any federal appellate or district court; to provide for related matters; to provide that  
5 the effectiveness of this Act shall be conditioned upon the approval by the voters of a certain  
6 constitutional amendment; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 15-2-9 of the Official Code of Georgia Annotated, relating to answers to  
10 questions certified by federal appellate courts to the Georgia Supreme Court, is amended by  
11 striking said Code section in its entirety and inserting in lieu thereof the following:

12 "15-2-9.

13 (a) The Supreme Court of this state, by rule of court, may provide that when it shall appear  
14 to the Supreme Court of the United States, to any circuit court of appeals or district court  
15 of the United States, or to the Court of Appeals or the District Court of the District of  
16 Columbia that there are involved in any proceeding before it questions ~~or propositions~~ of  
17 the laws of this state which are determinative of the case and there are no clear controlling  
18 precedents in the decisions of the Supreme Court of this state, such federal ~~appellate~~ court  
19 may certify the questions ~~or propositions~~ of the laws of this state to the Supreme Court of  
20 this state for ~~instructions concerning~~ answers to the questions ~~or propositions~~ of state law,  
21 which certificate the Supreme Court of this state may answer by written opinion.

22 (b) The Court of Appeals shall not have jurisdiction to consider any question certified  
23 under this Code section by transfer or otherwise."

