

The Senate Committee on Judiciary offered the following substitute to HB 185:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 require the Judicial Council of Georgia to create an Office of Business Cases in order to
3 evaluate data for use with the state-wide business court; to create the Georgia Council on the
4 State-wide Business Court; to provide for its purpose, membership, chairperson, staff
5 support, funding, meetings, quorum, duties, and powers; to provide for a sunset; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
10 Article 2 of Chapter 5, relating to the Judicial Council, by adding a new Code section to read
11 as follows:

12 "15-5-27.

13 (a) The Judicial Council of Georgia shall establish an Office of Business Cases. The
14 purpose of such office shall be to facilitate judicial attention to, expertise for, and
15 knowledgeable administration of, certain complex business cases filed in the superior and
16 state courts.

17 (b) Using information from civil case filing and disposition forms, the Office of Business
18 Cases shall study and evaluate the number and types of cases brought pursuant or subject
19 to the following:

20 (1) The Georgia Uniform Securities Act of 2008;

21 (2) The Uniform Commercial Code;

22 (3) The Georgia Business Corporation Code;

23 (4) The Uniform Partnership Act;

24 (5) The Uniform Limited Partnership Act;

25 (6) The Georgia Revised Uniform Limited Partnership Act;

26 (7) The Georgia Limited Liability Company Act; or

27 (8) Any contract or tort case wherein at least one of the plaintiffs and one of the
 28 defendants is incorporated and wherein the amount of controversy or, in a case of
 29 injunctive relief, the value of the relief sought or the cost of not getting the relief, exceeds
 30 \$1 million.

31 (c) The Office of Business Cases shall provide the Georgia Council on the State-wide
 32 Business Court with caseload study data and analysis and its expertise.

33 (d) The Judicial Council of Georgia may appoint a director of the Office of Business Court
 34 Cases and may promulgate rules and regulations as necessary to establish the management
 35 and administration of the Office of Business Cases."

36 **SECTION 2.**

37 Said title is further amended by adding a new chapter to read as follows:

38 "CHAPTER 26

39 15-26-1.

40 (a) There is created the Georgia Council on the State-wide Business Court for the purpose
 41 of providing guidance and review of laws related to the creation of a State-wide Business
 42 Court.

43 (b) As used in this chapter, the term 'council' means the Georgia Council on the State-wide
 44 Business Court.

45 15-26-2.

46 (a) The council shall consist of 15 members. The Governor shall appoint five members.
 47 The President of the Senate shall appoint five members, three of whom shall be state
 48 senators, including one member of the minority party. The Speaker of the House of
 49 Representatives shall appoint five members, three of whom shall be state representatives,
 50 including one member of the minority party.

51 (b) Each member of the council shall be appointed to serve until December 31, 2020, or
 52 until his or her successor is duly appointed, except the members of the General Assembly,
 53 who shall serve until completion of their current terms of office. A member may be
 54 appointed to succeed himself or herself on the council. If a member of the council is an
 55 elected or appointed official, the member, or his or her designee, shall be removed from the
 56 council if the member no longer serves as such elected or appointed official.

57 (c) The Governor shall designate the chairperson of the council. The council may elect
 58 other officers as it deems necessary. The chairperson of the council may designate and
 59 appoint committees from among the membership of the council, as well as appoint other

60 persons to perform such functions as he or she may determine to be relevant to and
 61 consistent with this chapter. The chairperson shall vote only to break a tie.

62 (d) The council shall be attached for administrative purposes only to the Judicial Council
 63 of Georgia. The Administrative Office of the Courts shall provide staff support for the
 64 council. The Judicial Council of Georgia shall use any funds specifically appropriated to
 65 it to support the work of the council.

66 15-26-3.

67 (a) The council may conduct meetings at such places and times as it deems necessary or
 68 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
 69 accomplish the objectives and purposes of this chapter. The council shall hold meetings
 70 at the call of the chairperson. The council shall meet not less than twice every year.

71 (b) A quorum for transacting business shall be a majority of the members of the council.

72 (c) Any legislative members of the council shall receive the allowances provided for in
 73 Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the
 74 amount specified in subsection (b) of Code Section 45-7-21, as well as the mileage or
 75 transportation allowance authorized for state employees. Members of the council who are
 76 state officials, other than legislative members, or state employees shall receive no
 77 compensation for their services on the council, but they shall be reimbursed for expenses
 78 incurred by them in the performance of their duties as members of the council in the same
 79 manner as they are reimbursed for expenses in their capacities as state officials or state
 80 employees. The funds necessary for the reimbursement of the expenses of state officials,
 81 other than legislative members, and state employees shall come from funds appropriated
 82 to or otherwise available to their respective departments. All other funds necessary to carry
 83 out the provisions of this chapter shall come from funds appropriated to the Senate and the
 84 House of Representatives.

85 15-26-4.

86 (a) The council shall have the following duties:

87 (1) To evaluate and recommend the subject matter jurisdiction and geographical situs for
 88 the state-wide business court;

89 (2) To review the conditions, needs, issues, and problems related to business litigation
 90 and the complexity of such cases and the geographic needs of this state for utilization of
 91 the state-wide business court; issue a report on the same to the Governor, the Office of
 92 Planning and Budget, and the chairpersons of the House Committee on Appropriations,
 93 the Senate Appropriations Committee, the House Committee on Judiciary, and the Senate
 94 Judiciary Committee; and recommend any action or proposed legislation which the

95 council deems necessary or appropriate. Nothing contained in the council's report shall
 96 be considered to authorize or require a change in any law without action by the General
 97 Assembly;

98 (3) To evaluate and consider the best practices, experiences, and results of pilot business
 99 court projects in this state and business courts in other states and legislation in other states
 100 with regard to business courts; and

101 (4) To conduct studies, hold public meetings, collect data, or take any other action the
 102 council deems necessary to fulfill its responsibilities.

103 (b) The council shall have the following powers:

104 (1) To request and receive data from and review the records of appropriate courts to the
 105 greatest extent allowed by state and federal law;

106 (2) To accept public or private grants, devises, and bequests;

107 (3) To authorize entering into contracts or agreements necessary or incidental to the
 108 performance of its duties through the council's chairperson; and

109 (4) To establish rules and procedures for conducting the business of the council.

110 (c) The council shall be authorized to retain the services of attorneys, consultants, subject
 111 matter experts, economists, budget analysts, data analysts, statisticians, and other
 112 individuals or organizations as determined appropriate by the council.

113 15-26-5.

114 This chapter shall be repealed effective December 31, 2020, unless continued in effect by
 115 the General Assembly prior to that date."

116 **SECTION 3.**

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