

House Resolution 598 (COMMITTEE SUBSTITUTE)

By: Representatives Martin of the 49th, Cannon of the 172nd, Williamson of the 112th, Jones of the 25th, Smith of the 138th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to vest judicial power of the state in the
2 Georgia Tax Court; to provide for venue and jurisdiction of the Georgia Tax Court; to
3 provide for concurrent jurisdiction with superior courts; to provide for judges of the Georgia
4 Tax Court and their qualifications; to provide for vacancies; to provide for related matters;
5 to provide for the submission of this amendment for ratification or rejection; and for other
6 purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article VI, Section I of the Constitution is amended by revising Paragraph I as follows:

10 "Paragraph I. ***Judicial power of the state.*** The judicial power of the state shall be vested
11 exclusively in the following classes of courts: magistrate courts, probate courts, juvenile
12 courts, state courts, superior courts, state-wide business court, Georgia Tax Court, Court
13 of Appeals, and Supreme Court. Nothing in this paragraph shall preclude a superior court
14 from creating a business court division for its circuit in a manner provided by law.
15 Magistrate courts, probate courts, juvenile courts, and state courts shall be courts of limited
16 jurisdiction. In addition, the General Assembly may establish or authorize the
17 establishment of municipal courts and may authorize administrative agencies to exercise

quasi-judicial powers. Municipal courts shall have jurisdiction over ordinance violations and such other jurisdiction as provided by law. Except as provided in this Paragraph and in Section X, municipal courts, county recorder's courts, and civil courts in existence on June 30, 1983, and administrative agencies shall not be subject to the provisions of this article. The General Assembly shall have the authority to confer 'by law' jurisdiction upon municipal courts to try state offenses."

SECTION 2.

Article VI, Section II of the Constitution is amended by adding a new paragraph to read as follows:

"Paragraph X. **Venue of Georgia Tax Court.** All cases before the Georgia Tax Court may conduct pretrial proceedings in any county as provided by law. Any trial of a case that is before the Georgia Tax Court shall take place in the county as is otherwise prescribed by this section."

SECTION 3.

Article VI, Section III of the Constitution is amended by adding a new paragraph to read as follows:

"Paragraph III. **Jurisdiction of Georgia Tax Court.** The Georgia Tax Court shall have state-wide jurisdiction as provided by law."

SECTION 4.

Article VI, Section IV of the Constitution is amended by revising Paragraph I as follows:

"Paragraph I. **Jurisdiction of superior courts.** The superior courts shall have jurisdiction in all cases, except as otherwise provided in this Constitution. They shall have exclusive jurisdiction over trials in felony cases, except in the case of juvenile offenders as provided by law; in cases respecting title to land; and in divorce cases. They shall have concurrent

jurisdiction with the state-wide business court and the Georgia Tax Court in equity cases. A superior court by agreement of the parties may order removal of a case to the state-wide business court or the Georgia Tax Court as provided by law. The superior courts shall have such appellate jurisdiction, either alone or by circuit or district, as may be provided by law."

SECTION 5.

Article VI, Section VII of the Constitution is amended in Paragraph I by adding a new subparagraph to read as follows:

"(c) Each Georgia Tax Court judge shall serve a term of four years; provided, however, that the initial term of each such judge shall be as provided by law. Each Georgia Tax Court judge shall be appointed by the Governor, subject to approval by a majority vote of the Senate Judiciary Committee and a majority vote of the House Committee on Judiciary. Each judge may be reappointed for any number of consecutive terms so long as he or she meets the qualifications of appointment at the time of each appointment and is approved as required by this subparagraph. The Georgia Tax Court shall consist of the number of judges as provided for by law. For purposes of qualifications, Georgia Tax Court judges shall be deemed to serve the geographical area of this state."

SECTION 6.

Article VI, Section VII of the Constitution is amended in Paragraph II by adding a new subparagraph to read as follows:

"(b.2) Georgia Tax Court judges shall have such qualifications as provided by law."

SECTION 7.

Article VI, Section VII of the Constitution, relating to classes of courts of limited jurisdiction, is amended by revising Paragraph III as follows:

65 "Paragraph III. ***Vacancies***. Vacancies shall be filled by appointment of the Governor
66 except as otherwise provided by law in the magistrate, probate, and juvenile courts.
67 Vacancies in the state-wide business court shall be filled by appointment of the Governor,
68 subject to approval as specified in subparagraph (b) of Paragraph (I) of this section.
69 Vacancies in the Georgia Tax Court shall be filled by appointment of the Governor, subject
70 to approval as provided for in subparagraph (c) of Paragraph (I) of this section."

71 **SECTION 8.**

72 The above proposed amendment to the Constitution shall be published and submitted as
73 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
74 above proposed amendment shall have written or printed thereon the following:

75 "() YES Shall the Constitution of Georgia be amended so as to provide for the Georgia
76 () NO Tax Court to be vested with the judicial power of the state and to have venue,
77 judges, and jurisdiction concurrent with superior courts?"

78 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

79 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
80 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
81 become a part of the Constitution of this state.