

House Resolution 598 (AS PASSED HOUSE AND SENATE)

By: Representatives Martin of the 49<sup>th</sup>, Cannon of the 172<sup>nd</sup>, Williamson of the 112<sup>th</sup>, Jones of the 25<sup>th</sup>, Smith of the 138<sup>th</sup>, 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

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

24 **SECTION 2.**

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

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

31 **SECTION 3.**

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

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

36 **SECTION 4.**

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

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

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

46 **SECTION 5.**

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

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

58 **SECTION 6.**

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

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

62 **SECTION 7.**

63 Article VI, Section VII of the Constitution, relating to classes of courts of limited  
64 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.