

**Senate Special Judiciary Committee Members  
2005-2006**

**Senator Michael S. Meyer von Bremen**

Chairman

121-I State Capitol

Atlanta, Georgia 30334

404-656-0037

**Senator David Adelman**

Vice-Chairman

303-A Coverdell Legislative Office Building

Atlanta, Georgia 30334

404-463-1376

**Senator Steve Henson**

Secretary

121-J State Capitol

Atlanta, Georgia 30334

404-656-0085

**Senator Vincent Fort**

Committee Member

305-B Coverdell Legislative Office Building

Atlanta, Georgia 30334

404-656-5091

**Senator Steen Miles**

Committee Member

325-B Coverdell Legislative Office Building

Atlanta, Georgia 30334

404-463-2598

**Senator Nancy Schaefer**

Committee Member

323-A Coverdell Legislative Office Building

Atlanta, Georgia 30334

404-463-1367

**Senator Doug Stoner**

Committee Member

303-B Coverdell Legislative Office Building

Atlanta, Georgia 30334

404-463-2518

## 2006 Session

### **Senate Special Judiciary Committee Rules**

#### Introduction:

Each member of the Committee should be mindful of the Senate Rules especially regarding attendance.

1. A Quorum of the Committee shall be 4 members.
2. The Chairman shall determine which bills and resolutions are to be considered and the order in which said measures are considered.
3. The Chairman shall have the authority to refer bills and resolutions to subcommittees for study. Such subcommittees in turn shall have the authority to make recommendations on such measures to the full Committee at such time as shall be designated by the Chairman.
4. The Committee shall convene, recess, and adjourn upon the order of the Chairman.
5. A bill or resolution will be considered only after presentation by its principal author or other legislator whose name appears first or second on the list of authors or co-sponsors, unless the author or co-sponsor has made other arrangements with the Chairman.
6. No member of the Committee shall be allowed to vote by proxy.
7. Members may not abstain from voting unless the member or any member of the Senator's immediate family has a direct pecuniary interest in the result of such vote which interest is distinct, unique or peculiar to the Senator or the Senator's immediate family.
8. Any member or members of the Committee who disagree with the majority report of the Committee shall be privileged to file a minority report if they so desire.
9. These rules may be amended upon a motion duly made and subsequently approved by two-thirds of the members of the Committee.
10. Where these rules are silent on a specific issue, the Rules of the Senate as adopted shall govern.

## SENATE SPECIAL JUDICIARY COMMITTEE

The Senate Special Judiciary Committee met in Conference Room 123 of the Capitol on Wednesday, January 25, 2006 at 3:30 P.M.

The following senators were present:

Meyer von Bremen, 12<sup>th</sup>, Chairman  
Adelman, 42<sup>nd</sup>, Vice Chairman  
Stoner, 6<sup>th</sup>  
Fort, 39<sup>th</sup>  
Schaefer, 50<sup>th</sup>

Note: Senator Henson and Senator Miles were absent.

The following legislation was discussed.

[\*\*SB 249\*\*](#) (Thomas, 2<sup>nd</sup>) - Adoption; provide original birth certificate; fee/waiting period; provision.

Senator Thomas briefly presented the bill and reminded the committee that this legislation had previously passed twice in the Senate. She then introduced Mr. Jim Outman who gave a more in-depth analysis of this legislation. Mr. Outman is an adoption attorney in Atlanta who has been involved with the writing of the Georgia Adoption Statute since 1975. He gave a history of adoption law in Georgia and then highlighted the importance of adopted persons to be able to access their birth certificate without petitioning the court. He urged passage of the bill, but proposed a substitute to allow for an adopted person to have access to his/her birth certificate if the birth parent is deceased or agrees in writing to the release of the original birth certificate. The committee discussed this idea as well as the issue of a retroactive date of July 1, 2005. It became the consensus to not include the substitute and to change the date to the current year.

Senator Meyer von Bremen introduced Judge Lawton Stephens and Judge Charlie Winn who were present and asked if they had any feedback on the bill. They did not have any concerns about the bill.

Senator Adelman moved to amend SB 249 and change the date at lines 23, 29 and 31 to July 1, 2006. Senator Fort seconded the motion. The motion carried unanimously.

A **DO PASS AS AMENDED** motion was made by Senator Adelman. Senator Fort seconded the motion. The motion carried unanimously.

[SB 419](#) (Harp, 29<sup>th</sup>) - Lottery Proceeds; provide method to recover delinquent child support payments; change certain provisions.

Senator Meyer von Bremen announced that there would only be a hearing on [SB 419](#). He then introduced Senator Harp, the sponsor of the bill.

Senator Harp said that he had spoken with representatives of the Georgia Lottery Corporation that morning and he had decided that the dollar amount should be changed to apply to lottery winnings over \$600, rather than over \$500. This change applies to page 2, line 5 of the bill. Senator Harp had to leave for another meeting.

Mr. J.B. Landroche, Vice President of Corporate Affairs of the Georgia Lottery, testified to the committee about the bill. He explained that retailers can currently pay up to \$600 for lottery winnings. Winnings greater than \$600 can be redeemed at the Atlanta lottery office or their several district offices around the state. Without the change as set forth by Senator Harp, retailers would have to check for back child support when people come to claim winnings over \$500. So this change in amount helps avoid this retailer problem. However, the bill, as changed, will still create a huge administrative problem for the Lottery because, at present, delinquent child support is only checked when a person has won over \$5,000. Lowering the amount to winnings over \$600, therefore, creates more administrative research work.

Mr. Landroche asked Mr. Tom Schroeder to come testify at the table. Mr. Schroeder is the senior attorney for the Georgia Lottery Corporation. Mr. Schroeder discussed the administrative concerns and the added expenses that would accompany these changes.

There was a discussion in the committee about litigating disputes that arise when lottery winners have winnings withheld due to delinquent child support payments. Mr. Schroeder discussed the possibility of more court cases with the passage of this bill including an increase in court fees with interpleader motions.

Senator Meyer von Bremen suggested that Mr. Landroche and Mr. Schroeder speak further with Senator Harp to try and work out a lower number as a compromise.

There being no further business, the meeting was adjourned at 4:19 P.M.  
Respectfully Submitted,

/s/ Henson of the 41<sup>st</sup>, Secretary

/s/ Kim Crowell, Recording Secretary

## SENATE SPECIAL JUDICIARY COMMITTEE

The Senate Special Judiciary Committee met in Conference Room 123 of the Capitol, Wednesday, February 1, 2006 at 1:40 P.M.

The following senators were present:

Meyer von Bremen, 12<sup>th</sup>, Chairman  
Adelman, 42<sup>nd</sup>, Vice Chairman  
Fort, 39<sup>th</sup>  
Miles, 43<sup>rd</sup>  
Schaefer, 50<sup>th</sup>

Note: Senator Henson and Senator Stoner were absent.

The following legislation was discussed.

[SB 465](#) (Adelman, 42<sup>nd</sup>) - General Provisions, O.C.G.A.; correct errors/omissions; reenact the statutory portion; provide necessary revisions/modernizations.

[SB 466](#) (Adelman, 42<sup>nd</sup>) - General Provisions, O.C.G.A; correct errors/omissions in Title 47.

[SB 467](#) (Adelman, 42<sup>nd</sup>) - General Provisions, O.C.G.A; correct errors/omissions in Title 21.

Chairman Meyer von Bremen asked Senator Adelman to introduce [SB 465](#), [SB 466](#), and [SB 467](#). Senator Adelman explained that the purpose of these three bills is to correct typographical and other errors as found by the Legislative Counsel's Office. These bills do nothing to change any substance of the law. Senator Adelman said that [SB 465](#) is a general bill correcting many areas of the code. [SB 465](#) corrects errors in the code relating to retirement and pensions. [SB 467](#) corrects errors in the code relating to elections. Senator Adelman then introduced Wayne Allen of the Legislative Counsel's Office who spoke more on this process. Mr. Allen explained that both attorneys within the office as well as editors go through each bill to look for typographical, grammatical, stylistic and punctuation errors.

A **DO PASS** motion was made by Senator Miles on [SB 465](#). Senator Fort seconded the motion. The motion carried unanimously.

A **DO PASS** motion was made by Senator Miles on [SB 466](#). Senator Fort seconded the motion. The motion carried unanimously.

A **DO PASS** motion was made by Senator Miles on [SB 467](#). Senator Fort seconded the motion. The motion carried unanimously.

[HB 804](#) (Ralston, 7<sup>th</sup>) - Barratry; Code section; repeal.

Chairman Meyer von Bremen then introduced Representative David Ralston to introduce [HB 804](#). Representative Ralston explained that this bill repeals the offense of barratry, which is an offense that is no longer enforced. Further, the current code dealing with the offense of barratry is in conflict with Supreme Court and State Bar rules. He said the bill does not legalize bad conduct, but merely says that the conduct will be handled by other means. Representative Ralston added that the bill passed the House without any dissenting votes.

The committee briefly discussed this bill.

A **DO PASS** motion was made by Senator Adelman on [HB 804](#). Senator Schaefer seconded the motion. The motion carried unanimously.

There being no further business, the meeting was adjourned at 1:55 P.M.

Respectfully Submitted,

/s/ Henson of the 41<sup>st</sup>, Secretary

/s/ Kim Crowell, Recording Secretary

## SENATE SPECIAL JUDICIARY COMMITTEE

The Senate Special Judiciary Committee met in Conference Room 123 of the Capitol, Wednesday, February 8, 2006 at 1:40 P.M.

The following senators were present:

Meyer von Bremen, 12<sup>th</sup>, Chairman  
Fort, 39<sup>th</sup>  
Henson, 41<sup>st</sup>, Secretary  
Schaefer, 50<sup>th</sup>  
Stoner, 6<sup>th</sup>

Note: Senator Adelman and Senator Miles were absent.

The following legislation was discussed.

[SB 469](#) (Smith, 52<sup>nd</sup>) - Corporations, Partnerships and Associations; update provisions.

Chairman Meyer von Bremen introduced [SB 469](#) as being legislation that keeps up with corporate trends to make Georgia a more attractive location for businesses. He introduced Mark Middleton, a lobbyist with the Georgia Bar to speak more on the bill. Mr. Middleton said that the changes to the corporate code began with the members of the corporate section of the State Bar. He explained the process of these changes within the Bar.

Mr. Middleton then introduced Tom McNeill who is Chairman of the Corporate Code Committee with the Bar who is an attorney at Powell Goldstein LLP. Mr. McNeill said that the corporate code committee meets regularly to update our code. He said the goal of the meetings is to make sure that things are up to date and in keeping with modern corporate trends. He said that corporations can choose where to incorporate and the most common choices for incorporation locations are Delaware and New York.

Mr. McNeill said that businesses consider whether they will be at any disadvantage when they incorporate in Georgia and they work to make sure that businesses are at an advantage. He discussed some of the advantages of being incorporated in the same state as your business. Senator Henson asked some questions of Mr. McNeill and there was a brief discussion.

Next, Bruce Wannamaker testified. Mr. Wannamaker is an attorney with Kilpatrick Stockton LLP and is also a member of the Corporate Code Committee of the Georgia Bar. He outlined the three sets of changes to the corporate code that are reflected in this

bill. The changes include: 1) provisions regarding mergers; 2) corporate powers and clarifications; and 3) provisions of the corporate code.

Senator Meyer von Bremen and Senator Fort discussed these changes with Mr. Wannamaker.

Tom Richey testified next. Mr. Richey is an attorney with Powell Goldstein LLP and is a member of the Corporate Code Committee of the Georgia Bar. He discussed the code changes to the indemnification provisions.

Senator Meyer von Bremen and Senator Henson discussed these changes with Mr. Richey.

Mr. Middleton testified again and said that they had created a substitute to the bill that incorporates some changes as suggested by the Secretary of State's office as well as notice provision changes in three lines (p. 19, Line 22, section D 1; p. 24 Line 28 Section C 1; and p. 38 Line 14-15).

The committee briefly discussed the substitute changes.

A **DO PASS BY COMMITTEE SUBSTITUTE** motion was made by Senator Henson. Senator Stoner seconded the motion. The motion carried unanimously.

There being no further business, the meeting was adjourned at 2:10 P.M.

Respectfully Submitted,

/s/ Henson of the 41<sup>st</sup>, Secretary

/s/ Kim Crowell, Recording Secretary

## **SENATE SPECIAL JUDICIARY COMMITTEE**

The Senate Special Judiciary Committee met in Conference Room 123 of the Capitol, Wednesday, February 15, 2006 at 3:38 P.M.

The following senators were present:

Meyer von Bremen, 12<sup>th</sup>, Chairman  
Henson, 41<sup>st</sup>, Secretary  
Schaefer, 50<sup>th</sup>  
Stoner, 6<sup>th</sup>

Note: Senator Adelman, Senator Fort, and Senator Miles were absent.

The following legislation was discussed.

**SB 419** (Harp, 29<sup>th</sup>) - Lottery Proceeds; provide method to recover delinquent child support payments; change certain provisions.

Chairman Meyer von Bremen reminded the committee that he had asked the Georgia Lottery Corporation representatives to meet with Senator Harp so as to reach a compromise on the amount of lottery winnings that can be garnished for delinquent child support payments. Senator Meyer von Bremen said that he understood that the Lottery representatives had reached this compromise with great reluctance because he knows they do not wish to open up the statute to chip away at other programs. He then asked Senator Harp to speak more on the bill.

Senator Harp said the goal of this bill is to capture more delinquent child support payments from lottery winnings. He said that the Lottery representatives had been helpful in working out a compromise. The current statute requires the Lottery to search for back child support payments at the amount of \$5,000 or more. The compromise lowers the amount to \$2,500 or more. Senator Harp said that the Lottery said they could live with this change. Currently, approximately 30 people per year who win lottery proceeds of \$5,000 or more owe back child support payments.

By cutting this threshold amount to \$2,500, the Lottery estimates that 150-200 people per year will be found owing delinquent child support payments. Senator Harp said that another reason this change will not be a difficult one for the Lottery to implement is due to their great working relationship with the Department of Human Resources, which generates the delinquent child support payment list for the Lottery. Senator Harp said that he knew that the Lottery did not want to do anything that would impede lottery ticket sales.

A **DO PASS BY SUBSTITUTE** motion was made by Senator Henson. Senator Schaefer seconded the motion. The motion carried unanimously.

There being no further business, the meeting was adjourned at 3:44 P.M.

Respectfully Submitted,

/s/ Henson of the 41<sup>st</sup>, Secretary

/s/ Kim Crowell, Recording Secretary

## **SENATE SPECIAL JUDICIARY COMMITTEE**

The Senate Special Judiciary Committee met in Conference Room 123 of the Capitol, Wednesday, February 22, 2006 at 1:58 P.M.

The following senators were present:

Adelman, 42<sup>nd</sup>, Vice Chairman

Schaefer, 50<sup>th</sup>

Note: Senator Adelman chaired the meeting for Chairman Meyer von Bremen due to a conflict of interest on [HB 912](#).

Chairman Meyer von Bremen, Senator Fort, Senator Henson, Senator Stoner and Senator Miles were absent.

The following legislation was discussed.

[HB 912](#) (Fleming, 117<sup>th</sup>) - Civil practice; production of documents; amend provisions.

Because no quorum was met for this meeting, a general discussion was held on [HB 912](#) since interested parties were present and prepared to discuss the bill.

Senator Adelman introduced Senator Preston Smith to speak on [HB 912](#). Senator Smith discussed the merits of the bill as did Roger Martin, an attorney at Hall Booth Smith and Slover, P.C. Likewise, representatives from the Georgia Hospital Association and the Georgia Trial Lawyers Association voiced their support for [HB 912](#).

Senator Adelman thanked everyone for their input and explained that those who had spoken on the bill would not need to come to the next Special Judiciary Committee for the voting of the bill.

[SB 564](#) (Meyer von Bremen, 12th) - Georgia Arbitration Code; agreement of mandatory arbitration contain notices; provide addendum.

There was no discussion on [SB 564](#). It was on the agenda for an overview. No vote or hearing was heard on this bill.

There being no further business, the meeting was adjourned at 2:25 P.M.

Respectfully Submitted,

/s/ Henson of the 41<sup>st</sup>, Secretary

/s/ Kim Crowell, Recording Secretary

## **SENATE SPECIAL JUDICIARY COMMITTEE**

The Senate Special Judiciary Committee met in Conference Room 123 of the Capitol, Wednesday, March 1, 2006 at 4:45 P.M.

The following senators were present:

Meyer von Bremen, 12<sup>th</sup>, Chairman  
Henson, 41<sup>st</sup>, Secretary  
Schaefer, 50<sup>th</sup>  
Stoner, 6<sup>th</sup>

Note: Senator Adelman, Senator Fort, and Senator Miles were absent.

(Please note that Senator Adelman did arrive for [HB 912](#) at the conclusion of the meeting and presided over the Committee as Vice Chairman since Chairman Meyer von Bremen had to recuse himself from the discussion of this bill.)

Chairman Meyer von Bremen began the meeting by explaining that Vice Chairman Senator Adelman was to have opened the meeting, as Chairman Meyer von Bremen has a conflict with the first bill on the agenda, [HB 912](#). Due to the fact that Senator Adelman had been detained in another committee meeting and the fact that Chairman Meyer von Bremen was needed for a committee quorum, [HB 912](#) was momentarily skipped.

The following legislation was discussed.

[HB 912](#) (Fleming, 117<sup>th</sup>) - Civil practice; production of documents; amend provisions.

The committee waited for Senator Adelman to arrive from his other committee meeting so that a quorum could be present for [HB 912](#) since Chairman Meyer von Bremen would have to recuse himself. Senator Meyer von Bremen also called the Secretary of Senate's office to determine if an ex officio member could come and take his place if Senator Adelman was not able to arrive in time for the meeting.

Senator Adelman then arrived and presided over [HB 912](#) as Vice Chairman of the Committee. He reminded the committee that discussion and testimony had been given on this bill at last week's meeting, but he did ask for someone to briefly discuss the issue of the substitute to the bill. Roger Martin, an attorney at Hall Booth, Smith & Slover, P.C., spoke saying that a substitute had been prepared to [HB 912](#) and that it had been agreed upon by the Georgia Trial Lawyers Association and the Georgia Hospital Association. He said that this consensus bill also had the support of the State Bar of Georgia. The bill provides a pecking order for hospitals and third party providers who need to obtain a decedent's records.

A **DO PASS BY SUBSTITUTE** motion was made by Senator Henson. Senator Stoner seconded the motion. The motion carried unanimously.

[HB 594](#) (Maxwell, 17<sup>th</sup>) - Bail bonds; fees of sureties.

Chairman Meyer von Bremen introduced Representative Maxwell to speak about [HB 594](#). Representative Maxwell explained that [HB 594](#) changes the principal amount of bonds due to fees that have been added in. He referenced a bond document which was distributed to the committee that showed these extra fees. He said that the law needs to be codified so as to provide that the bond will be the face amount of the bond plus all fees. Senator Meyer von Bremen said that this bill would allow bondsmen to charge on the total. Chairman Meyer von Bremen then asked for any comments. Scott Hall, President of the Georgia Bondsmen, said that his group was in support of this bill. Mr. Hall said that there have been a couple of occasions where some creative attorneys have said that the bondsmen were charging too much because by law they must charge on the principal amount only and not include the extra fees and surcharges. He said this bill clarifies the law and brings it current with what is actually happening. Oliver Hunter a representative from the Georgia Sheriff's Association then made a brief statement. He said his organization has no problem with this bill since it allows bondsmen to recover the money amounts due to them.

A **DO PASS** motion was made by Senator Henson. Senator Stoner seconded the motion. The motion carried unanimously.

[SB 573](#) (Carter, 13<sup>th</sup>) - Land Transactions; development of condominium property; escrow funds.

Next, Chairman Meyer von Bremen asked Senator Carter to introduce [SB 573](#). Senator Carter explained that this bill allows condominium developers to use escrow funds to go for construction for contracted condominiums. He said that this bill lays out specific language to contract for use of these funds. He then introduced Mr. Bruce Bowers, of Bowers & Massey, to speak more on the bill. Mr. Massey said that currently Chapter 3 of Title 44 prohibits use of escrow funds for any purpose. [SB 573](#) amends under certain conditions for developers to use escrow money for the purpose of constructing. Specifically, [SB 573](#) states that when a condominium purchase price is greater than \$150,000 and where the contract allows for construction, 1% of the purchase price will remain in escrow while those escrow funds in excess of the 1% purchase price can be used for actual construction expenses.

Senator Henson asked Mr. Bowers a question about the use of funds for salaries. Mr. Bowers said that the escrow money can only be used for actual construction of the property. Senator Henson then asked whether there was any opposition to this bill. Mr. Bowers said that no one has come to them with any concerns and that they had received support from the banking industry.

A **DO PASS** motion was made by Senator Henson. Senator Schaefer seconded the motion. The motion carried unanimously.

[SB 564](#) (Meyer von Bremen, 12<sup>th</sup>) - Georgia Arbitration Code; agreement of mandatory arbitration contain notices; provide addendum.

Chairman Meyer von Bremen briefly discussed his bill, [SB 564](#), regarding changes to arbitration, but no vote was taken.

There being no further business, the meeting was adjourned at 5:25 P.M.

Respectfully Submitted,

/s/ Henson of the 41<sup>st</sup>, Secretary

/s/ Kim Crowell, Recording Secretary

## **SENATE SPECIAL JUDICIARY COMMITTEE**

The Senate Special Judiciary Committee met in Conference Room 123 of the Capitol, Wednesday, March 8, 2006 at 9:38 A.M.

The following senators were present:

Meyer von Bremen, 12<sup>th</sup>, Chairman  
Adelman, 42<sup>nd</sup>, Vice Chairman  
Miles, 43<sup>rd</sup>  
Schaefer, 50<sup>th</sup>  
Stoner, 6<sup>th</sup>

Note: Senator Fort and Senator Henson were absent.

The following legislation was discussed.

**SB 638** (Chance, 16<sup>th</sup>) - Aircraft; liens for labor/contracts of indemnity; filing notice of intention to claim with clerk of superior court.

Chairman Meyer von Bremen called the meeting to order and thanked the committee members for coming to this early meeting. He explained that Senator Chance had requested this early time to allow his bill to get on the Senate record for the day. He asked Senator Chance to introduce his bill.

Senator Chance said he had created this bill due to complaints within his district. He said that airports provide services to planes and, often times, the plane will fly out of the airport without having ever paid for these services. **SB 638** would put some teeth in the code and allow entities to file a local lien so as to recoup the fees for their services. He said he wanted to change one line in his bill. Chairman Meyer von Bremen asked if the change would cause any substantive changes and Senator Chance said it would not. Jill Travis, Legislative Counsel, said that the change would in fact alter the bill substantively. She said that the change would be to Line 20. Senator Chance said he was trying to word the language of the bill so that it would apply to any entities performing services wherever they were located as opposed to those just within the state. He mentioned there are some Georgia-based companies who have out of state facilities or offices that this bill could help protect. Senator Meyer von Bremen said that this change might cause legal problems because you have to have minimum contacts with out of state parties.

Senator Chance responded by saying he would like to move the bill as is and that he would work on wording his desired change. The bill was put to a vote as is.

A **DO PASS** motion was made by Senator Schaefer. Senator Miles seconded the motion. The motion carried unanimously.

There being no further business, the meeting was adjourned at 9:44 A.M.

Respectfully Submitted,

/s/ Henson of the 41<sup>st</sup>, Secretary

/s/ Kim Crowell, Recording Secretary

## SENATE SPECIAL JUDICIARY COMMITTEE

The Senate Special Judiciary Committee met in Conference Room 123 of the Capitol, Thursday, March 16, 2006 at 1:35 P.M.

The following senators were present:

Adelman, 42<sup>nd</sup>, Vice Chairman  
Henson, 41<sup>st</sup>, Secretary  
Schaefer, 50<sup>th</sup>  
Stoner, 6<sup>th</sup>

Note: Senator Fort, Senator Meyer von Bremen and Senator Miles were absent.

The following legislation was discussed.

[HB 1273](#) (O'Neal, 146<sup>th</sup>) - Security deposits; escrow accounts; change certain provisions. Vice Chairman Adelman chaired the meeting in Chairman Meyer von Bremen's absence. Senator Adelman asked Representative O'Neal to introduce [HB 1273](#).

Representative O'Neal said that this bill changes the landlord tenant code. Under the current statute, a landlord must disclose on the lease where the security deposit is held in escrow, including the account number of the bank. This has led to concerns of forgery and fraud. Therefore, this bill removes the disclosure of the bank account number to the tenant.

[HB 1273](#) also allows a landlord to immediately file an affidavit of dispossessory proceedings before a judge or clerk of a superior or state court when a tenant holds possession beyond a lease term or when rent has not been paid. Where a tenant appeals a trial court's judgment and the appeal is under review, the tenant is required under [HB 1273](#) to pay to the court all money as required by the trial court in order to continue possessing the premises.

Senator Adelman asked Representative O'Neal if he had spoken with any judges on this bill. Representative O'Neal said that he knew Tom Campbell had no problem with the bill. Senator Adelman urged Representative O'Neal to circle back to representatives of superior and state courts to make sure they understand that the passage of this bill will increase the administrative burdens on the courts with regard to eviction proceedings. Representative O'Neal said he respected this request and agreed with him.

Senator Adelman asked if anyone else wanted to speak on [HB 1273](#). Mr. Haydon Stanley of Fiveash and Stanley, Inc. asked for favorable consideration of [HB 1273](#). He also said [HB 1104](#) - Landlord and tenant; dispossessory proceedings authored by Representative Benton of the 31<sup>st</sup> provides for a similar court provision, had been merged into [HB 1273](#). He said that [HB 1104](#) had been discussed in a House committee meeting and that, there, Legal Aid of Georgia had had no objections on the removal of the account number for escrow accounts holding security deposits.

A **DO PASS** motion was made by Senator Henson. Senator Schaefer seconded the motion. The motion carried unanimously.

[HB 535](#) (Cox, 102<sup>nd</sup>) - Judicial accounting; penalties for failure to remit funds; repeal.

Next, Vice Chairman Adelman invited Representative Clay Cox to introduce [HB 535](#). Representative Cox said that this bill removes O.C.G.A. Section 15-21A-8 from the Code. He said that this section was the result of two special legislative sessions that provided standards of uniformity and priority to court clerks for collecting funds. This section was added to retaliate and target one specific court in Georgia and its result has criminalized court clerks who are doing good work. Representative Cox said that the problem no longer exists in the one specific court and that many courts simply cannot comply with this section. He explained that the Office of Legislative Counsel had identified six different laws that pertain to intentional things court clerks could do so there are protections available.

Senator Henson asked if anyone had been charged with violating this code section and Representative Cox said no.

Mark Middleton, representing Georgia Probate Judges, said that the probate judges are in support of this bill. Ted Baggett, representing Georgia Municipal Association, also spoke in favor of this bill.

A **DO PASS** motion was made by Senator Henson. Senator Stoner seconded the motion. The motion carried unanimously.

[HB 1282](#) (Ralston, 7<sup>th</sup>) - Deeds; recording; provisions.

The last bill on the agenda was [HB 1282](#). Representative David Ralston said that this bill was the result of a proposal from title insurers. He explained that there are time gap issues from when real estate documents are delivered to a court clerk and the time those documents are recorded by the clerk. The bill is not mandatory, but offers a protective option so that people can file a notice of settlement which puts the world on notice of the real estate deal. Representative Ralston said that this bill passed unanimously in the House.

Senator Adelman said that the bill provides for an optional form change.

A **DO PASS** motion was made by Senator Stoner. Senator Schaefer seconded the motion. The motion carried unanimously.

There being no further business, the meeting was adjourned at 1:58 P.M.

Respectfully Submitted,

/s/ Henson of the 41<sup>st</sup>, Secretary

/s/ Kim Crowell, Recording Secretary