

**SENATE COMMITTEE ON JUDICIARY
2015-2016 MEMBERS**

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SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on Tuesday, January 27, 2015 at 2:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Tommie Williams (19th)
Sen. Jesse Stone (23rd), Ex-Officio

NOTE: Sen. Vincent Fort (39th), Sen. Ronald Ramsey, Sr. (43rd) and Sen. Curt Thompson (5th) were absent.

The following agenda item was presented to the committee:

Sen. Stone (23rd) made the motion to adopt the 2015-2016 Senate Judiciary Committee Rules. Sen. Cowsert (46th) seconded the motion. The motion passed unanimously. A copy of the Rules is attached.

Chairman McKoon (29th) adjourned the meeting at 2:08 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY RULES

2015-2016

1. Quorum of the Committee shall be five (5) members. Every member, including ex-officio members, shall count as a voting member for purposes of establishing a quorum at any given meeting.
2. The Chairman shall determine which bills, resolutions, substitutes, or amendments are to be considered and the order in which said measures are considered; the Chairman shall have the authority and discretion to call a bill, resolution, substitute or amendment for debate and explanation only or to limit consideration of such measures.
3. Each author, or his or her designee, requesting a Committee hearing and/or vote on a bill shall make such request in writing no later than forty-eight (48) hours prior to the scheduled meeting of the Committee, except at the discretion of the Chairman.
4. The Chairman shall have the authority to refer bills and resolutions to Subcommittee for study. Such Subcommittees in turn shall have the authority to make recommendation on such measures to the full Committee at such times as shall be designated by the Chairman. All actions of the Subcommittees shall be approved or disapproved by the Standing Committee.
5. The Chairman shall have the authority to schedule, manage, and regulate the debate on bills, resolutions, substitutes, and amendments, and may in his discretion recognize motions related to such measures and the order in which they are recognized.
6. When a bill or resolution is before the Committee for consideration, and multiple, concurrent motions are made, the following shall be the precedence of the motions:
 1. A motion to postpone to a time certain;
 2. A motion to refer a bill to a Subcommittee.
 3. A motion that a bill do pass;
 4. A motion that a bill do not pass;(All motions listed above shall receive a Second before consideration).
7. The Committee shall convene, recess, and adjourn upon the order of the Chairman.
8. A bill or resolution will be considered only after presentation by its principal author or other legislator whom he/she may designate unless otherwise directed by the Chairman. The principal author shall be the legislator whose name appears first on the list of authors. The Committee shall not vote on any bill until the author or his or her designee has been given the opportunity to appear and be heard.
9. The Chairman reserves the right to delay or decline action on substitutes and amendments not provided to the Chairman in writing at least 24 hours prior to the hearing in which they are presented.
10. The Chairman shall not vote unless the Committee shall be equally divided or unless his or her vote if given in the minority will make the division equal. In case the vote is equally divided, the Chairman must vote.

11. 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.
12. These rules may be amended upon a motion duly made and subsequently approved by two-thirds of the members of the Committee.
13. Where these rules are silent on a specific issue, the Rules of the Senate as adopted shall govern. If the Rules of the Senate are silent on a specific issue, Mason's Manual of Legislative Procedure shall govern.

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on February 3, 2015 at 2:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Ronald Ramsey, Sr. (43rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Tommie Williams (19th)

NOTE: Sen. Bill Cowsert (46th), Vice-Chairman, Sen. Vincent Fort (39th) and Sen. Curt Thompson (5th) were absent.

Chairman McKoon (29th) called the meeting to order at 2:09 p.m.

SB 34 (Kirk, 13th, LC 41 0278) Torts; provide immunity from liability; persons entering a parked motor vehicle; purpose of removing a child from motor vehicle; definitions

Sen. Greg Kirk (13th), the author of SB 34, presented the bill. It amends the “Good Samaritan” statute by clarifying the term “emergency care” that includes the rescue or attempted rescue of any individual who is in dangerous condition in a locked motor vehicle.

The original version of the bill comes from recent statutes enacted in other states that show the specific procedure a person must take in order to rescue an individual locked in a motor vehicle and provides civil immunity. The original bill did not provide immunity to sex offenders. Committee members desire to extend immunity to criminal matters, to cover situations involving elderly people and not just children. The Committee questioned why the 15- year-old limitation was in place. Senators also questioned the provisions regarding sex offenders’ statutes that ban them from having any type of contact with children, even the one contemplated by the bill.

Committee members and the bill’s author offered the following remarks:

Sen. Bethel (54th) questioned why we are mentoring sex offenders and also suggested language regarding child seats. Sen. Kirk (13th) said that Legislative Counsel put in language to say 15 and under. Sen. Stone (23rd) asked if the author had considered dovetailing on the existing Good Samaritan law already on the books. He also asked about criminal damage, and not just civil liability. Sen. Stone (23rd) said the timing for calling 911 should be considered.

SB 34 HEARING ONLY

Chairman McKoon (29th) adjourned the meeting at 2:31 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on February 10, 2015 at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Curt Thompson (5th)
Sen. Tommie Williams (19th)

NOTE: Sen. Bill Cowsert (46th), Vice-Chairman, Sen. Vincent Fort (39th) and Sen. Ronald Ramsey, Sr. (43rd) were absent.

Chairman McKoon (29th) called the meeting to order at 4:05 p.m.

SB 65 (Stone, 23rd, LC 29 6251) Property; change provisions relating to an exemption

Sen. Jesse Stone (23rd), the author of SB 65, presented the bill. It provides bankruptcy exemptions not to exceed \$21,500.00 in the debtor's aggregate interest in the value of the property that the debtor uses as a residence, or in a cooperative that owns property that the debtor or the dependent of the debtor uses as a residence. There is a homestead exemption if the title of the property is held jointly with a spouse. The amount of the exemption is \$43,000.00.

It creates a residual "wild card" exemption which permits a debtor to exempt his aggregate interest up to \$600 plus any unused homestead exemption provided in paragraph (1) in an amount up to \$5,000. It amends paragraph (6) by doubling the wild card exemption.

Sen. Ligon, Jr. (3rd) made a motion SB 65 **Do Pass**. Sen. Bethel (54th) seconded the motion. The motion passed 5-1. The Yeas were Sen. Bethel (54th), Sen. Kennedy (18th), Sen. Ligon, Jr. (3rd), Sen. Thompson (5th), and Sen. Stone (23rd). The nay vote was Sen. Williams (19th).

SB 65 DO PASS

Chairman McKoon (29th) adjourned the meeting at 4:40 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on February 17, 2015 at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Ronald Ramsey, Sr. (43rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Tommie Williams (19th)

NOTE: Sen. Bill Cowsert (46th), Vice-Chairman, Sen. Vincent Fort (39th) and Sen. Curt Thompson (5th) were absent.

Chairman McKoon, 29th called the meeting to order at 4:02 p.m.

SB 34 (Kirk, 13th, LC 29 6370ERS) Torts; provide immunity from liability; persons entering a parked motor vehicle; purpose of removing a child from motor vehicle; definitions

Sen. Greg Kirk (13th), the author of SB 34, presented the bill. It amends Georgia's "Good Samaritan" statute by adding language clarifying that the term "emergency care" includes the rescue or attempted rescue of an incapacitated or endangered individual from a locked motor vehicle (lines 20-22). Under current language of the Good Samaritan statute, any person who renders emergency care at the scene of an accident or emergency to the victims at no charge is not liable for any civil damages resulting from acts or omissions in rendering care.

Sen. Stone (23rd) moved SB 34 **Do Pass by Substitute**. Sen. Bethel (54th) seconded the motion. The motion passed unanimously.

SB 34 DO PASS BY SUBSTITUTE

Chairman McKoon (29th) adjourned the meeting at 4:17 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on February 19, 2015 at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. John Kennedy (18th)
Sen. Vincent Fort (39th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Curt Thompson (5th)
Sen. Tommie Williams (19th)

NOTE: Sen. Ronald Ramsey, Sr. (43rd) was absent.

Chairman McKoon (29th) called the meeting to order at 4:00 p.m.

[SB 129](#) (McKoon, 29th, LC 41 0372) "Georgia Religious Freedom Restoration Act"; provide for the preservation of religious freedom

Chairman McKoon (29th), the author of SB 129, presented the bill. It sets determinations related to protection of religious freedoms set in the Constitution of the United States and the state of Georgia by codifying a strict scrutiny standard of judicial review in cases where government action may burden the free exercise of religion.

Witnesses offered provisions from religious freedom restoration acts in Missouri (explicit that it does not create a defense to discrimination), Texas (anti-litem notices to counties/cities; statute of limitations), and New Mexico (only applies to laws targeting religious practice, not laws of general application).

Support for the bill was offered by the following organizations: Concerned Women of America, Faith and Freedom Coalition of Georgia, Georgia Baptist Convention, Georgia Right to Life, American Principles of Action, First Amendment Partnership, and Citizens Impact.

Opposition to the bill was expressed by the following groups: Georgia Equality, Anti-Defamation League, Georgia NAACP, and Rabbis of Alpharetta, Georgia.

The following guest speakers spoke on SB 129:

- Jeff Graham of Georgia Equality spoke for the gay community in opposition to SB 129.
- Mark Moskowitz of the Anti-Defamation League spoke in opposition, saying that the First Amendment already provides the needed protections.

- Rev. Flippin, 3rd Vice-President of the NAACP spoke in opposition to SB 129.
- Rabbi Michael Bernstein spoke in opposition, saying that faith exists in people's lives.
- Anthony Kreis, a scholar on religious freedom, requested language in the bill exempting civil rights laws.
- Gerry Weber, who practices law, said that corporations can be sued under SB 129. He suggested adding language to the bill so that corporations can't be sued.
- Tom Woodward spoke as a private citizen, vice-president of an international company, and trustee for a church. He said that the proposed bill confuses the issue, and he prefers that the General Assembly focus on education, transportation and similar issues.
- Rusi Patel, Georgia Municipal Association (GMA), and Todd Edwards, Association County Commissioners of Georgia (ACCG), offered suggestions for changes regarding anti-litem notices, statute of limitations, and specific exclusions for laws of general application, based on other state religious freedom restoration acts.
- Tonya Ditty, Concerned Women of America's state director, spoke in support of SB 129.
- Robert Potts, state director of the Faith and Freedom Coalition of Georgia spoke for the bill and it is necessary and approves of SB 129.
- Mike Griffing of the Georgia Baptist Convention, spoke in support for the bill.
- James Robbin, of American Principles of Action, spoke in support of SB 129.
- Tim Shultz, president of First Amendment Partnership, spoke in support of the bill, saying it presented a balanced, fair approach.
- Paul Smith, of Citizens Impact, spoke in support of SB 129.

Committee members offered the following remarks regarding the bill:

- Vice-Chairman Cowsert (46th) expressed support for this version of the bill. However, he possibly has an amendment to offer.
- Sen. Thompson (5th) raised a concern regarding state employees refusing to wait on someone.
- Chairman McKoon (29th) spoke about SB 377, legislation he sponsored in 2014, noting that he met with a lot of people to make the necessary changes. He talked about the Alabama case to which Sen. Thompson (5th) referred. Sen. Thompson (5th) needed additional language.
- Sen. Fort (39th) asked whether the word "person" in the language of the bill was meant to include a corporation.
- Chairman McKoon (29th) said SB 129 mirrored the federal language in the Hobby Lobby case.
- Sen. Fort (39th) asked for an example.
- Chairman McKoon (29th) cited a foot-washing incident after a high school football game, which was referred to as hazing. The case went to court.
- Sen. Thompson (5th) asked whether, if this case was upheld as hazing, SB 129 would be needed.

- Chairman McKoon (29th) asserted that not every 19- or 21-year-old can afford an attorney, and that a “bright line” standard would prevent litigation.

Vice-Chairman Cowsert (46th) offered the following language as a substitute that would replace the definition of “compelling governmental interest” in the original bill with the term “compelling governmental interest includes, but is not limited to, protecting the welfare of a child from abuse and neglect as provided for by the laws of this state and protecting individuals against discrimination.”

Because the above substitute was not presented to the Committee Chairman 24 hours in advance, Chairman McKoon (29th) ruled this amendment out of order with the rules of the Committee.

Vice-Chairman Cowsert (46th) moved to suspend the rules. The vote was 5-3. The Yea votes were Sen. Kennedy (18th), Sen. Thompson (5th), Sen. Stone (23rd), Sen. Cowsert (46th), and Sen. Fort (39th). The Nay votes were Sen. Williams (19th), Sen. Ligon (3rd) and Sen. Bethel (54th). As a motion to suspend the rules requires 2/3 votes, the motion failed.

SB 129 HEARING ONLY

Chairman McKoon (29th) adjourned the meeting at 4:50 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on February 24, 2015 at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. John Kennedy (18th)
Sen. Vincent Fort (39th)
Sen. William Ligon, Jr. (3rd)
Sen. Ronald Ramsey, Sr. (43rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Curt Thompson (5th)
Sen. Tommie Williams (19th)

Chairman McKoon (29th) called the meeting to order at 4:02 p.m.

SB 90 (McKoon, 29th, LC 39 0849) Railroads; provide for the installation of farm crossings and cattle guards on property intersected by a railroad

Chairman McKoon (29th), the author of SB 90, introduced the bill. It restores a provision existing in Georgia law prior to 2006 that allowed a property owner to seek installation of a private railroad crossing where the property owner's land was bisected by tracks. It only applies to passenger rail moving at a maximum speed of 15 mph. and provides for farm crossing and cattle guards on property intersected by railroad. This bill gives timelines for entities with rail rights to respond to request crossing and guards. It provides for payment for construction when cost cannot be agreed to, arbitration, and liability and civil penalties for failure to construct a requested crossing or guard. It permits use of crossings, requires certain liability coverage to be maintained, and requires signage near crossings.

Sen. Williams (19th) said that there is a problem when landowners cannot access their own property. He also raised the issue where a railroad closed a grade crossing in a city without a hearing or an opportunity for public input.

Sen. Ligon (3rd) said that line 44, a safety clause in this area, should be considered.

The following individuals spoke on SB 90:

- Matt Williams is an attorney for Georgia Northeastern Railroad Co. (GNRR), which operates a passenger rail line from Blue Ridge, Georgia to Copper Hill, Tennessee. GNRR has been involved in a dispute with a landowner since 2006 or 2007.

- Matt Campbell, of Smart Transportation, remarked that he grew up in the railroad industry, cattle crossing incidents are number five in the state for fatalities. These incidents are common.
- Mark Middleton, of Georgia Railroad Alliance, said that speaking on behalf of the railroad industry, he would not be able to reach a conclusion in three drafts of the bill, but would need time to go over SB 90.
- Nancy Cobb, of Georgia Department of Transportation's (GDOT) Intermodal division, was asked by Committee members about procedures for approving a crossing. She discussed the procedure for approving a crossing when agreed to by a railroad.

Steve Butler, of Cabin Rentals of Georgia, said SB 90 would help property owners that have land bisected by certain railroads. Responding to the testimony of Mr. Matt Williams regarding a landowner dispute, he remarked that Mr. Williams made no comment on the actual legislation. He took issue with the GDOT statement that approval of a crossing is contingent upon the consent of railroads. Regarding the dispute, GDOT sent a letter November 2014 stating that railroad crossings could be installed.

Sen. Bethel (54th) moved to table **SB 90**. Sen. Kennedy (18th) seconded the motion. The motion to table passed unanimously.

SB 90 TABLED

SB 78 (Unterman, 45th, LC 29 6104) Civil Practice; appeals from magistrate courts; change provisions

Sen. Unterman (45th), the author of SB 78, introduced the bill, which she said is the result of hard work by many, including Gerald Huang, now with Sen. David Perdue's office. The bill seeks to address a problem from a constituent in Gwinnett County. The constituent explained that a dispute with Nissan Motors over the purchase of an automobile led to a claim filed in Magistrate Court. After Magistrate Court ruled in the constituent's favor, Nissan appealed the matter to Superior Court, deposing family and friends of the constituent during discovery. Nissan won the appeal based on a ruling that the constituent's claim was frivolous. The court awarded litigation expenses to Nissan, including those incurred in Magistrate Court. The constituent complained of personal problems resulting from the judgment's collection efforts, including a detrimental effect to the constituent's credit rating and bankruptcy.

Current law provides that any court of this state may assess reasonable and necessary attorney's fees and expenses of litigation against a party in any civil action, except for proceedings in a Magistrate Court, when the court finds that an asserted claim, defense, or other position is frivolous. When a case is appealed from the Magistrate Court, however, the appellee may request litigation expenses of the appeal lack substantial justification. This bill specifies that when a case is appealed from the Magistrate Court, the appellant may not be awarded litigation expenses incurred in the Magistrate Court.

SB 78 HEARING ONLY

With no further business, Chairman McKoon (29th) adjourned the meeting at 4:45 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on February 26, 2015 at 5:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Vincent Fort (39th)
Sen. John Kennedy (18th)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Tommie Williams (19th)

NOTE: Sen. Bill Cowsert (46th), Vice-Chairman, Sen. William Ligon, Jr. (3rd), Sen. Ronald Ramsey, Sr. (43rd) and Sen. Curt Thompson (5th) were absent.

Chairman McKoon, 29th called the meeting to order at 5:02 p.m.

SB 110 (Bethel, 54th, LC 29 6310) Certified Process Servers; repeal the sunset and legislative review provisions

Sen. Bethel (54th), the author of SB 110, introduced the bill. It repeals the Review Provision and the Sunset Provision, but does not make any substantive changes to provisions governing process servers.

Sen. Stone (23rd) moved **Do Pass**. Sen. Fort (39th) seconded the motion. The motion passed unanimously.

SB 110 DO PASS

SB 135 (Bethel, 54th, LC 29 6358) Clerks of Superior Courts; provide for protection and disclosure of records held; procedure for disclosure

Sen. Bethel (54th), the author of SB 135, introduced the bill. Any request to the Open Records Act for access to or copies of records held by the Clerk must be made to the Clerk of Superior Court. SB 135 permits a contract between the Clerk and third parties to archive and store electronic records of the Clerk's office. The third party is not allowed to give any access or copies of records without written approval of the Clerk. The third party provider must relinquish all possession of records to the Clerk upon request by the Clerk.

Sen. Williams (19th) moved **Do Pass**. Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

SB 135 DO PASS

NOTE: Sen. Curt Thompson (5th) arrived.

SB 128 (Kennedy, 18th, LC 29 6351ER) Corporations; directors and officers; enact reforms consistent with the Model Act; functions of a board of directors; change provisions

Sen. Kennedy (18th) the author of SB 128, introduced the bill. This bill was created based on recommendations of the State Bar of Georgia Code Committee to bring Georgia corporate code in line with recent developments in the ABA's model corporation act and developments in Delaware corporate law. A representative of the State Bar indicated that the goal is to keep Georgia's language with the most current versions of the Model Act so that decisions of other states employing the Model Act can be used as persuasive authority in Georgia litigation.

Sen. Bethel (54th) moved Do Pass. Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

SB 128 DO PASS

SB 117 (Stone, 23rd, LC 29 6364) Property; require purchaser of a condominium development at a foreclosure sale take title subject to lien

Sen. Stone (23rd), the author of SB117, introduced the bill. SB 117 makes numbering changes to existing provisions relating to lines for assessments for condominium owners to accommodate new provisions. It provides the foreclosure purchaser some type of liens on condominiums until title is taken to the unit subject to a lien in favor of and personal obligation to the condominium association. It creates conditions for establishing the lien and the maximum amount of the lien.

The following people spoke on the bill:

- Rusty Sewell, of Capitol Partners, spoke regarding SB 117.
- Julie Howard, of COA Institute, spoke in support of SB 117.
- Jim Henderson, Park Place and Carroll Sterne, Homeowners Association, also spoke in support of SB 117.
- Elizabeth Chandler and Jerry Blanchard, of the Georgia Bankers Association spoke in opposition to SB 117.
- Brandee Bickle, of Georgia Credit Unions, said that with 2 million members jumping ahead of the mortgage and taxes, the secondary market is important to their industry. Therefore, they oppose SB 117.
- Rob Braswell, of Community Bankers Association of Georgia, also spoke in opposition to SB 117.
- Keith Hatcher, of Georgia Realtors, spoke in opposition to SB 117.

SB 117 HEARING ONLY

With no further business, Chairman McKoon (29th) adjourned the meeting at 6:25 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on March 2, 2015 at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Vincent Fort (39th)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio

NOTE: Sen. Ronald Ramsey, Sr. (43rd), Sen. Curt Thompson (5th) and Sen. Tommie Williams (19th) were absent.

Chairman McKoon (29th) called the meeting to order at 4:05 p.m.

SB 129 (McKoon, 29th, LC 41 0372) "Georgia Religious Freedom Restoration Act"; provide for the preservation of religious freedom

Sen. McKoon (29th), the author of SB 129 presented the bill. SB 129 prohibits government from substantially burdening a person's exercise of religion unless government demonstrates that the application of the burden to the person is (a) in furtherance of compelling governmental interest, and (b) the least restrictive means of achieving that compelling governmental interest. A person whose religious exercise is burdened in violation of the provisions of this bill may assert that claim or defense in judicial, agency or other proceedings and obtain appropriate relief against government.

On February 19, 2015, SB 129 was a hearing only with multiple discussions on possible amendments to be brought to a future meeting.

Sen. Bethel (54th) moved SB 129 to be taken off the table. Sen. Ligon, Jr. (3rd) seconded the motion. The vote was unanimous.

Sen. Cowsert (46th) made a motion **Do Pass by Substitute (LC 41 0461ERS)**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed with a 5-1 vote. The yea votes were Sen. Ligon, Jr. (3rd), Sen. Stone (23rd), Sen. Kennedy (18th), Sen. Bethel (54th), and Vice-Chairman Cowsert (46th). The nay vote was Sen. Fort (39th).

SB 129 DO PASS BY SUBSTITUTE (LC 41 0461ERS)

NOTE: Sen. Curt Thompson (5th) arrived.

HB 90 (Willard, 51st, LC 33 5888S) Code Revision Commission; revise, modernize, and correct errors of said Code

Rep. Wendell Willard (51st) presented the bill. HB 90 simply repeals portions of the Code that had become obsolete or declared unconstitutional. No further discussion was heard.

Sen. Stone (23rd) made a motion **Do Pass**. Vice-Chairman Cowsert (46th) seconded the motion. The motion passed unanimously.

HB 90 DO PASS

SB 141 (Jones, 10th, LC 33 5984) Juvenile Proceedings; provide that minor violations of weapons in school safety zones are not considered Class B designated felonies

Sen. Emanuel Jones (10th), the author of SB 141, presented the bill. SB 141 provides that a violation of the Georgia Criminal statute relating to carrying weapons within school safety zones, at school, at functions, or on a bus or other transportation furnished by a school by a child 13 years of age or older will only be considered a Class B designated felony if the act involves one of the following: a firearm, a dangerous weapon or machine gun, or any weapon, together with an assault.

The author brought a new sub for SB 141 LC 41 0465S. The substitute added language requiring teachers and other school employees to report weapons violations where the violation involves a firearm, dangerous weapon or machine gun (as defined in O.C.G.A. 16-11-121), any other weapon when combined with an assault, or a second or subsequent violation.

SB 141 HEARING ONLY

With no further business, Chairman McKoon (29th) adjourned the meeting at 4:35 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on March 3, 2015 at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Vincent Fort (39th)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Tommie Williams (19th)

NOTE: Sen. Charlie Bethel (54th), Secretary, Sen. Josh McKoon (29th), Chairman, Sen. Ronald Ramsey, Sr. (43rd), Sen. Jesse Stone (23rd), Ex-Officio, and Sen. Curt Thompson (5th) were absent.

Vice-Chairman Cowsert (46th) called the meeting to order at 4:00 p.m.

SB 117 (Stone, 23rd, LC 29 6364) Property; require purchaser of a condominium development at a foreclosure sale take title subject to lien

Sen. Stone (23rd), the author of SB 117, was not present due to outside personal business, so the bill was not presented.

SB 117 HEARING ONLY

SB 141 (Jones, 10th, LC 33 5984) Juvenile Proceedings; provide that minor violations of weapons in school safety zones are not considered Class B designated felonies

Sen. Emanuel Jones (10th), the author of SB 141, was unable to attend the meeting due to outside personal business, so the bill was not presented.

With no further business, Vice-Chairman Cowsert (46th) adjourned the meeting at 4:11 p.m.

Respectfully submitted,

/s/ Sen. Cowsert (46th), Vice-Chairman

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on March 5, 2015 at 3:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Charlie Bethel (54th), Secretary (Arrived at 4:50 p.m.)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd) (Arrived at 4:55 p.m.)
Sen. Ronald Ramsey, Sr. (43rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Curt Thompson (5th)
Sen. Tommie Williams (19th)

NOTE: Vice-Chairman Bill Cowsert (46th) and Sen. Vincent Fort (39th) were absent.

Chairman McKoon (29th) called the meeting to order at 4:36 p.m.

SB 141 (Jones, 10th, LC 33 5984) Juvenile Proceedings; provide that minor violations of weapons in school safety zones are not considered Class B designated felonies

Sen. Emanuel Jones (10th), the author of SB 141, presented the bill. SB 141 provides that a violation of the Georgia criminal statute relating to carrying weapons within school safety zones, at school functions, or on transportation furnished by a school, by a child 13 years of age or older will only be considered a Class B designated felony if the act involves: (a) a firearm, (b) a dangerous weapon or machine gun, or (c) any weapon, together with an assault.

Sen. Ramsey, Sr. (43rd) made a motion **Do Pass by Substitute (LC 29 6518S)**. Sen. Thompson (5th) seconded the motion. The motion passed unanimously.

SB 141 DO PASS BY SUBSTITUTE (LC 29 6518S)

NOTE: Sen. Bethel (54th) arrived 4:50 p.m.

NOTE: Sen. Ligon (3rd) arrived at 4:55 p.m.

SB 117 (Stone, 23rd, LC 29 6364) Property; require purchaser of a condominium development at a foreclosure sale take title subject to lien

Sen. Stone (23rd), the author of SB 117, presented the bill. SB 117 makes numbering changes to existing provisions relating to liens for assessments for condominium owners to accommodate new provisions. It provides that the foreclosure purchaser of some types of liens on condominium units takes title to the unit subject to a lien in favor of and personal obligation to the condominium association. The bill creates conditions for

establishing the lien and the maximum amount of the lien, and applies to mortgages executed on or after July 1, 2015.

Sen. Thompson (5th) moved to **Table**. The motion received no second. Therefore, the motion failed.

Sen. Stone (23rd) moved **Do Pass**. Sen. Thompson (5th) seconded the motion. The motion failed by a vote of 4-3. The yea votes were Sen. Thompson (5th), Sen. Stone (23rd), and Sen. Williams (19th). The nay votes were Sen. Ramsey, Sr. (43rd), Sen. Kennedy (18th), Sen. Ligon, Jr. (3rd), and Sen. Bethel (54th).

SB 117 MOTION FAILED

SB 90 (McKoon, 29th, LC 39 0849) Railroads; provide for the installation of farm crossings and cattle guards on property intersected by a railroad

Sen. Bethel (54th) moved SB 90 be taken off the table. Sen. Williams (19th) seconded the motion. The motion passed unanimously.

Chairman McKoon (29th), the author of SB 90, presented the bill. SB 90 requires railroads that wish to eliminate a grade crossing on a public road to file a written petition with the Department of Transportation or the local governing authority prior to taking any action to eliminate the crossing. The bill removes language that currently makes filing of petitions optional. The bill also removes language in current law that protects railroads, the Department of Transportation, and the local governing authority from liability for injuries or damages arising from the existence of crossings with respect to (a) the failure of a railroad to file a petition or (b) a decision by the Department of Transportation or the local governing authority regarding any petition.

Sen. Bethel (54th) made a motion to amend lines 25-28 to be restored and designated as #4. Sen. Williams (19th) seconded the motion. The motion passed unanimously.

Sen. Bethel (54th) made a motion **Do pass by Substitute (LC 34 4602S)**. Sen. Williams (19th) seconded the motion. The motion passed unanimously.

SB 90 DO PASS BY SUBSTITUTE (LC 34 4602S)

With no further business, Chairman McKoon (29th) adjourned the meeting at 5:10 p.m.

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on March 18, 2015 at 2:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Vincent Fort (39th)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Ronald Ramsey, Sr. (43rd)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Curt Thompson (5th)
Sen. Tommie Williams (19th)

Chairman McKoon (29th) called the meeting to order at 2:05 p.m.

HB 52 (Quick, 117th, LC 29 6113) Child custody; require parenting plans to be incorporated into final orders; change provisions

There were two substitutes submitted, as outlined below.

Rep. Regina Quick (117th), the author of HB 52, presented the bill. She brought two versions to present to the committee: LC 29 6445S and LC 29 6587S.

Rep. Quick (117th) presented **LC 29 6113** first as passed in the House. The bill makes clarifying changes regarding references to the court in provisions relating to cases in which the custody of any child is at issue between the child's parents. The bill also provides that the final order in a legal action involving the custody of a child must incorporate a permanent parenting plan, but unless otherwise ordered by the court, a separate court order exclusively devoted to a parenting plan is not required.

Rep. Quick (117th) also presented LC 29 6587S with members of the Georgia State Bar present. This bill requires that ante nuptial agreements be in writing, signed by both parties, and attested by at least two witnesses, one of whom must be a notary public. This bill places the same requirements on marriage contracts. It makes clarifying changes regarding references to the court in provisions relating to cases in which the custody of any child is at issue between the child's parents. The bill also provides that the final order in a legal action involving the custody of a child must incorporate a permanent parenting plan, but unless otherwise ordered by the court, a separate court order exclusively devoted to a parenting plan is not required.

The following guest speakers appeared: Rusty Sewell, State Bar, HB 52; David DeLugas, HB 52; and Rebecca Crumrine Rieder, Chair of Family Law Section, State Bar, HB 52

HB 52 HEARING ONLY

HB 51 (Benton, 31st, LC 29 6402S) Taxes; amount payable at redemption of property; change provisions

Rep. Tommy Benton (31st), the author of HB 51, presented the bill. HB 51 adds a new subsection to Official Code of Georgia Annotated Section 48-4-42 - additional costs which must be reimbursed in order to redeem property from a tax sale for all such sales made after July 1, 2015. Reimbursements must be made to the purchaser for any payments made to a property owners' condominium, or homeowners' association. The bill removes the option of redemption by payment of the redemption price, so that the property can only be redeemed by payment of the amount fixed in Code section 48-4-42.

Rep. Scot Turner (21st) came before the Committee with a proposed amendment to HB 51, AM 34 0695, which reflected language from a House Bill which did not cross over. The amendment sought to eliminate the process by which a minor lien could be combined with a tax lien in order to obtain first priority in a tax sale.

Vice-Chairman Cowsert (46th) expressed concern with the manner in which a bill which failed to pass in the House was being attached.

The following guests spoke concerning HB 51: Randy Lipshutz, of the Community Association Institute, and Richard Royal, a former legislator.

HB 51 HEARING ONLY

HB 99 (Lumsden, 12th, LC 29 6403S) Property; joint tenants divorce or have marriage annulled under certain circumstances; provide procedure for tenancy in common

Rep. Eddie Lumsden (12th), the author of HB 99, presented the bill. HB 99 adds that, absent disposal or such issue in a divorce or annulment decree, a joint tenancy with rights or survivorship will also be severed if party/owners have been lawfully divorced or the marriage has been annulled. The owner must also attach a copy of the final decree and a legal description of the property to the petition. The party's interests in the property will then be tenancy in common.

The following guest speaker appeared: David DeLugas, HB 99.

HB 99 HEARING ONLY

HB 298 (Jacobs, 80th, LC 29 6309) Certified process servers; sunset and legislative review provisions; repeal

As Rep. Mike Jacobs (80th), the author of HB 298, could not be present, the bill was presented by Sen. Bethel (54th). The bill repeals the Review Provision and the Sunset Provision. This bill does not make any substantive changes to other parts of O.C.G.A. Code Section 9-11-4.1, relating to provisions governing certified process servers.

The following guest speaker appeared: David DeLugas, HB 298

HB 298 HEARING ONLY

With no further business, the meeting was adjourned at 2:57 p.m. by Chairman McKoon (29th).

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on March 24, 2015 at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. John Kennedy (18th)
Sen. Jesse Stone (23rd), Ex-Officio
Sen. Curt Thompson (5th)
Sen. Tommie Williams (19th)

NOTE: Sen. Vincent Fort (39th), Sen. William Ligon, Jr. (3rd), and Sen. Ronald Ramsey, Sr. (43rd) were absent.

Chairman McKoon (29th) called the meeting to order at 6:09 p.m.

HB 207 (Beskin, 54th, LC 29 6205) Courts; judge, judicial officer, grand juror, or trial lawyer may be disqualified for presiding or serving due to being related by consanguinity or affinity to a party; change provisions

Rep. Beth Beskin (54th), the author of HB 207, presented the bill. Current law provides that judges, judicial officers, grand jurors, and trial jurors must be disqualified from serving in any case or matter where such person is related by consanguinity or affinity within the sixth degree to any party interested in the result of the case or matter. This bill reduces the degree of consanguinity or affinity from the sixth to the third.

The Georgia Judicial Council supports HB 207.

Sen. Bethel (54th) moved **Do Pass**. Sen. Williams (19th) seconded the motion. The motion passed unanimously. Sen. Stone (23rd) will be the Senate sponsor.

HB 207 DO PASS

HB 347 (Hightower, 68th, LC 29 6515S) Interest and usury; interest on certain domestic relations cases; clarify provisions

Rep. Dustin Hightower (68th), the author of HB 347, presented the bill. HB 207 relates to the payment of interest on awards in domestic relations cases, including cases involving child support and alimony. Under current law, awards expressed in monetary amounts (i.e., a child support order requiring a certain amount of money to be paid each month) accrue interest at the rate of 7 percent a year commencing 30 days after the date any payment is due. Under the bill, the 30-day period will continue to be the default, but a judge in a domestic relations case will have the authority to establish a different time period (lines 14-15) The bill at lines (33-37) also provides that when a court issues a

judgment for alimony or equitable division of assets and liabilities, if the judgment is payable in installments, interest on an installment payment will not begin to accrue until a payment is 30 days late. As with the other provision in the bill, a court can change the 30-day period in a given case.

Sen. Bethel (54th) moved HB 347 **Do Pass**. Sen. Kennedy (18th) seconded the motion. The motion passed unanimously. Sen. Bethel (54th) will be the Senate sponsor.

HB 347 DO PASS

NOTE: Sen. Fort (39th) and Sen. Ligon, Jr. (3rd) arrived at the meeting.

HB 153 (Weldon, 3rd, LC 36 2777S) Courts; civil action for damages; provide

Rep. Tom Weldon (3rd), the author of HB 153, presented the bill. In Georgia, it is unlawful for any person, other than a licensed attorney, to engage in the practice of law. This bill adds two new code sections to this article regarding the role of real estate professionals (hereinafter “brokers”). This bill specifies that brokers, for their principals, clients, and customers, may: Provide information regarding the listing, management, sale, purchase, and other related areas of real estate conveyance or improvements; prepare special stipulations to forms that were prepared by an attorney in connection with the above listed matters related to real estate; provide legal forms that were prepared by an attorney; and complete legal instruments prepared by an attorney.

Sen. Bethel (54th) moved to amend line 29 “active member in good standing of the State of Georgia.” Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

Sen. Stone (23rd) moved to amend line 35. Sen. Bethel (54th) seconded the motion. The motion passed unanimously.

Sen. Stone (23rd) made a motion **Do Pass by Substitute (LC 29 6631S)**. Sen. Bethel (54th) seconded the motion. The motion passed unanimously. Sen. Stone (23rd) will be the Senate Sponsor.

HB 153 DO PASS BY SUBSTITUTE (LC 29 6631S)

NOTE: Sen. Ramsey, Sr. (43rd) arrived at the meeting.

HB 17 (Spencer, 180th, LC 29 6550S) Hidden Predator Act; enact

Rep. Jason Spencer (180th), the author of HB 17, presented the bill. HB 17 recognizes, but retains the language of current law and defines what crimes constitute child sexual abuse. The current statute of limitations (“SOL”) to bring a civil action as a result of childhood sexual abuse is the age of majority plus five years. This bill amends the current law by specifying that the SOL expires: (1) On the day following the victim’s twenty-third birthday, or, (2) after two years following the victim’s discovery of such abuse (what the author calls a “discovery plus two approach”). This provision would only apply

to childhood sexual abuse committed on or after July 1, 2015. This provision also applies to individuals legally incompetent because of mental retardation or mental illness.

The following guest speakers all spoke in favor of the bill: Mike Griffin, of Georgia Baptist Convention Public Affairs; Marlen Wilbanks, Angela Williams and Nick Nicholson, all of Voice Today; and Kaye Stafford, Jackie Holder, Justin Conway and Alan Fountain.

Vice-Chairman Cowsert (46th) moved to adopt Amendment #1. It will change the standard of conduct for claims brought against entities to “willful misconduct” instead of “negligence” and provide a remedy in cases where a person was falsely and maliciously accused. There was no second. Therefore, the motion failed.

Sen. Bethel (54th) moved to adopt Amendment #2 (AM 29 2401), which included technical/stylistic changes suggested by Legislative Counsel to line 92 and line 111. Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

Sen. Bethel (54th) moved to adopt Amendment #3 (AM 29 2405), which implements a preponderance of the evidence standard in cases where a victim brings a claim before turning 23 against an entity for vicarious liability on a negligence claim. The amendment also provides that if a claim is brought against an entity based on the “discovery plus 2” provision, the victim must establish by clear and convincing evidence that the entity knew or should have known of the conduct, failed to take remedial measures, and was negligent. Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

Sen. Stone (23rd) moved to adopt Amendment #4. It will change the standard of conduct for claims brought against entities to “gross negligence” instead of “negligence” and preserve the negligence standard for cases brought under the current statute of limitations. Sen. Stone (23rd) withdrew Amendment #4 after the adoption of Amendment #3.

Sen. Williams (19th) moved to adopt Amendment #5. It changes the alternate statute of limitation age from 23 to 30. It was offered in the Committee meeting and was ruled out of order.

Sen. Bethel (54th) made a motion **Do Pass by Substitute (LC 29 6632S)**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed unanimously. Sen. Unterman (45th) will be the Senate sponsor.

HB 17 DO PASS BY SUBSTITUTE (LC 29 6632S)

NOTE: Vice-Chairman Cowsert (46th), Sen. Thompson (5th) and Sen. Williams (19th) left the meeting.

HB 119 (Reeves, 34th, LC 29 6213) AIDS; disclosure of such information under certain circumstances; change provisions

Rep. Bert Reeves (34th), the author of HB 119, presented the bill. The sponsor indicated that the bill allows probate and juvenile judges to have persons with AIDS involuntarily confined or committed to medical treatment if the court is made aware that the person has expressed a desire to harm himself (the current statute seems to relate only to powers of Superior Court judges). The sponsor indicated this situation occurs roughly 15 times per year in Georgia, on average.

Sen. Stone (23rd) moved **Do Pass**. Sen. Kennedy (18th) seconded the motion. The motion passed unanimously. Sen. Kennedy (18th) will be the Senate sponsor.

HB 119 DO PASS

NOTE: Sen. Ligon, Jr. (3rd) left the meeting.

NOTE: Sen. Thompson (5th) returned to the meeting.

HB 418 (Reeves, 34th, LC 29 6561S) Grand jurors; prohibit certain individuals from serving; provisions

Rep. Bert Reeves (34th), the author of HB 418, presented the bill. HB 418 provides that the following individuals are ineligible to serve as grand jurors: individuals who have been convicted of a felony in federal or state court who have not had their civil rights restored; individuals who have been judicially determined to be mentally incompetent; individuals in a pretrial release program or a pretrial release and diversion program; any individual sentenced under the provision in the Georgia Controlled Substances Act relating to conditional discharge for first offense of possession of controlled substances and certain nonviolent property crimes; any individual serving a first-offender sentence under another state's law; and any individual participating in a drug court division, mental health court division, veterans court division, a similar court program from another state, or a similar federal program.

The bill provides that if an indictment is returned from a panel with an ineligible grand juror, the indictment is not to be quashed solely as a result of the presence of the ineligible juror.

Sandra Michaels, of the Georgia Association of Criminal Defense Lawyers spoke in opposition to the bill. Chuck Spahos and Danny Patrick, of the Prosecuting Attorneys Council, also spoke in support of this bill.

Sen. Bethel (54th) moved **Do Pass**. Sen. Kennedy (18th) seconded the motion. The motion passed with a vote of 4-3. The yeas were Sen. Kennedy (18th), Sen. Bethel (54th), Sen. Stone (23rd) and Sen. McKoon (29th). The nays were Sen. Thompson (5th), Sen. Fort (39th), and Sen. Ramsey (43rd). Sen. Kennedy (18th) will be the Senate sponsor.

HB 418 DO PASS

NOTE: Sen. Ligon, Jr. (3rd) returned to the meeting.

NOTE: Sen. Thompson (5th) left the meeting.

[HB 531](#) (Mabra, 63rd, LC 29 6491ER) Nonresidents; grounds for exercising personal jurisdiction over nonresidents; change provisions

HB 531 amends Georgia's long-arm statute to provide that a Georgia court may exercise personal jurisdiction over any non-resident on any basis that is not in conflict with the Constitution of the United States or the Constitution of Georgia. The bill eliminates the current enumerated bases for exercising personal jurisdiction. The bill corrects cross-references to the long-arm statute in various portions of the Georgia Civil Practice Act, provisions relating to the jurisdiction of the superior courts in domestic cases, and provisions relating to applications for temporary restraining orders and injunctions in cases involving workplace violence. The sponsor indicated that the goal was to clarify that Georgia courts can exercise *in personam* jurisdiction on the same basis as set forth by the Supreme Court of the United States in *International Shoe Co. v. Washington*. Rep. Regina Quick (117th) testified, asking the Committee to leave the enumerated bases for jurisdiction in domestic relations cases in the law. Sen. Stone (23rd) offered a compromise where the six jurisdictional provisions would remain in the law, but the Committee took no action on these suggestions.

Sen. Bethel (54th) moved **Do Pass**. Sen. Fort (39th) seconded the motion. The motion passed 5-1. The yeas were Sen. Ramsey, Sr. (43rd), Sen. Fort (39th), Sen. Ligon, Jr. (3rd), Sen. Kennedy (18th), and Sen. Bethel (54th). The nay vote was Sen. Stone (23rd). Sen. Ramsey, Sr. (43rd) will be the Senate sponsor.

HB 531 DO PASS

[HB 245](#) (Dollar, 45th, LC 34 4440) Condominiums; amount permissible as a special assessment fee; change

Rep. Matt Dollar (45th), the author of HB 245, presented the bill. HB 245 amends this language to provide that, beginning on July 1, 2015, the board of directors of a condominium cannot impose a special assessment fee per unit in excess of one-sixth of the annual common expense assessment for the unit levied per fiscal year without the approval of a majority of the unit owners, subject to the current condominium laws.

Sen. Stone (23rd) moved **Do Pass**. Sen. Kennedy (18th) seconded the motion. The motion passed unanimously. Sen. P.K. Martin (9th) is the Senate sponsor.

HB 245 DO PASS

[HB 322](#) (Strickland, 111th, LC 29 6544S) Foreclosure; provide for recording of deeds under power within a certain time after sale; provisions

Rep. Brian Strickland (111th), the author of HB 322, presented the bill. HB 322 compels the holder of such deeds, following a foreclosure sale, to record the deed in a timely manner. The bill imposes a late filing penalty of \$500.00 in the event that a deed under power is not filed within 120 days of the foreclosure sale. Such sums are to be remitted to the governing authority of the county, and if proper, then to the municipality (subject to a 5 percent processing fee withheld by the county).

Sen. Bethel (54th) moved to Table HB 322. Sen. Stone (23rd) seconded the motion.
HB 322 TABLED

With no further business, the meeting was adjourned at 8:55 p.m. by Chairman McKoon (29th).

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on March 25, 2015 at 2:00 p.m. in Room 310 of the Coverdell Legislative Office Building. (The meeting was delayed until 3:30 due to a session running late).

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman

Sen. Vincent Fort (39th)

Sen. John Kennedy (18th)

Sen. Ronald Ramsey, Sr. (43rd)

Sen. Jesse Stone (23rd), Ex-Officio

Sen. Curt Thompson (5th)

Sen. Tommie Williams (19th)

NOTE: Sen. Charlie Bethel (54th), Secretary, Sen. Bill Cowsert (46th), Vice-Chairman, and Sen. William Ligon, Jr. (3rd) were absent.

Chairman McKoon (29th) called the meeting to order at 3:45 p.m.

Sen. Williams (19th) made a motion to take HB 322 off the table. Sen. Kennedy (18th) seconded the motion. The motion passed and HB 322 was taken off the table.

HB 322 (Strickland, 111th, LC 29 6544S) Foreclosure; provide for recording of deeds under power within a certain time after sale; provisions

Rep. Brian Strickland (111th), the author of HB 322, presented the bill, along with Rep. Trey Kelley (16th). Rep. Kelley (16th) discussed Sections 1-7, as they were drawn from his bill. The changes clarify the use of witnesses and notaries and clean up ambiguities that have been discovered in a number of residential bankruptcy cases where filings of deeds and mortgages were found deficient due to improper witnessing. Rep. Strickland (111th) indicated that Section 8 is meant to enforce compliance with the deed-filing statute. This has been a problem for municipalities that have been looking to track down foreclosure.

Sen. Stone (23rd) moved **Do Pass by Substitute (LC 29 6576S)**. Sen. Kennedy (18th) seconded the motion. The motion passed unanimously. Sen. Bethel (54th) will be the Senate sponsor.

HB 322 DO PASS BY SUBSTITUTE (LC 29 6576S)

HB 99 (Lumsden, 12th, LC 29 6403S) Property; joint tenants divorce or have marriage annulled under certain circumstances; provide procedure for tenancy in common

Rep. Eddie Lumsden (12th), the author of HB 99, presented the bill. HB 99 adds that, absent disposal of such issue in a divorce or annulment decree, a joint tenancy with rights

of survivorship will also be severed if a party/owner files an affidavit with the appropriate Superior Court clerk stating that the parties/owners have been lawfully divorced or their marriage has been annulled. The owner must also attach a copy of the final decree and a legal description of the property to the petition. The party's interests in the property will then be converted into a tenancy in common.

Sen. Ramsey, Sr. (43rd) moved **Do Pass**. Sen. Ramsey (43rd) seconded the motion. The motion passed unanimously. Sen. Bethel (54th) will be the Senate sponsor.

HB 99 DO PASS

NOTE: Sen. Ligon, Jr. (3rd) arrived at the meeting.

HB 567 (Dempsey, 13th, LC 29 6555S) Alimony and child support; jurisdiction of courts that hear contempt proceedings; expand

Rep. Katie M. Dempsey (13th) explained that HB 567 is designed to enhance the ability of the Department of Human Services (DHS) to bring enforcement actions, to monitor compliance with support orders, and to ensure that both parents are providing support to a child. This saves DHS enforcement resources by broadening the scope of courts in which DHS actions can be brought.

Sen. Williams (19th) moved **Do Pass**. Sen. Ligon, Jr. (3rd) seconded the motion. The motion passed unanimously. Sen. Bethel (54th) will be the Senate sponsor.

HB 567 DO PASS

HB 568 (Dempsey, 13th) Paternity; testing in certain cases; revise provisions

Rep. Katie M. Dempsey (13th), the author of HB 568, presented the bill. Rep. Dempsey (13th) indicated that HB 568 mandates paternity testing in all new cases involving children born out of wedlock where paternity has not been determined. The goal is to ensure that the state cannot trap an alleged father into costly child support payments and to ensure that the rightful father is held accountable for support. Dempsey noted that 20% of paternity tests by DHS exclude an alleged father from paternity.

Sen. Stone (23rd) moved **Do Pass by Substitute (LC 40 0919S)**. Sen. Kennedy (18th) seconded the motion. The motion passed unanimously. Sen. Dean Burke (11th) will be the Senate sponsor.

HB 568 DO PASS BY SUBSTITUTE (LC 40 0919S)

NOTE: Sen. Ligon, Jr. (3rd) and Sen. Kennedy (18th) left the meeting.

NOTE: Sen. Bethel (54th) arrived at the meeting.

HB 524 (Fleming, 121st, LC 29 6488) Trade names; require registration with clerk of superior court; provisions

The committee took no action on HB 524.

HB 547 (Fleming, 121st, LC 29 6560ERS) Estates; taxes and tax liens; change provisions

Rep. Barry Fleming (121st), the author of HB 547, presented the bill. HB 547 amends the provision that all real property awarded for one year's support be exempt from property taxes, and instead, specifies that only the homestead is exempt from property taxes.

Debra Nesbit, of the Association County Commissioners of Georgia (ACCG) spoke before the Committee. She noted that ACCG was involved in the idea of HB 547, but not in the drafts of the bill.

Sen. Bethel (54th) moved to **Table** HB 547. Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

HB 547 TABLED

NOTE: Sen. Williams (19th) left the meeting.

SR 573 (McKoon, 29th, LC 41 0330) Senate Court of Appeals Workload Study Committee; create

Chairman McKoon (29th), the author of SR 573, presented the resolution. SR 573 creates the Senate Court of Appeals Workload Study Committee. The purpose of this Committee is to examine the workload of the Georgia Court of Appeals to determine if the composition of the court should be increased to include another decision of three judges.

Sen. Bethel (54th) moved **Do Pass**. Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

SR 573 DO PASS

With no further business, the meeting was adjourned at 4:48 p.m. by Chairman McKoon (29th).

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

SENATE COMMITTEE ON JUDICIARY

The Senate Committee on Judiciary met on March 26, 2015 at 4:00 p.m. in Room 307 of the Coverdell Legislative Office Building.

SENATORS PRESENT:

Sen. Josh McKoon (29th), Chairman
Sen. Bill Cowsert (46th), Vice-Chairman
Sen. Charlie Bethel (54th), Secretary
Sen. Vincent Fort (39th)
Sen. John Kennedy (18th)
Sen. William Ligon, Jr. (3rd)
Sen. Jesse Stone (23rd), Ex-Officio

NOTE: Sen. Curt Thompson (5th), Sen. Ronald Ramsey, Sr. (43rd) and Sen. Tommie Williams (19th) were absent.

Chairman McKoon (29th) called the meeting to order at 5:35 p.m.

HB 98 (Coomer, 14th, LC 29 6520ERS) Appellate courts; provide direct appeals and appeals requiring an application for appeals pertaining to courts-martial; provisions

Rep. Christian Coomer (14th), the author of HB 98, presented the bill. Current laws governing Georgia's organized militia date back to 1955. This bill's purpose is to remove inapplicable provisions in the Georgia Code of Military Justice (GCMJ), and to reflect concerns over conflict between state law and federal law arising on the numerous occasions that the Georgia National Guard has been federalized since 1955. According to Committee testimony given by the sponsor, HB 98 generally aligns the GCMJ with federal law governing service men and women. Officials of the Georgia National Guard and Georgia's Court of Appeals judges worked closely with Senate and House Study Committees in 2014 to perfect this legislation.

Sen. Bethel (54th) made a motion **Do Pass**. Sen. Kennedy (18th) seconded the motion. The motion passed unanimously. Sen. Hill (6th) will be the Senate sponsor.

HB 98 DO PASS

HB 524 (Fleming, 121st, LC 29 6488) Trade names; require registration with clerk of superior court; provisions

Rep. Barry Fleming (121st), the author of HB 524, presented the bill. HB 524 provides for a standardized trade name registration statement, promulgated by the Georgia Superior Court Clerk's Cooperative Authority (the "Authority"), to be used for a business's registration. It requires the Authority to develop and implement a uniform automated information system for trade names registered with the offices of the Clerks of Superior Courts. The Authority is empowered to contract with necessary parties to carry

out this system, and promulgate rules and regulations as necessary. HB 524 provides for a \$15 fee for registering and re-registering a trade name. There is no fee for cancellations. Current law provides that the Authority shall collect \$5.00 from each trade name registration, filing, cancellation, or reregistration document filed, as outlined above, from July 1, 2015 to December 31, 2020.

Sen. Kennedy (18th) made a motion **Do Pass by Substitute (LC 29 6649S)**. Vice-Chairman Cowsert (46th) seconded the motion. The motion passed unanimously. Sen. Williams (19th) will be the Senate sponsor.

HB 524 DO PASS BY SUBSTITUTE (LC 29 6649S)

HB 547 (Fleming, 121st, LC 29 6560ERS) Estates; taxes and tax liens; change provisions

Rep. Barry Fleming (121st), the author of HB 547, presented the bill. Current law allows a widow or widower, in the case of a spouse's death, to apply to the probate court for one year's support in the form of the decedent's property. The property awarded in such a request is exempt from property taxes for that year. If the widow or widower places all of the decedent's property into the year's support request, and if that request is granted, then all the property would be protected from a year's worth of property taxes. This bill amends the provision that all real property awarded for one year's support be exempt from property taxes, and instead, specifies that only homestead property can be exempt from property taxes as part of the year's support request. An amendment adopted by the Committee allows a person without a homestead to claim other property of the decedent as part of the year's support.

Sen. Stone (23rd) expressed concern that the As Passed House version of the bill would harm surviving spouses who did not have property designated as a homestead. He proposed an amendment that allows a person without a homestead to claim a year's support through other real property.

Sen. Bethel (54th) moved to adopt the amendment proposed by Sen. Stone (23rd). Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

Vice-Chairman Cowsert (46th) made a motion **Do Pass by Substitute (LC 29 6652ERS)**. Sen. Stone (23rd) seconded the motion. The motion passed unanimously. Sen. Stone (23rd) will be the Senate sponsor.

HB 547 DO PASS BY SUBSTITUTE (LC 29 6652ERS)

NOTE: Sen. Ramsey, Sr. (43rd) arrived at the meeting.

HB 197 (Jacobs, 80th LC 29 6409ERS) Debtor-Creditor Uniform Law Modernization Act of 2015; enact

Rep. Mike Jacobs (80th), the author of HB 197, presented the bill. HB 197 makes current provision relative to spendthrift provisions in trust documents subject to the provision of

a new Code article dealing specifically with qualified self-settled spendthrift trusts. The bill allows for the creation of a spendthrift trust whereby the person can be a beneficiary of his own trust. This allows a person to deposit assets into a trust that is then administered by an independent trustee. The bill provides that claims for alimony and child support against a beneficiary can be brought against the trust.

Russell Love, of McKenna Long & Aldridge, and Lisa Walgast, of Smith, Gambrel & Russell, spoke before the Committee concerning HB 197.

Sen. Bethel (54th) moved to adopt an amendment to substitute language in paragraph 2, lines 165-166, as indicated. Sen. Stone (23rd) seconded the motion. The motion passed unanimously.

Vice-Chairman Cowsert (46th) made a motion **Do Pass by Substitute (LC 29 6653ERS)**. Sen. Stone (23rd) seconded the motion. The motion passed unanimously. Vice-Chairman Cowsert (46th) will be the Senate sponsor.

HB 197 DO PASS BY SUBSTITUTE (LC 29 6653ERS)

With no further business, the meeting was adjourned at 6:19 p.m. by Chairman McKoon (29th).

Respectfully submitted,

/s/ Sen. Charlie Bethel (54th), Secretary

/s/ Donna Nealey, Recording Secretary

May 29, 2015

Mr. David Cook
Secretary of the Senate
State Capitol
Atlanta, GA 30334

RE: Senate Judiciary Committee – 2015 Session

Dear Secretary Cook:

The Senate Judiciary Committee respectfully submits the following Senate bills, House bills, Senate resolutions and/or House resolutions left in the Senate Judiciary committee during the 2015 General Assembly session:

[SB23](#) [SB49](#) [SB55](#) [SB78](#) [SB117](#) [SB205](#) [SB206](#) [SB207](#) [SB 247](#) [HB51](#) [HB52](#)
[HB59](#) [HB87](#) [HB204](#) [HB298](#)

This letter includes the following information and lists the attachments:

- Bills Left In Senate Judiciary Committee After The 2015 Session – listed above
- Bills Passed out of the Senate Judiciary Committee 2015
- Listing Of Committee Meeting Dates for 2015 Session
- Minutes for the dates listed below - Attached
- Senate Judiciary Committee members and their addresses - Attached
- Rules for Senate Judiciary Committee 2013 session - Attached
- Committee legislation report from the website - all bills/resolutions assigned to Senate Judiciary Committee - Attached

Thank you.

Sincerely,

Senator Josh McKoon
Chairman Senate Judiciary Committee

Donna Nealey
Legislative Assistant Senate Judiciary
Committee