

## 2006 State Bar Legislative Tracking Document for the Week Ending March 24th

*Monday, March 13<sup>th</sup> was ‘cross-over’ day. This is the legislative day by which a bill or resolution must pass its chamber of origin in order to be considered by the other chamber. Many of the bills that were being tracked did not survive, including the following bills and resolutions that the State Bar opposed:*

**HB 763:** This bill limiting contingency fees by Rep. Tom Rice was assigned to the Special Committee on Civil Justice Reform.

**HR 855:** This resolution by Rep. Bill Hembree would amend the Georgia constitution to require partisan election of all judges.

**HR 1336:** This Resolution would require the Supreme Court to be comprised of members running from newly created geographical districts in the state. This is in House Judiciary Committee.

*The remaining bills have passed at least one chamber and are eligible for passage during this General Assembly.*

### Senate Bills

**SB 2:** This bill by Sen. Bill Hamrick (R-Carrollton) would equalize the number of peremptory challenges in a criminal proceeding. The bill passed the Senate on March 11, 2005 and remains in the House Non-Civil Judiciary Committee.

**SB 25:** This bill by Senator Mitch Seabaugh (R-Senoia) would extend the time period for a divorce proceeding from 30 days to 6 months for matters involving minor children. The bill was favorably reported by House Judiciary on January 13, 2006, and sent to the House Rules Committee. Later it was recommitted to committee.

**SB 94:** This bill by Senator Seth Harp (R-Columbus) would disallow a custodian parent from bringing an action for child support, etc. in instances where the visitation rights of the non-custodial parent were not being adhered to under the terms of the previous order. The bill passed the Senate on March 11, 2005 and has been recommitted to the House Judiciary Non-Civil Committee after passing through that committee earlier.

**SB 101:** This bill by Senator John Wiles (R-Marietta) would allow a plaintiff to insist on having its matter heard by the elected judge rather than by a judge sitting by designation. The bill passed the Senate and has been assigned to House Judiciary Committee.

- SB 203:** This bill by Sen. John Wiles would require individuals that have wrongfully received indigent defense services to reimburse the system for those costs. The bill passed out of the Senate on March 10, and the House Judiciary Committee amended the bill to include technical revisions of the indigent defense council act. A House/Senate conference committee report was adopted by the Senate on Thursday, Jan 12<sup>th</sup>, 2006 and the House approved the measure on January 23<sup>rd</sup>. The measure will then go to the governor for signature.
- SB 238:** This bill by Sen. Judson Hill (R-Cobb) would grant immunity for volunteer in non-profit organization provided the entity had minimal insurance and the behavior was not willful and wanton. The bill passed the Senate on March 10 and was favorably reported out by the Special Committee on Civil Justice Reform on January 25, 2006, and passed by the House on March 22.
- SB 241:** This bill by Senator David Shafer (R-Duluth) seeks to change the law relating to the use of electronic signature by notaries. The bill was passed by the Senate on February 2, 2006, and is now in House Judiciary Committee.
- SB 253:** This is the Property Section's effort to support the Georgia Manufactured Housing Association. The purpose of the proposal is to provide for the immediate conversion of a mobile home that is permanently attached to the ground from a personal property interest to a real property interest. This bill amends O.C.G.A. 8-2-181, et seq. The bill will benefit closing attorneys by clarifying that underlying assets are 'real property'. The bill passed the Senate on March 10 and was favorably reported by House Judiciary again this year on January 24, 2006. The bill passed the House on march 23, 2006, and awaits signature by the Governor.
- SB 382** This bill by Senator Seth Harp would further revise the child support guidelines, allow for a direct appeal in domestic cases, and allow for juries to determine deviations from guidelines. The bill passed the Senate, and was favorably recommended by the House Judiciary Committee. However, the bill was amended to make the new guidelines only applicable to divorces after July 2006. The bill is now in House Rules where more amendments are expected.
- SB 391** This Eminent Domain measure by Senator Jeff Chapman was passed by the Senate on February 3, 2006, and is now in House Judiciary. This bill would stay any condemnation proceeding for 120 days in anticipation of a comprehensive bill being passed as proposed by Governor Perdue.
- SB 469** This is the State Bar agenda bill that provides for a corporate code revision that would amend statutory language relating to business opportunity, merger and share exchange, certain shareholder approvals, indemnification, bankruptcy status, and technical and conforming corrections. The bi-partisan bill passed the Senate on February 14, and the House on March 23, 2006. After receiving Senate

agreement on the House amendments, the bill will go to the Governor for his signature.

- SB 503:** This bill sponsored by Sen. Bill Hambrick and the Indigent Defense Council relates to the standards of the Council and clarifies certain procedures of the council in regard to representation of indigents. The bill passed the Senate on March 9 and is in House Rules awaiting placement on the house calendar.
- SB 530:** This bill would allow a mechanics lien to attach to property if the work were completed at the request of the tenant and would also attach even if the work took place in the public right of way. The bill passed out of the Senate by Committee Substitute and passed the House on March 23, 2006.
- SB 533:** This bill by Sen. John Bulloch (R-Thomasville) would revise the Living Will statutory form. The bill passed the Senate, and is in House Judiciary.
- SB 534:** This bill would amend the code section relating to trustee compensation, and other key guardianship provisions. The bill passed the Senate, and has received a 'do-pass' recommendation from the House Judiciary Committee on March 16, 2006, and in the house Rules Committee.
- SB 542:** This bill would amend the signature requirement for Durable Powers of Attorney for Healthcare. This bill passed the Senate, and is in House Judiciary Committee.

#### Senate Resolutions

**SR 793**  
**SR 954**  
**SR 955**

These resolutions ratify the minimum standards of the Indigent Defense Council. The matters passed the Senate Judiciary on March 1, 2006, and are now in Senate Rules Committee. The State Bar supports adoption of these standards. SR 793, 954, 955 relating to the removal for cause, the initial minimum, and the Juvenile Court minimum standard passed the Senate on Thursday March 9, 2006, and are now in House Rules after passing the Non-Civil Judiciary Committee.

- SR 1027:** The Senate passed this resolution to study the issue of court surcharges and fines.

#### House Bills

- HB 150:** This bill by Rep. Bobby Franklin (R- Cobb) and Republican House leadership would amend the statute to require the Board of Bar Examiners to seat students from unaccredited law schools to take the bar exam if they had been admitted to practice in any other state. This bill passed the House on March 11, 2005 and remains in the Senate Special Judiciary Committee.

- HB 239:** This bill was revised in a committee substitute and passed out of the House, and is now in Senate Rules after being approved in Senate Judiciary Committee.
- HB 535:** This bill by Judiciary (Non-Civil) Chairman David Ralston would remove the criminal penalties for failing to remit indigent defense funds to the council. The bill passed the House, and is now in the Senate Rules Committee after the Senate Special Judiciary Committee approved the measure.
- HB 912:** This bill by Majority Whip Barry Fleming (R-Columbia County) has achieved final passage, and awaits action by the Governor. The bill will amend O.C.G.A. 9-11-34 to require parties to share all documents from a non-party, and protect non-parties from liability when no objection has been filed regarding the request.
- HB 986** This bill by Rep. Lunsford relates to the taking of depositions to preserve testimony in a criminal proceeding. The bill passed the House on February 22, 2006, and is now in Senate Judiciary.
- HB 989** This bill creates a new sunset provision for the \$5.00 fee dedicated to the automated information system maintained by the Clerk's Authority. The bill passed the House on February 1, 2006, and the Senate on March 16.
- HB 1059** This bill by Majority Leader Jerry Keen strengthens the sexual predator laws. The bill passed the House on February 2, 2006, and is expected to be passed in the Senate on March 24.
- HB 1195:** This bill specifies that a civil filing is not deemed to be accepted unless a civil disposition form is filed by the party. This bill was favorably reported out of the House Judiciary Committee on February 15, defeated on the House floor on February 23, and then passed the House on reconsideration on March 13, 2006. In the Senate, the bill received approval by the Judiciary Committee, and is now in Senate Rules.
- HB 1282:** This bill would create a separate index for settlements that transferred real property from one party to another. It passed the House, and is now in the Senate Rules Committee after passing the Senate Judiciary Committee.
- HB 1313:** This is the Governor's eminent domain bill, which amends Title 22 by tightening the definition of 'public use', allows for repurchase if the land has not been used in 5 years, removes attorney's fees provision for condemnor, and expands damages for condemnee. The bill also amends Title 8 and title 36 by eliminating condemnation by non-elected officials, and strictly defining 'blighted' areas. This bill was filed February 9<sup>th</sup> and assigned to the Judiciary Committee, where it was debated on several occasions, and received a "do-pass" recommendation on March 1, 2006. After being sent back to Judiciary from Rules, the bill was passed by the House on March 9, and the Senate on March 24.

**HB 1484:** This bill by Rep. Steve Tumlin would codify the common law relating to trusts and other persons of interest having an insurable interest. The bill passed the House, and is now in the Senate Rules Committee after receiving approval from the Senate Insurance Committee.

### **House Resolutions**

**HR 1306:** This is the Governor's proposal for a constitutional amendment to strengthen eminent domain laws. The resolution would remove power from unelected officials, and limit taking for redevelopment purposes to 'blighted property'. The resolution received a 'do-pass' recommendation from the Senate Judiciary Committee on March 23, and passage by the Senate on March 24.

**HR 1794:** This resolution sets up a study committee on court surcharges and additional fines.