

## **SENATE SCIENCE & TECHNOLOGY COMMITTEE MEMBERS**

**2005-2006 Session**

**Senator David Shafer, Chair  
District 48  
4231 Pleasant Hill Road, Suite B  
Duluth, Georgia 30096**

**Senator Casey Cagle, Vice Chair  
District 49  
4143 Ashford Way  
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**Senator Bill Heath, Secretary  
District 31  
2225 Cashtown Road  
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**Senator John Douglas  
District 17  
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Covington, Georgia 30016**

**Senator Tim Golden  
District 8  
110 Beacon Hill  
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**Senator J. B. Powell  
District 23  
228 Church Street  
Blythe, Georgia 30805**

**Senator Cecil Staton  
District 18  
103 Plantation Oaks Drive  
Macon, Georgia 31220**

**Senator Sam Zamarripa  
District 36  
3353 Peachtree Road, NE  
Suite 1040  
Atlanta, Georgia 30326**

## Senate Science & Technology Committee

### **RULES**

#### **2005-2006 Term**

- 1. Quorum of the Committee shall be five (5) members.**
- 2. The Chair shall determine which bills and resolutions are to be considered and the order in which said measures are considered.**
- 3. The Chair 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.**
- 4. The Committee shall convene, recess, put all questions, and adjourn upon the order of the Chair.**
- 5. 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.**
- 6. These Rules may be amended upon a motion duly made and subsequently approved by two thirds of the members of the committee.**
- 7. A bill, resolution, or other matter will be considered only after a presentation by its principal author or a legislator whom he designates to do so. In the event more than one member of the General Assembly has signed a measure, the principal author shall be the one whose name appears first in the list of authors.**
- 8. Where these rules are silent on a specific issue, the Rules of the Senate, as adopted, shall govern.**

**SCIENCE AND TECHNOLOGY COMMITTEE MEETING**  
**January 26, 2005**

The Science and Technology Committee meeting was called to order at 2:30 p.m., in room 125 of the State Capitol, by Chairman David Shafer, 48<sup>th</sup>. The following members were in attendance: Senators Shafer, 48<sup>th</sup>, Chairman; Cagle, 49<sup>th</sup>, Vice Chair; Heath, 31<sup>st</sup>, Secretary; Douglas, 17<sup>th</sup>; Golden, 8<sup>th</sup>; Powell, 23<sup>rd</sup>; and Staton, 36<sup>th</sup>.

The Chairman welcomed the guests and introduced committee members and support staff.

The new rules for the Senate Science and Technology Committee 2005-2006 sessions were introduced. The members all had a copy and were asked by the Chairman to look over the rules and asked if there were any questions. There were no questions. Senator Cagle made a motion to accept the new rules and Senator Staton seconded the motion. The vote was unanimous and the new rules were adopted.

There being no further business, the meeting of the Senate Science and Technology Committee was adjourned at 2:45 p.m.

Respectfully submitted:

/s/ Senator Bill Heath, Secretary

/s/ Anna E. Boggs, Recording Secretary

**SCIENCE AND TECHNOLOGY COMMITTEE MEETING**  
**February 9, 2005**

The Senate Science and Technology Committee meeting was called to order at 2:30 p.m., in room 125 of the State Capitol, by Chairman David Shafer, 48<sup>th</sup>. The following members were in attendance: Senators Shafer, 48<sup>th</sup>, Chairman; Cagle, 49<sup>th</sup>, Vice Chair; Heath, 31<sup>st</sup>, Secretary; Golden, 8<sup>th</sup>; Powell, 23<sup>rd</sup>; Staton, 36<sup>th</sup>; Zamarripa, 36<sup>th</sup>.

The Chairman introduced committee members and support staff and welcomed guests.

The Chairman then stated that there were 3 bills on the meeting agenda, and the intent of the committee at this meeting was to act on 2 of the bills, and a hearing was basically all that would take place on the 3<sup>rd</sup> bill.

**SB 121** (**Moody, 56<sup>th</sup>**): *A bill to be entitled an Act to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required, so as to exempt records of the State Road Tollway Authority that would reveal the identity, financial accounts, or travel history of an individual who is a motorist on a tollway project; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.*

Moody, 56<sup>th</sup>, presented the bill and spoke on its behalf. He stated that David Ware from the Tollway Authority was present and would answer any questions.

The only change discussed and agreed upon by all committee members was to add that the bill would apply to all requests for copies or inspection of records filed or submitted on or after such date that are pending on such date.

Cagle, 49<sup>th</sup>, moved that **SB 121 do pass by substitute**. Zamarippa, 36<sup>th</sup>, seconded. The vote was unanimous.

**SB 46** (**Shafer**): *A bill to be entitled an Act to amend Part 1 of Article 2 of Charter 5 of Title 46 of the Official code of Georgia Annotated, relating to telephone service in general, so as to provide that suppliers of wireless telephone service providing directory information shall not include wireless service dialing numbers without the express written consent of a subscriber; to provide for terms and conditions; to provide exceptions and authorize waivers; to provide for civil enforcement and immunity from certain liability; to provide for related matters; to repeal conflicting laws; and for other purposes.*

Shafer, 48<sup>th</sup>, presented the bill explaining that this was an important part of the legislation being presented on behalf of the Governor. He opened the floor for speakers.

Jill Johnson, Georgia Public Interest Advocate, spoke in support of the bill. She stated that seventy-five percent of homes now have cell phones and that she thought this bill was necessary.

Chairman asked if anyone had questions for Ms. Johnson, on one had questions.

Steve Skinner, Sprint, spoke also on behalf of wireless carriers: TMobile, Nextell, Sprint, and Cingular. He said they do not support any directory for cell phones except for 411. No questions were asked.

Chairman then stated, that the bill would not be voted on today. He had put it on the agenda for discussion only.

Cagle, 49<sup>th</sup>, commended the Governor for coming forward to present this legislation on behalf of the citizens of Georgia.

Heath, 31<sup>st</sup>, had to leave the meeting at 3:05 p.m.

**SB 62** (*Shafer*): *A bill to be entitled an Act to provide for a short title; to provide for legislative findings; to amend Title 16 of the Official Code of Georgia Annotated, relating to computer systems protections, so as to add a new part to create the new crime of initiation of deceptive commercial e-mail; to provide for definitions; to provide for criminal penalties; to provide for civil relief and venue for civil proceedings; to provide for certain prosecuting officials to prosecute deceptive commercial e-mail; to provide for applicability; to provide for exceptions; to change provisions relating to the definition of racketeering activity in the Georgia RICO Act; to provide for related matters; to repeal conflicting laws; and for other purposes.*

Shafer, 48<sup>th</sup>, presented the bill. He explained that the bill simply put criminal penalties on e-mail spam mail deceptive in nature.

Kelly Wallace, outside counsel for Earthlink explained the contents of the bill to the committee members.

Zamarippa, 36<sup>th</sup>, stated he could question the law benefit.

Golden, 8<sup>th</sup>, commented he felt some of it could be false and misleading.

Cassandra Schansman, Office of the Attorney General, explained the changed that had been made to the substitute.

Cagle, 49<sup>th</sup>, commented that 30 or more states already had SPAM law in effect.

Cagle, 49<sup>th</sup>, moved that **SB 62** **do pass by substitute**, Staton, 18<sup>th</sup>, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Science and Technology Committee was adjourned at 3:35 p.m.

Respectfully submitted:

/s/ Senator Bill Heath, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

**SCIENCE AND TECHNOLOGY COMMITTEE MEETING**  
**February 16, 2005**

The Senate Science and Technology Committee meeting was called to order at 2:30 p.m., in room 125 of the State Capitol, by Chairman David Shafer, 48<sup>th</sup>. The following members were in attendance: Senators Shafer, 48<sup>th</sup>, Chairman; Cagle, 49<sup>th</sup>, Vice Chair; Heath, 31<sup>st</sup>, Secretary; Douglas, 17<sup>th</sup>; Golden, 8<sup>th</sup>; Powell, 23<sup>rd</sup>; Staton, 36<sup>th</sup>; Zamarripa, 36<sup>th</sup>.

The Chairman introduced committee members and support staff and welcomed guests.

Chairman presented to the committee [SB 46 Substitute](#), and reminded members and guests that **SB 46** had been presented in an earlier meeting where the bill had already been discussed and had had testimony. He also reminded the members that this was a piece of the Governor's legislation. He then stated due to the prior meeting of discussions and testimony this substitute was being offered. The Chairman explained that the bill remained basically unchanged and reminded everyone that the bill will simply require wireless cell phone companies to obtain consent from their customers before the customer's wireless telephone number can be published in a directory. He told them the original bill contemplated that consent would to be obtained on a separate paper document. At the hearing, several wireless telephone service providers had pointed out that many wireless contracts are entered into through the internet or by telephone, so they asked that **SB 46 Substitute** show consent be made on paper, but also telephonically or electronically, so long as there is was a documented trail. He explained that the original bill provided that the disclosure be given to certain subscribers, and that the bill had been revised so that all subscribers must be given the disclosure. Chairman stated that the disclosure would simply state that if you receive an unwanted telephone call, you will be charged according to the plan you have with the wireless carrier. If your plan does not charge for incoming calls, then there would be no charge. Each person will have to read their own plan to see if there is any charge.

The Chairman went on to tell about another change.new wireless data base. Bellsouth has between 5,000 and 7,000 wireless numbers published in the existing telephone directory at the requests of the customers. The numbers already in the telephone directory will be grandfathered in and added to the wireless phone directory. So, with this, the telephone directory and wireless phone directory to be specifically defined in the bill.

Original bill also allowed wireless telephone companies to sell telemarketers if the subscriber had allowed for this, the new bill will ban this practice, and the list will not be allowed to sold for telemarketing purposes except for the limited purposes under the "No Call Act."

The Chairman asked for questions.

Zamarripa, 36<sup>th</sup>, if the bill allowed for wireless phone providers to give the number to a collection agency to collect unpaid charge on wireless phone, would this also protect the wireless phone owner from the 3<sup>rd</sup> party selling the phone number. The Chairman said the wireless phone owner would be protected under this bill.

After further general discussion, Zamarripa, 36<sup>th</sup>, said he felt the bill still needed some work and was not completely clear, but her was going to vote to pass **SB 46 Substitute** out of committee.

Chairman told the committee he understood that the bill still had some flaws, but he wanted each and everyone of them to know that right now there was absolutely no law that prohibited the wireless telephone company from selling any wireless number, and that this bill was a start to protect the citizens' right to privacy.

Cagle, 49<sup>th</sup>, commended the Chair for all the hard work he had put into the bill, and also praised the Governor and his staff for working hard to keep the line of communication open so they would be able to work together for a good bill.

The Chair asked if there was any further discussion on the **SB46 Substitute**.

Cagle, 49<sup>th</sup>, moved that **SB 46, do pass by substitute**, Heath, 31<sup>st</sup>, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Science and Technology Committee was adjourned at 3:55 p.m.

Respectfully submitted:

/s/ Bill Heath, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

**SCIENCE AND TECHNOLOGY COMMITTEE MEETING**  
**February 23, 2005**

The Science and Technology Committee meeting was called to order at 12:20 p.m., in room 310 of the Legislative Office Building, by Chairman David Shafer, 48<sup>th</sup>. The following members were in attendance: Senators Shafer, 48<sup>th</sup>, Chairman; Cagle, 49<sup>th</sup>, Secretary; Douglas, 17<sup>th</sup>; Golden, 8<sup>th</sup>; Powell, 23<sup>rd</sup>; Staton, 36<sup>th</sup>; and Zamarippa, 36<sup>th</sup>.

The Chairman welcomed the guests and introduced committee members and support staff.

The Chairman then stated that there were 3 bills on the meeting agenda.

Before going into the meeting, the Chairman had to leave and go in a meeting next door to vote, Cagle, 49<sup>th</sup>, took over presiding.

**SB 106** (*Stoner, 6th*): *A BILL to be entitled an Act to amend Code Section 16-12-103 of the Official Code of Georgia Annotated, relating to selling, loaning, or distributing harmful material to minors, so as to define a certain term; to provide that a video game retailer shall display a sign explaining each rating system which appears on a video game offered by such retailer; to provide a penalty; to repeal conflicting laws; and for other purposes.*

Senator Stoner, 6<sup>th</sup>, presented bill and spoke on its behalf.

The following group representatives spoke in support of the bill: Rick Ward, Georgia Chapter-AAP; Lasa Joiner, Georgia Psychiatric Physicians Association; Rebecca Bullant, Georgia Commission on Family Violence; Laura Dobbs, Georgia PTA, John Heavener, Georgia Retail Association; and Les Snyder, Georgia Amusement Association.

Chairman returned to the meeting and resumed as chair. He asked if any members had any questions or comments. There were no questions.

Golden, 8<sup>th</sup>, commended Senator Stoner for all his hard work and research and for bringing this matter to the attention of the Legislature.

Golden, 8<sup>th</sup>, moved that **SB 106 do pass by substitute**. Cagle, 49<sup>th</sup>, seconded. The vote was unanimous.

**SB 105** (*Stoner, 6th*): *A BILL to be entitled an Act to amend Part 3 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia annotated, relating to the sale or distribution of harmful materials to minors, so as to define a certain term; to provide that it shall be unlawful for any person knowingly to sell, rent, or loan for monetary*

*consideration an excessively violent video game or a video game containing material which is harmful to minors; to provide for penalties; to repeal conflicting laws; and for other purposes.*

Chairman, said he had talked to Senator Stoner, 6<sup>th</sup>, and they had agreed that **SB 105** had a few issues to work on and they had to agreed to put the bill in a study committee. At that time, Chairman Shafer, appointed Douglas, 17<sup>th</sup>, to chair subcommittee and appointed Heath, 31<sup>st</sup> and Zamarippa, 36<sup>th</sup> to subcommittee.

**SB 127 (Staton, 18th):** *A BILL to be entitled an Act to amend Chapter 9 of Title 16 of the O.C.G.A., relating to forgery and fraudulent practices, so as to enact the "Georgia Computer Security Act of 2005"; to provide a short title; to provide definitions; to prohibit certain deceptive acts and practices with regard to computers; to require certain notices be given prior to certain software or programs being loaded onto certain computers; to require certain functions be available in certain software; to provide for certain exceptions; to provide for civil and criminal penalties; to provide for recovery of certain damages; to provide for applicability ; to provide for related matters; to amend Code Section 16-14-3 of the O.C.G.A.; to provide for related matters; to repeal conflicting laws; and for other purposes.*

Senator Staton, 18<sup>th</sup>, presented bill and spoke on its behalf. Said bill was modeled on a bill in Congress.

Terry Lawler, MCI representative, spoke his support of the bill.

Chairman asked if any members had questions. There were no questions.

Cagle, 49<sup>th</sup>, moved that **SB 127 do pass by substitute**. Golden, 8<sup>th</sup>, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Science and Technology Committee was adjourned at 1:55 p.m.

Respectfully submitted:

/s/ Bill Heath, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

**SCIENCE AND TECHNOLOGY COMMITTEE MEETING**  
**March 9, 2005**

The Science and Technology Committee meeting was called to order at 3:30 p.m., in room 125 State Capitol, by Chairman David Shafer, 48<sup>th</sup>. The following members were in attendance: Senators Shafer, 48<sup>th</sup>, Chairman; Cagle, 49<sup>th</sup>, Vice Chairman; Heath, 31<sup>st</sup>, Secretary; Douglas, 17<sup>th</sup>; Staton, 36<sup>th</sup>; and Zamarippa, 36<sup>th</sup>.

The Chairman welcomed the guests and introduced committee members and support staff.

**SB 241** (*Shafer, 48th*): *A BILL to be entitled an Act to amend Chapter 12 of Title 10 of the Official Code of Georgia Annotated, relating to electronic records and signatures, so as change provisions relating to the legal effect of electronic records and signatures; to change provisions relating to notarized documents; to amend Code Section 15-10-53 of the Official Code of Georgia Annotated, relating to filing documents by electronic means, so as to correct a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.*

Shafer, 48<sup>th</sup>, presented the bill.

Chairman asked if any questions or debate; there were none.

Cagle, 49<sup>th</sup>, moved that **SB 241** do pass. Staton, 18<sup>th</sup>, seconded. The vote was unanimous.

**SB 251** (*Shafer, 48th*): *A BILL to be entitled an Act to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide a short title; to provide legislative findings, to provide definitions; to require certain business entities to give notice to consumers of certain security breaches; to provide for the causes of actions and damages for unauthorized or improper access of personal information of consumers; to provide for certain criminal penalties; to provide information of consumers; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.*

Shafer, 48<sup>th</sup>, presented the bill.

Chairman asked if any questions or debate; there were none.

Zamarippa, 36<sup>th</sup> asked the Chairman if this bill would effect his personal home computer if it had spyware, and his wife maintained a date base which included names and addresses and/or identity information on persons, and the security of the data base was breached, would she be subject to this law.

Chairman answered that if the data base was maintained with connection to a “for profit” organization, then this would be problematic. He also added that if this data base also included a social security number, a drivers’ license number and credit card number, they would be required by this law to notify the persons.

Zamarripa, 36<sup>th</sup>, then asked if he meant they had to have name and all 3 of the other pieces of identity.

The Chairman explained it could be the name and just one of the 3 pieces to subject them to this notification. He explained that there would have to be cause or highly reasonable cause of a breach in order to qualify a person maintaining a database to have to notify.

Zamarripa, 36<sup>th</sup>, expressed his concern and felt there may be loopholes in the bill.

Heath, 31<sup>st</sup>, also expressed concern because he didn’t like the idea of the person maintaining the data base contacting and having his credit card number or his drivers license number suspended or closed. He felt being the consumer, he should be made aware of the theft so that he could have the option of whether close them or maintain them as usual. He suggested a subcommittee be formed to study this issue more thoroughly.

Chairman recommended that **SB 251 do pass by substitute**, and allow bill to continue the legislative process.

Douglas, 17, moved that **SB 251 do pass by substitute**. Heath, 31<sup>st</sup>, seconded the motion. The vote was unanimous.

**SB 245** (*Heath, 31st*): *A BILL to be entitled an Act to amend Chapter 11 of Title 10 of the O.C.G.A., relating to business records, so as to require a person or business that conducts business in this state and that owns or licenses computerized data that includes personal information to disclose in specified ways any breach of the security of the data to any resident of this state whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person; to permit notification to be delayed if a law enforcement agency determines that it would impede a criminal investigation; to provide for certain civil actions; to define certain terms; to amend Chapter 18 of Title 50 of the O.C.G.A.; to define certain terms; to provide for legislative findings and declarations; to repeal conflicting laws; and for other purposes.*

Heath, 31<sup>st</sup>, presented the bill.

Chairman asked if there were any questions or discussion. There were none.

Heath, 31<sup>st</sup>, moved that **SB 245 do pass**. Douglas, 17<sup>th</sup>, seconded the motion. The vote was unanimous.

**SB 316 (Chance, 16<sup>th</sup>):** *A BILL to be entitled an Act to amend Part 2 of Article 3 of Chapter 12 of Title 16 of the O.C.G.A., relating to crimes involving obscenity and related matters and minors, so as to change provisions relating to the crime of electronically furnishing obscene material to minors; to provide that a person commits this crime if such person furnishes to an individual whom the person knows or should have known is a minor any product which contains or reveals or gives access to any user name, log-in code, password, number, or other information which enables a person to access one or more Internet sites containing certain material which is harmful to minors in that it appeals to and incites prurient interest; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.*

Chance, 16<sup>th</sup> presented the bill.

Chairman asked if any questions or discussion.

Douglas, 17<sup>th</sup>, commended Senator Chance, 16<sup>th</sup>, for his work on **SB 316**.

Staton, 18<sup>th</sup>, moved that **SB 316 do pass**. Zamarripa, 36<sup>th</sup>, seconded the motion. The vote was unanimous.

**SR 111 (Staton, 18<sup>th</sup>):** *A RESOLUTION to urge Congress to amend the federal CAN-SPAM Act to allow the states greater authority in attempting to curtail and to regulate the transmission and receipt of unwanted, unsolicited, and deceptive electronic mail; and for other purposes.*

Staton, 18<sup>th</sup>, presented the resolution.

Chairman asked if there were any questions. There were none.

Zamarippa, 36<sup>th</sup>, moved that **SR 111 do pass**. Douglas, 17<sup>th</sup>, seconded the motion. The vote was unanimous.

There being no further business, the meeting of the Senate Science and Technology Committee was adjourned at 4:10 p.m.

Respectfully submitted:

/s/ Bill Heath, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary