

Agriculture & Consumer Affairs Committee Members

2007 Term

Senator John Bulloch, (11th) **Chairman**
3554 Bulloch Rd.
Ochlocknee, GA 31773

Senator Ralph Hudgens (47th) **Vice-Chairman**
6509 Highway 106 South
Hull, GA 30646

Senator Lee Hawkins, (49th) **Secretary**
4710 Jim Hood Road
Gainesville, GA 30506

Senator Greg Goggans, (7th)
1300 Hampton Road
Douglas, GA 31533

Senator Bill Heath, (31st) **Ex-Officio**
2225 Cashtown Road
Bremen, GA 30110-3504

Senator Nan Orrock, (36th)
1070 Delaware Avenue SE
Atlanta, GA 30316

Senator J.B. Powell, (23rd)
228 Church Street
Blythe, GA 30805

Senator Ed Tarver, (22nd)
3118 Natalie Circle
Augusta, GA 30909

Leah Tatum-Dick, **Recording Secretary**
Suite 110 State Capitol
Atlanta, GA 30334

Agriculture & Consumer Affairs Committee

Rules

2007 Term

1. These Committee Rules of Operation shall be constant with Senate Rule 2-1.5 (d) regarding the establishment of Rules of Operation.
2. Quorum of the Committee shall be Four (4) members.
3. The Chairman shall determine which bills and resolutions are to be considered and the order in which said measures are considered.
4. The Chairman shall have the authority to refer bills and resolutions to subcommittees for study. Such subcommittees in turn shall have the authority to make recommendations on such measures to the full committee at such time as shall be designated by the Chairman.
5. The Committee shall convene, recess, and adjourn upon the order of the Chairman.
6. Any member or members of the Committee who disagree with the majority report of the Committee shall be privileged to file a minority report in writing, setting forth succinctly the reasons for their dissent.
7. These rules may be amended upon a motion duly made and subsequently approved by a quorum of the Committee in a meeting called by the Chairman.
8. A bill, resolution, or other matter will be considered only after presentation by its principal author or a legislator whom he designates to do so. In the event that more than one member of the General Assembly has signed a measure, the principal author shall be the one whose name appeared first in the list of authors.
9. The Chairman reserves the right to delay action on substitutes and amendments not provided to the Chairman at least 24 hours prior to the hearing.
10. Where these rules are silent on a specific issue, the Rules of the Senate, as adopted, shall govern. (Senate Rule 2-1.5 {d})

Agriculture and Consumer Affairs Committee

January 31, 2007

Room 307 CLOB

Members present: Bulloch (11) Chairman Orrock (36)
Hudgens (47) Vice-Chairman

Senator Bulloch called the Joint meeting of the Senate Agriculture and Consumer Affairs Committee and the Senate Economic Development Committee to order at 1:45 PM. He welcomed everyone to the meeting and apologized for the delay. He then introduced Senator Chip Pearson who also welcomed guests and went on to say his committee supports the Georgia Agrirama and what they are trying to accomplish. Senator Bulloch called upon Senator Hudgens to open with a prayer.

Senator Bulloch recognized William Bowen, a member of the Agrirama from Tifton who gave a short history of the Agrirama. He stated Agriculture has made GA what it is today but, as an industry, it is slowly disappearing. He stated the GA Agrirama opened in 1976 has many facets, a traditional farm site, a progressive farm site, an industrial site and a rural town site. It is also an educational preservation center for agriculture's history as it shows the experience of life at the turn of the century. He then showed a video about the GA Agrirama. Senator Bulloch thanked him for his presentation and introduced Michael A. Froehlich, Acting Executive Director of the Georgia Agrirama. Froehlich explained that Governor Perdue requested he oversee the GA Agrirama in 2004. Since that date they have developed a strategic plan including a mission and vision statement, hired James Higgins to be responsible for the day to day operations, appointed 6 new board members, each of which bring a wealth of experience and expertise to the Agrirama Board and rejuvenated the Georgia Agrirama Foundation. A 28,000 sq ft Museum of Agriculture Center was built and turned over to the Agrirama in February of 2005 and RV facilities were completed in March of 2005 to attract the traveling RV segment of the population to the Agrirama. They have developed RV mini rallies and are able to provide support facilities and services to vendors and exhibitors participating in the many festivals held each year.

They have established new Agrirama Bylaws, the first revision since 1974 and conducted a long-range planning workshop in April 2006, facilitated by David L. Forkner, ASLA Senior Vice President of Bulloch Smith & Partners, from Knoxville, TN. Governor Perdue and the First Lady dedicated the Museum of Agriculture Center in May of 2006. All these efforts have increased attendance; building from 27,000 visitors in 2004 to 38,123 visitors in 2006. He pointed out that there are still many challenges ahead, including maintaining the facilities which include 48 historic buildings, the majority of them over 100 years old; the need for climate-controlled facilities to properly store artifacts; the fact that the workforce is aging. He spoke of the need to strengthen the business and accounting functions, hire a person with an educational background to market, sell and coordinate educational tours and workforce programs. He went on to discuss the great opportunities ahead which include the new Museum of Agriculture Center which gives the Agrirama the opportunity to preserve and showcase Georgia's earliest agricultural history through current and future agricultural advances, opportunities to work with ABAC, the Rural Development Center and the UGA Coastal Plain Experiment Station, all of which are all adjacent to the Agrirama. He spoke of the tremendous opportunity to work together to promote Georgia's agriculture and to create a hub for it in Tifton. He spoke of the Governor's FY08 Budget Recommendations which include \$155,000 for ongoing funds for operating expenses for the new Museum of Agriculture Center and \$100,000 for the development of a business, marketing and facilities master plan. He ended his presentation by stating his confidence that, working closely

with the legislature and the Governor's office, the Georgia Agrirama can move to the next level. Senator Bulloch opened the floor to questions from the committee. Senator Orrock asked what the park's attendance in the past was. Froehlich responded that there are no accurate records on that. Senator Bulloch asked if he would make all statistics he did have available to both Chairmen. Froehlich agreed. Bulloch recognized and thanked Bryan Tolar, GA Agribusiness Council for hosting lunch. Senator Bulloch then recognized visiting Senator Nancy Schaefer who suggested the Agrirama sponsor special events or workshops in other parts of the state. She also suggested, since the Agrirama reflects all of Georgia, other parts of the state should have featured exhibits at the Agrirama. She felt that the Agrirama has a good relationship with all the state's museums. Senator Bulloch recognized Senator Joseph Carter who said he is very proud of the Agrirama, which by the way is only a mile from his house. He asked Chairman Bulloch if he could see a breakdown showing the number of visitors that were school children. Froehlich said the majority of visitors are school children from all across Georgia, Florida and Alabama. The Agrirama hosts hands-on workshops to demonstrate the agrarian ways of the past. He stated they work with educators to meet education requirements so this is a true learning experience. Senator Bulloch recognized Representative Austin Scott who spoke of memorable childhood field trips to the Agrirama, of the large impact not only on him but on other school children. He said he didn't want our children to go without knowing what our forefathers went through. He spoke of his belief of the tremendous value for young people to see how hard people in the past had to work just to survive. Senator Bulloch thanked them for advocating for the Georgia Agrirama. Senator Pearson spoke about an article being published in Family Motor Coaching Magazine and a bill in his committee designating Georgia as an RV friendly state. He said it was a great opportunity to market the venue because of its facilities to accommodate RV's. He went on to say Perry is becoming known as the RV Rally Capitol of the World.

Senator Bulloch recognized James Higgins, Director of the Agrirama, who spoke of promoting and marketing this 'diamond in the rough.' Senator Hudgens and Senator Pearson left at 2:20 PM. Higgins spoke of future plans for the facility which includes focusing on all areas of agriculture, past, present and future and his belief that the growth of corn for ethanol would be great to promote in the museum. He touched on their current involvements which include the GA Fair, the AG Expo., the training video, the Peanut Museum and the State Cotton Museum to name a few. He thanked the committee for their help to promote involvement in the Agrirama and in agriculture. Senator Bulloch recognized George Lee, Chairman of the Authority Board who thanked the committee members for their support. He went on to state his belief if you don't know where you have been, you don't know where you are now or where you are going. He said the Agrirama inspires young people to look to the future and gives them pride in their state. He pointed out that the Authority board members have been in office 18 months or less but have provided a good foundation to carry the board forward. Senator Bulloch thanked everyone for coming and he and the staff gave out Tea Cakes and Grits from the Agrirama.

There being no further bills before the committee, the meeting was adjourned at 2:30 PM.

/s/ Senator John Bulloch, Chairman

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 7, 2007

Room 450 Capitol

Members present: Bulloch (11) Chairman Heath (31) Ex-Officio
Hudgens (47) Vice-Chairman Tarver (22)
Hawkins (49) Secretary

Senator Bulloch called the meeting to order at 10:05 AM. He welcomed Senator Hawkins, newly assigned to the committee. He then recognized staff members, Leah Tatum-Dick, Committee Recording Secretary, Brian Knight, Committee Aide, Angie Fiese, Senate Research, Sewell Brumby, Legislative Council and Courtney Hall, Committee Intern. He welcomed visitors to the meeting, explaining there will be no vote as this is strictly a public hearing for [SB 16](#).

Senator Bulloch presented the Committee Rules for adoption. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Hawkins. The motion passed unanimously.

[SB 16](#) (Rogers, 21st) Animal Fighting Act; change certain provisions

Senator Rogers presented a substitute bill explaining it was similar to a bill that passed the Senate 52 to 4 in 2006 but did not come out of the House. Senator Bulloch waived the 48 hour substitute rule since this would only be a public hearing. Senator Rogers explained this bill is only about dog fighting, he wasn't here to talk about cock fighting. He said he has received many letters supporting this bill including from law enforcement personnel. He passed out copies of the letters and e-mails and a petition with over 100 signatures. He discussed changes such as Page 1 Section 2 - fighting of dogs against dogs is criminal and promotes criminal activity; Page 2 Section 3 from Mercedes Law wording - deletes (A) from line 6 and replaces Inflicts with inflicts and deletes B in its entirety; Page 2 Sections 4, Page 3 Sections 5 and 6 - add words 'or enticement for dog fighting as such terms are defined in Code Section 16-12-37; Page 3 Section 7 Lines 33-35 and Page 4 Lines 1-3 - added 2 pages of new wording to protect recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law, to further define the meaning of Dog, Fighting, person, spectator, device and to clarify outlawed practices and punishments.

Senator Bulloch asked if the bill outlawed the use of live animals for the training of Greyhounds and could that be considered enticement for dog fighting. Senator Rogers replied he wasn't aware live animals were used for training Greyhounds. Senator Bulloch asked if Greyhound breeders or trainers had contacted him and said he wasn't really sure if live animals were used either. Senator Hudgens asked about the changes in the definition of spectator. Senator Rogers replied the wording was the same as debated in last year's Agriculture Committee meeting. Senator Rogers went on to explain enticement for dog fighting means 'knowing and intentional' actions; tools must be directly connected to the activity of dog fighting; possession of a listed tool is not illegal in itself. Page 5 makes bets, wagers or encouragement of others to bet or wager anything of value illegal, addresses facilities either rented, leased, purchased or otherwise acquired for the purpose of fighting or enticement for dog fighting, outlines penalties including penalties for spectators. Senator Hudgens asked about penalties for people who bring minor children. Senator Rogers replied it would be a felony. Senator Bulloch asked about Page 4 Line 19 and Page 5 Line 19, if they conflicted. Senator Hudgens replied that Page 4 Line 19 established anyone under the age of 14 to be a minor and Page 5 Line 19 through 26 addresses the punishment of adults who bring minor children to view dogfighting. Senator Rogers agreed with Senator Hudgens' explanation. He went on to say the intent was not to prosecute or make

criminals of minor children who are brought by adults. Senator Rogers went on to say this bill does not conflict with the practice of hunting; that DNR assisted with the language and it is a word for word match with the GA Wildlife Federation's language except for companion animal. He has no desire to interfere with hunting.

Senator Bulloch recognized Paul J. Wagner, GA Small Game Hunters Association. Wagner gave out handouts and praised Senator Rogers for his hard work on this bill but his Association had some problems with the wording. They believe it will criminalize all fox and coyote enclosure activities. He pointed out that coyotes in the wild will breed with dogs which dilute the DNA pool so some domestic dogs qualify as hybrids. The same could be said of the Wolf. He also asked what training Greyhounds with caged rabbits has to do with dog fighting and how it warrants a felony offense. He requested that all breed specific provisions be deleted and pointed out his Association's belief that the problem of enticing or baiting fighting dogs with animals other than dogs should be handled within the existing GA laws on animal cruelty so he requested that language be removed as well. He said his Association supported [HB 301](#) instead of this bill and requested the committee join in support of the House bill as well since they felt it is more closely aligned with the wishes of most Georgians. Senator Bulloch said we want to support the right to hunt in Georgia so he will not support any bill unless it supports hunting, including fox hunting.

Senator Rogers introduced Craig Treadwell, Covington Police Department who spoke of law enforcement's support of this bill. He told of a raid they did on a dog fight in Covington, GA where 123 people were arrested with a total of 20 guns. Senator Bulloch asked if the guns were being carried on their persons. Treadwell replied yes, the majority of the guns were in physical possession rather than just laying around. He went on to say the very first person they arrested, a Hispanic male who was patrolling the locked fence that was around the dog fighting facility, was in possession of a gun. Senator Hudgens asked if the man was providing security. Treadwell replied yes, it appeared that was what he was doing. Senator Hawkins asked if the man could not have known what he was guarding. Treadwell replied he believed the man knew exactly what was going on. Senator Bulloch asked Treadwell if this bill gave him the tools he needed for better enforcement. Treadwell replied yes. Senator Heath arrived at 11:14 AM. Senator Bulloch asked Treadwell if there were any additions or clarifications he wanted to suggest to make this a better bill. Treadwell replied no, the bill had law enforcement's full support. Senator Tarver expressed his concern that minor children be protected and his opinion that children over the age of 14 should not be subject to criminal prosecution in adult courts. Senator Hudgens added his agreement with Senator Tarver and asked if a 15 year old could be arrested and tried in adult court. Senator Roger stated his belief that under-age minors were excluded and that proceedings against 15 year olds would be in Juvenile Justice, not in an adult court.

Senator Rogers introduced Officer Amy Selner, City of Atlanta Police, who spearheaded the petition that was presented earlier in the meeting. She spoke of the relatively new activity of urban street fighting of dogs by young toughs who will bet \$20, \$100 or \$200 at a time as they prowl Atlanta streets in the afternoon or at night with fighting dogs on heavy chain leashes. By the time the police arrive, they are gone, leaving behind injured or dead dogs and, sometimes, injured bystanders. Senator Bulloch allowed a general discussion by all attendees at the meeting of the various points already mentioned. He then thanked everyone for their opinions and their attendance at the meeting.

There being no further business before the committee, the meeting adjourned at 11:20 AM.

/s/ Senator Lee Hawkins, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 22, 2007

Room 125 Capitol

Members present:

Bulloch (11) Chairman	Orrock (36)
Hudgens (47) Vice Chairman	Powell (23)
Hawkins (49) Secretary	Tarver (22)
Heath (31) Ex-Officio	

Senator Bulloch called the meeting to order at 4:05 PM.

SB 101 (Tolleson, 20th) Agricultural Facilities; redefine a term

Senator Tolleson presented his bill and an amendment explaining current law prohibits a forest products processing plant from becoming a public or private nuisance as a result of changed conditions in or around the locality of the plant if the plant has been in operation for one year or more. He went on to explain his bill redefines the term 'forest products processing plant' to include a commercial operation that manufactures, packages, labels, distributes, or stores any forest product or that manufactures, packages, labels, distributes or stores any building material made from gypsum rock. Senator Heath arrived at 4:11 PM.

Senator Hudgens asked Senator Tolleson to verify if the correct LC number is LC 25 4707. Senator Tolleson confirmed the number to be correct. Senator Bulloch suggested, if okay with Senator Tolleson, the bill be changed to a committee substitute. Senator Tolleson agreed. Senator Tolleson introduced Bill Clarke, GA Trial Lawyers Association who thanked Senator Tolleson for working with them on the language of this bill. He said the law is currently good but this includes gypsum and will just tighten the current law. He said this is a good product for GA Pacific and others. He ended by stating his belief that this bill is good for Georgia. Senator Hudgens made a motion to **Do Pass by Committee Substitute**, seconded by Senator Hawkins. The bill passed unanimously.

SB 16 (Rogers, 21st) Animal Fighting Act; change certain provisions Senator Bulloch introduced Senator Rogers and a new committee substitute explaining it contained changes that were discussed in the previous AG meeting so this was not to be another public hearing. He commended Senator Rogers for addressing all concerns that had been brought up before, during and after the last AG Committee hearing. Senator Bulloch said he wanted to send the most accurate bill possible to the House. Senator Rogers said he never wanted anyone else to have to go through what he's been through; that it was worse than even his illegal immigration bill. Senator Tarver arrived at 4:19 PM.

Senator Rogers went on to say he made the changes suggested in the last meeting; removed references to Greyhounds; 'spectator' was clarified in congruence with Supreme Court rulings; the definition of dog corrected to the known definition of dog or intentionally bred hybrid; 'taking' added to definition of hunting practices, 'devices' taken out; clarifying exemptions by restating the obvious. He stated that 'enticement for dog fighting' is the only single issue not 100% satisfied but he made changes in the language so specific 'a reasonable person could not read it any other way.' Senator Bulloch asked about profiling by breeds, stating he didn't want to get into arbitrarily outlawing specific breeds. Senator Rogers replied he was adamantly opposed to breed specific language. He stated his belief that all dogs are good dogs unless trained otherwise. Senator Hudgens referencing Page 4, line 40, 'willfully present with knowledge of dog fighting'...what if there is a guard taking money and he claims ignorance? He went on to say

he couldn't imagine that happening but if you can't prove 'with knowledge' you can't convict. Wouldn't they have to prove 'with knowledge?' Senator Bulloch replied the guard would have the opportunity in court to prove he had no knowledge. Senator Hawking asked if the committee was OK with age 14 for a minor child. Senator Rogers replied the committee already debated that issue. Senator Hudgens asked how this bill is different from [HB 301](#). Senator Rogers replied that, with the changes, both bills are now very similar but this bill goes further in what we are trying to prosecute. Senator Health made a motion to **Do Pass by Committee Substitute**, seconded by Senator Hudgens. The bill passed unanimously.

[SB 165](#) (Bulloch, 11th) Agricultural Commodity Commissions; ratification of commissions; change certain provisions

Senator Bulloch presented his bill explaining the Equine Commodities Commission bill last year brought up questions regarding the legality of the other commodities commissions. He explained that the AG Commodities Commission Act of 1961, which was amended in 1969, created the need and a way to establish commodities commissions by rules of the Agriculture Commissioner. The 1969 amended language did not specifically address how they were to be established. The wording of the language says 'the current and any subsequent created by law' means they have to be created by law which the existing ones were not, except for the "Equine" and the "Peanuts." This legislation ratifies all the commodities commissions that have been created by the Commissioner of Agriculture. Senator Powell made a motion to **Do Pass**, seconded by Senator Hawkins. Senator Orrock arrived at 4:35 PM. The bill passed unanimously.

[HB 101](#) (Houston, 170th) Public records; agricultural or food systems information

Representative Houston explained her bill has the support of Farm Bureau, the Agribusiness Council and the Department of Agriculture. It prevents the Department of Agriculture from releasing sensitive information, affecting homeland security, requested under the state's Open Records Act. Some of the information collected is very detailed and could get into the wrong hands. This includes programs such as the National Animal Identification Program which is voluntary so it is vitally important the information collected be protected to encourage participation. Senator Tarver asked what type of information is collected. Representative Houston replied the information gathered includes beeper numbers, pagers, cell phones, e-mail addresses, physical addresses of businesses and fax numbers. Senator Tarver said then public information will be protected by this bill. Senator Bulloch replied that this bill prevents the Department of Agriculture from giving out this information. Representative Houston went on to explain the National Animal Identification Program is very important as it tracks animals from birth to processing (death). Senator Orrock asked about situations like ConAgra Plant, would this have prevented the release of that information. Representative Houston replied no, that information would still have been released; these changes are not designed to inhibit the release of information to protect public health. She continued her explanation of the bill saying information such as the floor plans of food processing plants like chicken rendering plants don't need to be known by everyone because they can be tampered with. Senator Orrock replied that means information that is considered to be critical to infrastructure is exempt from disclosure. Representative Houston replied yes, it would also include information such as truck routes. Senator Bulloch said a lot gets in to the GA Department of Agriculture from a national security standpoint and everyone needs to be cautious of terrorist contamination of our food supply. Senator Bulloch asked about engrossment of the bill. Representative Houston stated the bill was engrossed in the House to ensure that no amendments would be added to give the press access to the very information they were trying to protect. She went on to say she discussed it with members of the GA Press Association and received their support of this bill. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Powell. The bill passed unanimously.

HB 105 (Maddox, 172nd) Animals; poultry; revise certain provisions

Representative Maddox presented a substitute explaining he dropped the bill at the request of the Commissioner of Agriculture. It repeals fees for licenses for rendering plants, poultry dealers, brokers, market operators, hatchery operators and poultry remedy manufacturers. He stated it cost more to keep up with the fee than the actual fee. This bill also removes provisions in current law relating to the use of sulfaguanidine and sulfathiazole for poultry. He said the bill passed the House 157 to 5. Senator Orrock asked for an explanation of Section 4 regarding the sulfur drugs. Representative Maddox explained there are many types of antibacterial groups. The old sulfur drugs are obsolete as there were too many side effects. These drugs are no longer used or even available so it is important to modernize the code section. Senator Hawkins asked if the drugs were used, would they come out in the meat. Representative Maddox replied that the drugs were no longer on the market so they could not be used. Senator Bulloch recognized Commissioner Irving who expressed his concern about not setting a fee at will. He said that there would be no fees under his administration unless it is approved by this assembly. He also expressed his belief that it is important to get rid of old laws which are no longer needed. Senator Bulloch then recognized Dr. Lee Myers, GA State Veterinarian who voiced her support of this bill. She said the Homeland Security Taskforce appreciates and strongly endorses this bill and she believed other agencies may want to follow suit. She expressed her belief there will be a future task force to consider a larger bill to encompass other agencies. Senator Heath made a motion to **Do Pass by Committee Substitute**, seconded by Senator Tarver. The bill passed unanimously.

There being no further business before the committee, the meeting adjourned at 6:34 PM.

/s/ Senator Lee Hawkins, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 26, 2007

Room 125 Capitol

Members present:

Bulloch (11) Chairman	Heath (31) Ex-Officio
Hudgens (47) Vice Chairman	Orrock (36)
Hawkins (49) Secretary	Tarver (22)
Goggans (7)	

Senator Bulloch called the meeting to order at 3:30 PM.

SR 326 (Bulloch, 11th) U.S. Congress; urge to reform U.S. sugar policy

Senator Bulloch explained this resolution urges the members of the GA Congressional Delegation to work together while rewriting the U.S. Farm Bill to reform the US's sugar policy. He said it was important to be sure all users of this product are taken into consideration. Sugar is important to Georgia, not only because it is the headquarters of Coca-Cola but we have sugar beets and sugar cane which need to be looked at as components of alternative fuels. He stated his belief in the importance of having a good, level playing field, open competition...in short a fair marketplace. Senator Hudgens asked about making Ethanol from cane; did they grind the cane to get the sugar out first and use the cellulose byproduct for fuel. Senator Bulloch said they used the sugar portion and could turn around and use the cellulose part; that this was a win-win situation. Senator Hawkins arrived at 3:40 PM.

Senator Bulloch recognized Kevin Perry, GA Beverage Association, who said this is a good bill. He spoke of Coke being sweetened with high fructose corn syrup but they appreciated the right to look at sugar also. He explained that the government price support for sugar was set at '1 cent below' and that the sugar industry has escaped much needed reforms for too many years. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Tarver. The bill passed unanimously.

SB 207 (Thompson, 5th) Petroleum Products; Internet website for gasoline prices

Senator Bulloch stated there would be no action today on this bill. He wanted to have the bill presented and take comments as he believed the committee needed to address the concerns that have been expressed to him prior to the meeting. He then called upon Senator Thompson who explained this bill is a consumer-friendly piece of legislation introduced by him last year but did not receive a hearing. He explained he realized there now exist unofficial websites to check the prices of gas but this would set-up an official site to guarantee the accuracy of the information. Senator Thompson said when prices change it would be reflected on the site within a reasonable amount of time; sent in by internet or a special toll-free phone number. He said spot checks would be made for accuracy especially during times of crisis when prices are volatile and it would make it easier for the State to check for price gouging. He indicated his willingness to work with anyone who had concerns. Senator Orrock arrived at 3:47 PM.

Senator Bulloch said he did not see a definition for gas dealers. Senator Thompson replied it is someone who is retailing gas to the public, in other words a gas station. Senator Bulloch asked if he meant every single gas station in GA. Senator Thompson replied that is the intent; otherwise, this would not be a useful site. Senator Bulloch remarked 'Dealer'...he said he thinks of the wholesale person rather than the retailer, so lots of people are involved in this. He went on to ask what would be the cost involved in the initial set-up of the site and the toll-free number. Senator Thompson replied a Fiscal Note would be required but the estimate was between \$300,000 and \$400,000 for the initial set-up. He did not recall the amount for maintenance. Senator Bulloch

said, in his area, people always want to know why gas is higher than in other areas. Why Thomasville is higher than Bainbridge or Moultrie. Competition, transportation, cost of doing business in a difficult area, sales tax rates all factor into the price. State taxes are pre-paid but there can be a local tax of 1% to 4 % added on to the selling price of fuel. The consumer wants to know why it is cheaper somewhere else. Senator Heath asked, since this was subject to funding, who would pay. Senator Thompson replied it would be funded from general revenues. Senator Heath asked if Senator Thompson omitted diesel for a reason. Senator Thompson replied he would be more than happy to add diesel. Senator Heath asked why not do this with the prices of other goods, for example milk or sugar. Senator Thompson replied those prices do not fluctuate as much. Senator Heath asked why not require pumps be connected to the internet. Senator Thompson said he didn't know if that technology existed yet and there was the problem of older pumps. Senator Bulloch said down his way, he didn't know if the internet was available to update the prices. Senator Thompson replied that is why there is a call-in number to report and find prices. Senator Hawkins expressed his concern about the mom and pop stores; the thousands who would have to call during a brief period of time. He wondered if the system could handle the amount of phone calls. Senator Thompson responded that a rote-call system can handle it. He said he felt the Department of Ag should administer this program and, since it is automated, it would require a limited number of employees. Senator Goggans said all these stores sell so many things, why just pick this one item. Senator Thompson replied the price of gas is volatile; people don't choose their gas stations by the other items. He said there have been some problems in his district and this would also be a consumer-friendly way to check prices. Senator Bulloch said that today, already on the books, there is a civil penalty if the price advertised is different from the actual price charged but problems occur when prices fluctuate wildly. Senator Thompson replied this is not a price gouging statute but that would be a side effect. Senator Tarver asked if this would be posted by city or zip code. Senator Thompson said the existing, unofficial sites post by zip code. Senator Orrock asked what the problems in his district were. Senator Goggans asked if this is for convenience or is there actually a problem. Senator Thompson said there were problems, folks are living on fixed incomes and money is tight in his working class district. It is a misdemeanor for posting wrong prices intentionally but it has nothing to do with other pricing/gouging problems. Senator Thompson said especially during disasters, prices can vary up to 50 cents; this gives people the option to shop for cheaper prices. Gas prices trend higher in economically disadvantaged areas. People see this happening and report it.

Senator Bulloch recognized Oscar Garrison, GA Dept of Agriculture's Assistant Commissioner of the Consumer Protection Division, who indicated the department has reservations about this bill. He said there are 7,762 active service stations in GA with a total of 146,403 pumps. When prices are changed, any outside signage must be changed before the price is changed at the pumps. GA does not require stations to have outside signs but this bill would add the requirement to post prices online within two hours which means there is up to a two hour window when the internet does not show an accurate price. He said they are also concerned about the staffing issues. What about state holidays? He said it appears staff will have to be employed 24/7 to man the phones 365 days a year. He also expressed concerns about the ability of relaying accurate information in such a short period of time. He pointed out they estimate 30% of the stations in GA have no access to the internet. He says we are talking of approximately 6,300 price changes to be called in during those 2 hours. Whose problem is this? He also says funding is an issue. This program cannot be done with their current funding. Senator Orrock asked what the penalties are now. Garrison replied up to \$1,000 per violation for incorrect prices. He went on to say, when checking the stations they investigate many different things. For example, they 'stick' the tanks to make sure there is less than 1 inch of water; do a fuel sample to determine if there is water in the gas at the time of delivery; they compare prices; measure gas into a proofer (5-250 gallons) to determine if delivering at the proper level. Some stations offer a discount if a certain amount of

gas is purchased so how does this apply in that situation. Since they only look at the shelf tag, the price on the pump does not figure in discounts. He explained that multiple pumps and tanks add up to a lot of money in fines other than just the penalty for incorrect pricing. Senator Orrock asked if Ag currently has a website that shows this. Garrison replied currently there are only public websites for prices. Senator Hudgens said the only state agency with a site with prices at this time is the GA Dept of Insurance because it is regulated by the insurance commissioner. Senator Bulloch asked how often checks occur. Garrison replied every pump is checked at least once a year but when the DOA stickers are absent, complaints go up. Senator Orrock asked if they were out at the pump within 24 hours of receiving any complaint. Garrison replied yes. He went on to say he didn't believe an automated system would go over with the Commissioner of Agriculture as his policy is when you call the department, you talk to a person. Senator Heath asked if the Commissioner was an operator of a station in Habersham County, would he be able to comply with this system. Garrison replied this would prove to be a burden and a hardship for him as well as for everyone else. Senator Tarver asked if prices were only changed when the stations received a shipment of new gas. Garrison replied, based on gouging laws, most stations change when they get the new product, but they can change based on the spot market since this is a free market system. Senator Bulloch said when you buy a tanker of a product, in most cases, this is when the prices are changed but during 'Katrina', the prices were based on the cost of the new fuel because when prices go down, stations can be left with overpriced inventory. In isolated incidents, some do take advantage and that is why we have gouging laws. Volatility is part of the free market system.

Senator Bulloch recognized Jim Tudor, Georgia Association of Convenience Stores, who said Georgia has some of the lowest gas prices in the country. He said the pricing information is already out there for anyone looking for it. He stated his belief that 'gouging' is an overused term. The consumer never sees the price the retailer pays, when prices go up, many retailers make less money, not more money. All the public knows is the sale price. If a competitor gets a new load before you do, you have to eat the cost...that is how the free market system works. He said the system works and if you gouge, there are penalties. During 'Katrina' and 'Rita', the convenience stores were in a state of emergency for 2 months. During that time, their profit margin could not go up but the prices to them did. Low-price folks all raise prices when the market leader does. He also stated his belief that there are enough options to allow people to go somewhere else if they are of a mind. Of the last 3000 complaints, less than 100 were legitimate. His association is made up of mostly small operators and it is a cash flow business. They try to make enough money on the first tank of gas to pay for the next. When they are out of gas, it is not always they don't have it but they can't afford to buy it. He said there is no way to notify people when there is a state of emergency since it frequently occurs over a weekend. The very idea that the state thinks it can get its arms around the gas market is scary as he believes the state has a bad track record.

Senator Orrock asked about the different prices for gas. Tudor replied that, as an association, they cannot accumulate prices. Senator Heath asked about working vs. non-working class districts. He said it appeared that dense populations have many more options than small towns. It seems this would hurt the working class because retailers are forced to be competitive in the non-working class districts' larger markets and this makes raising prices easier in the working class districts. Tudor replied that they didn't discuss prices as this could be considered collusion. He said many retailers can and do use gas as a hook and sell it below cost to bring people into their stores. But this also forces the prices of others down. Senator Bulloch asked can we pattern this program after any other state. Senator Thompson replied that this was brought to him by a constituent who moved from Florida. Senator Heath said he could check the prices on his Blackberry as it is when you are driving around that you are thinking about the price of gas but

that's also bad because it promotes an unsafe activity. (General laughter) Senator Bulloch asked Senator Thompson if he had any closing remarks. Senator Thompson said his bill is for people to find the price of gas, it is not meant to have any affect on pricing. It is no different than requiring the sign and pump to match prices. If there is a determination to collude, the retailer will drive around and check prices anyway. He said he hoped this is not a fear of technology. Senator Bulloch suggested that Senator Thompson define gasoline dealer and work with the Dept. of AG to address the cost of having someone available 24/7 and the 2-hour notification window. Senator Orrock added her suggestion of learning what other states are doing. Senator Bulloch said he would not call a vote at this time.

SB 220 (Bulloch, 11th) Warehousemen; agricultural warehouse receipt requirements, obtaining printed forms, electronic receipts

Senator Bulloch explained this bill was brought to him by the Dept of Agriculture to deal with outdated information. Senator Goggans left at 4:40 PM. Senator Bulloch continued, saying the code section requires bonded receipts be printed for bales of cotton. This is now done electronically. If enforced today, all of the plants would have to be shut down. The producer of the product is still protected but this updates the code to make it enforceable. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Hawkins. The motion passed unanimously.

There being no further business before the committee, the meeting adjourned at 4:45 PM.

/s/ Senator Lee Hawkins, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

March 14, 2007

Room 125 Capitol

Members present:

Bulloch (11) Chairman	Heath (31) Ex-Officio
Hudgens (47) Vice Chairman	Orrock (36)
Hawkins (49) Secretary	Powell (23)
Goggans (7)	Tarver (22)

Senator Bulloch called the meeting to order at 11:05 AM.

SB 272 (Bulloch, 11th) Agricultural/Forest Products; limited liability for owners/operators of farms offering agritourism under certain circumstances

Senator Bulloch explained that economic development is making great strides through Agritourism; that agriculture is the number one industry in Georgia. Agritourism is a good tool to use to educate people, especially children, about agriculture. It's unfortunate we cannot have everyone participate, but we can at least encourage as many people as possible. This bill puts into Georgia code limited liability for Agritourism to encourage more people in the farming community or the business of agriculture to participate. It is a wonderful opportunity for these types of businesses. Senator Tarver asked what is the level or scope of the immunity addressed and Senator Goggans asked if an accident on a hunting preserve would be covered. Senator Bulloch replied that it would cover anything but gross negligence or intentional acts if the activity is under the definition of agritourism. Senator Heath said the tourism bill creates the opportunity to extend to consumer harvested crops, the U-Pick operations. He said he thought the legislation was already passed for that type of business.

Senator Orrock asked if gross negligence is the only circumstance where the business could be injured. Senator Bulloch said there were about 25 to 30 things which could not be exempted. The only place where such sweeping exemptions exist is for those who work in ER's. Senator Bulloch recognized Don Childs, Vice President of Georgia Farm Bureau who voiced their support of the bill. He praised it as an enterprise to keep the farmer farming and touted its educational benefits. Senator Tarver talked about the definition of a farm, small operations vs. commercial enterprises. He asked if there under the definition of Agritourism the large operations would qualify. Senator Bulloch replied there are no size restrictions. He stressed the intent is to promote agriculture. Senator Hawkins, referring to Page 2 lines 19-21 said he believed 'failure to exercise reasonable caution' needs to include 'by participant' as he believed this is not clear. Senator Bulloch replied he felt this issue was addressed in the bill.

Senator Bulloch recognized Bill Clark, GA Trial Lawyers Association, who commended the intent of the bill but felt it was choosing to boost tourism at the expense of the safety of the children. He also compared the vital nature of ER services and their sweeping exemptions vs. entertainment and recreational nature of agritourism. He suggested 2 Amendments; Amendment 1 would give immunity unless the business is making money off of the services as he said there is a long tradition of this in GA and Amendment 2 which tracks legal equine and llama activity. He said this protects the horse industry. They would have limited liability with certain exceptions like knowingly providing faulty equipment, failure to make the effort to determine if the participant can participate safely, permit people to interact with domestic or wild animals without knowing the risk of that exposure and premises liability which is the failure to maintain property safely. Senator Hawkins said Page 2 lines 26-27 includes willful and wanton disregard for safety. He said under the law this was criminal but extremely hard to prove. Senator Orrock said if a

child was riding an animal and the owner had a saddle which was past its prime and the child got hurt, would this be protected? She expressed concern that the standard is set so high this would not be considered gross negligence. Senator Bulloch said that if every lawyer offered services without cost, he wouldn't have such a problem with them. He said that 4, 5, 6 and 7 are what a common sense business person would want to do. Clark said subsection 5 addresses reasonable and prudent efforts, it does not require an exam and nothing requires a warning of what the risks are.

Senator Heath said he felt the changes neuters the bill; that it already provides for warnings. He continued saying what about something like a tree root, you know it is there but don't re-route the path. Agriculture is not black and white so there are many things you can't think of before hand. Senator Orrock asked why not get insurance coverage? Senator Bulloch said they have insurance, people are just sue happy! Senator Heath made a motion to Do Pass as presented, seconded by Senator Hawkins. Senator Heath, Senator Hawkins and Senator Goggans voted yes. Senator Orrock, Senator Powell and Senator Tarver voted no. The motion did not pass. Senator Tarver made a motion to accept the suggested language changes and to **Do Pass by Committee Substitute**, seconded by Senator Powell. The motion passed unanimously. Senator Bulloch asked Wayne Allen of Legislative Council if he had the suggested changes and he responded yes, he would take care of it.

SB 275 (Bulloch, 11th) Agriculture Commissioner; provide a date certain for rules/regulations to establish criminal violations

Senator Bulloch presented the bill explaining he dropped it as the behest of the Commissioner of Agriculture. He stated it was just a housekeeping bill; departments already have the authority to create rules and regulations, this just allows them to update the enforcement of the rules and update their provisions. Senator Heath pointed out the effective date is January 1, 2007, was that date correct. Senator Bulloch responded yes, the retroactive date is correct. Senator Tarver made a motion to **Do Pass**, seconded by Senator Powell. The motion passed unanimously.

SB 236 (Rogers, 21st) GA Personal Identity Protection Act; state agencies; breach of security; personal information

Senator Rogers presented a substitute bill and explained his bill adds data collectors to the current law. He said there is a mistake on Page 2, Line 2: please strike 'public'. He continued with his explanation saying: Line 14 covers the notification by phone; Line 19 lowers the threshold to allow electronic notification; Page 3 adds the address and phone number to personal information; Section 4 is a rewrite of identity fraud laws, using Florida law as a guideline, it covers using children, the dead and creating a fake identity to commit a crime; Page 5, Line 6 addresses receiving a fraudulent ID willingly and accepting it knowingly; Section 5 requires law enforcement to make an immediate report; Section 6 addresses persons under 21 and acts committed without intention to steal money and carries a lower penalty. Senator Heath asked if a data collector could be someone who posts bad checks on the wall. Senator Rogers replied this only applies to state agencies. Senator Hawkins asked on Page 5 Line 10...would this apply if they think a kid has a fake ID. Senator Rogers responded that Line 8 where it states 'he or she knows to be fraudulent' covers that. Senator Bulloch said that legislative counsel says we do not need to take out "public" and we need to add to Line 3 "or private university or college". He said we will get legislative council to get us a new substitute. Also on Page 5 there is a grammatical error; Line 25 takes out 'the'. Senator Heath made a motion to **Do Pass by Committee Substitute**, seconded by Senator Hawkins. The motion passed unanimously.

SB 258 (Fort, 39th) Controlled Substances; ban sale of marijuana/hemp flavored candy; provide for penalties

Senator Fort said this was the same bill that passed out of this committee last year banning the sale of marijuana flavored candy. It did not make it through the Rules committee. There is an identical bill working its way through the House. Senator Powell made a motion to **Do Pass**, seconded by Senator Tarver. The motion passed unanimously.

There being no further business before the committee, the meeting adjourned at 12:05 PM.

/s/ Senator Lee Hawkins, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

April 10, 2007

Room 125 Capitol

Members present: Bulloch (11) Chairman Heath (31) Ex-Officio
Hudgens (47) Vice Chairman Powell (23)
Hawkins (49) Secretary Tarver (22)

Senator Bulloch called the meeting to order at 3:31 PM

HB 122 (England, 108th) Commercial feeds; labeling requirements; exclude equine feed

Senator Bulloch said there would be no vote on this bill as he heard there was opposition to it so he wanted to hold a hearing only at this time. Representative England explained this bill does two simple things for labeling requirements for equine feeds; requires the ingredients to be listed separately on labels rather than lumped by group and list order of predominance by weight. Senator Powell and Senator Tarver arrived at 3:36 PM.

Representative England said he has spent nine years in the feed business and believes this to be consumer-friendly and it will truly be truth in labeling. There are many differences between bags of feed so people don't know what they are buying and there is no way to compare what they are getting. He said several GA based companies are already doing this but this will level the playing field for everyone. He said some of the national feed and grain companies have indicated they are against this bill because of the perceived cost of changing labels every time their formula is changed but it is already a requirement in Florida. He stated the state association is okay with it. He also showed a label from Purina as an example of what this bill would require. Senator Bulloch asked if the label met requirements put forth by this bill. Representative England replied yes. He went on to say that some ingredients, used now but not listed by name, have no nutritive value like peanut hulls which is also an unabsorbable fiber. Currently, it is grouped as grain products, grain by-products. He said he has been receiving letters, faxes and e-mails about this bill and the sticking point seemed to be listing in descending weight order. There are 2 ways to determine content, 'least cost formulation vs. fixed cost formulation'. With fixed cost formulation, the make-up of the feed doesn't depend on the market price of the ingredients. Those who use least-cost formulation do not want to have to change their label each week when market prices change.

Senator Bulloch asked Representative England to explain the least cost formulation. Representative England said there are peaks and valleys in the pricing of the bulk ingredients so the weights of the various ingredients change so the least expensive ingredient becomes the greater percentage of the weight. He said the most important part of this bill is the listing of the actual ingredients so he is willing to give up the 'weight' to get the actual ingredients. Senator Heath asked if there was an issue with using the collective term. Representative England replied this will take care of domestically owned companies first since they are willing to show consumers what is in the bag. He believes we can level the playing field and protect our folks, protect GA owned companies. Senator Heath asked if this would place feed manufacturers at a disadvantage by forcing them to disclose trade secrets including their nutrient additives. Representative England replied that any analysis of the feed would reveal what's in it anyway. He believes the ingredients are the selling point, the more you disclose the easier the feed is to sell. Senator Tarver asked why limit to equine feed. Representative England explained people

look at horses as part of the family, not just a farm animal. This causes them to care more about the quality of the feed rather than the cost. Senator Bulloch recognized Gary Black, GA Agribusiness Council who said that local feed companies support this bill. He went on to say that the GA Grain and Feed Association is neutral on this bill. Sue Vetch, horse owner, said she owns 12 horses and it is important to her to know the ingredients of the feed she is giving her horses. And, as in the case of any pet food recall, they know exactly which ingredient to look for. She also said that because of diseases like Colic, it is important to feed horses a well-balanced diet. They also want to know if an ingredient is being used that has no nutritional value. She said that others within the equine industry support this bill. Senator Heath asked if the Commissioner of Agriculture could make these changes without legislative action. Representative England replied he doubted they could require out-of-state companies to change their labels. He also said the Commissioner supports this bill. Senator Heath asked if having food labeled this way is important to owners, why not use this as a marketing tool. Representative England replied some do and some choose not to because of the cost. Senator Heath said he believed this was working on things the market should do for itself. Representative England responded it is hard for consumers to understand why one product costs more or less than another. Senator Bulloch asked if there was anyone who wished to speak in opposition to this bill. Senator Hawkins left at 4:01 PM. No one spoke in opposition. Senator Bulloch thanked Representative England and said he would address this bill in committee at the next meeting.

HB 112 (McCall, 30th) Food; license requirements; fees; applications

Representative McCall explained this bill takes the fees off of milk products, cream testers and soft drink bottlers. It also brings bottlers under food sales establishments. He also said it costs more to collect the fees than the fees bring in. Senator Heath made a motion to **Do Pass**, seconded by Senator Hudgens. The motion passed unanimously.

HB 433 (Sellier, 136th) Meat and dairy processing plants; licenses

Representative Sellier presented a substitute bill explaining it is a housekeeping bill that confirms the Commissioner's jurisdiction over meat; eliminates the license requirement and fee from the Commissioner of Agriculture for meat, dairy or poultry processing plants operating under a federal grant of inspection from the US Department of Agriculture. Other plants must still obtain a license but this bill changes that licensing requirement to permanent and removes the fee. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Heath. The motion passed unanimously.

HB 240 (Harbin, 118th) Retail Installment and Home Solicitation Sales Act; increase delinquency charges

Senator Bulloch presented the bill in lieu of Representative Harbin. He explained it changes the late fee from \$18 to \$25. Senator Tarver made a motion to **Do Pass**, seconded by Senator Powell. The motion passed unanimously.

HB 122 (England, 108th) Commercial feeds; labeling requirements; exclude equine feed

Senator Bulloch called up this bill saying since no one spoke against it he decided to call for a vote. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Tarver. The motion passed unanimously.

There being no further business before the committee, the meeting adjourned at 4:15 PM.

/s/ Senator Lee Hawkins, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

April 16, 2007

Room 450 Capitol

Members present: Bulloch (11) Chairman Heath (31) Ex-Officio
 Hudgens (47) Vice Chairman Tarver (22)
 Hawkins (49) Secretary

Senator Bulloch called the meeting to order at 4:31 PM

[HB 280](#) (Manning, 32nd) Controlled substances; sale of marijuana-flavored products to minors; ban

Senator Stoner presented a substitute bill at the request of Representative Manning. He explained this was very much like Senator Fort's bill that has already passed from this committee. He explained the prohibits the sale of marijuana-flavored products to minors; redefines a 'minor' to be a person under 18 years of age; prohibits minors from falsely misrepresenting their age and changed the penalties to civil rather than criminal. Senator Heath made a motion to **Do Pass by Committee Substitute**, seconded by Senator Tarver. The motion passed unanimously.

Senator Bulloch reminded the committee members that last year [SB 380](#), creating the **Agricultural Commodity Commission for Equines** passed the GA General Assembly and became effective January 1, 1007. The Senate Agriculture and Consumer Affairs Committee must elect their Ex-Officio member before the end of the 2007 Session. Representative McCall and the House Agriculture and Consumer Affairs Committee have selected their member from the Northern part of the State so the Senate's member must be from the Southern part. He presented the name of Harry Thompson, explaining he has shown an interest in serving, owns horses, serves as the State Executive Secretary and Chief Administrator for the Georgia Young Farmer Agribusiness Program and lives in Moultrie, GA. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Tarver. The motion passed unanimously.

There being no further business before the committee, the meeting adjourned at 4:50 PM.

/s/ Senator Lee Hawkins, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

January 8, 2008

Honorable Tommy Irvin, Commissioner
Georgia Department of Agriculture
19 Martin Luther King, Jr. Drive
Room 204
Atlanta, GA 30334

Dear Commissioner Irvin:

The Senate Agriculture and Consumer Affairs Committee unanimously elected Mr. Harry Thompson of Moultrie to be appointed to the Equine Commodity Commission from the southern part of the state. I believe his experience in the Equine Industry will be as asset for the Commission and I, as well as the Senate Agriculture & Consumer Affairs Committee, appreciate his willingness to serve.

Please certify this appointment to the Secretary of State in accordance with provision O.C.G.A. 2-8-124(e). Should you need additional information, please let me know.

Sincerely,

/s/ John Bulloch

cc: Honorable Karen C. Handel
Secretary of State

Mr. Harry Thompson

JB/ltd

September 18, 2007

The Honorable Bob Ewing
Secretary of the Senate
353 State Capitol
Atlanta, Georgia 30334

Dear Mr. Ewing:

Enclosed is the Minutes Book for the Senate Agriculture and Consumer Affairs Committee for the 2007 Session.

Also, enclosed are the following bills upon which no action was taken during the 2007 Session of the General Assembly:

[SB 207](#)

Sincerely,

/s/ Leah Tatum-Dick
Recording Secretary
Senate Agriculture & Consumer Affairs
Committee