

SENATE REGULATED INDUSTRIES AND
UTILITIES COMMITTEE
2007 – 2008

Senator David J. Shafer, 48th Chairman
3635 Peachtree Industrial Blvd.
Suite 400
Duluth, GA 30096

Senator Doug Stoner, 6th
P.O. Box 1781
Smyrna, GA 30081

Senator Eric Johnson, 1st
Vice-Chairman
22 Marsh Point Drive
Savannah, GA 31406

Senator Regina Thomas, 2nd
1406 E. 35th Street
Savannah, GA 31404

Senator Ed Harbison, 15th Secretary
P.O. Box 1292
Columbus, GA 31902

Senator Ross Tolleson, 20th
P.O. Box 1356
Perry, GA 31069

Senator Gloria Butler, 55th
6241 Southland Trace
Stone Mountain, GA 30087

Senator Tommie Williams, 19th
148 Williams Ave.
Lyons, GA 30436

Senator Steve Henson, 41st
2643 Sterling Acres Drive
Tucker, GA 30084

Senator Jack Hill, 4th
P.O. Box 486
Reidsville, GA 30453

Senator Jack Murphy, 27th
3830 Adams Rd.
Cumming, GA 30041

Senator Mitch Seabaugh, 28th
P.O. Box 504
Sharpsburg, GA 30277

**SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE**

**RULES
2007—2008 TERM**

1. Quorum of the Committee shall be six (6) 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 or the Chairman 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. Substitutes and amendments shall be provided to the Chairman at least twenty-four (24) hours prior to the hearing. The Chairman reserves the right to delay action on any substitute or amendment not provided in advance.
9. Where these rules are silent on a specific issue, the Rules of the Senate, as adopted, shall govern.

**MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 14, 2007**

The Senate Regulated Industries and Utilities Committee meeting was called to order at 3:00 p.m., in the Senate Mezzanine in the State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Johnson, 1st, Vice-Chairman; Butler, 55th; Henson, 41st; Hill, 4th; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; R. Thomas, 2nd; Tolleson, 20th, Ex-Officio; and Williams, 19th.

The Chairman welcomed everyone to the first meeting in 2007 of the Senate Regulated Industries and Utilities Committee. He introduced the members of the committee and the Chairman also introduced the Committee support staff.

The adoption of the Committee Rules was the first order of business. Copies were distributed to all members. Murphy, 27th, moved that the rules for the 2007-2008 legislative session, **DO PASS**; Williams, 19th, seconded the motion. The vote was unanimous.

The Chairman then stated there were two (2) bills on the agenda.

SB 114 (Shafer, 48th): Real Estate Brokers; criminal convictions; time periods shall pass; licensure

The discussion related to waivers for pre-1980 license holders and members of the General Assembly as being unfair. Also, issues concerning applicants with multiple criminal convictions previously had unclear guidance for Board.

Jeff Ledford, Acting Georgia Real Estate Commissioner and Keith Hatcher, lobbyist for the Georgia Association of Realtors, spoke to the bill.

Seabaugh, 28th, entered meeting at 3:10 p.m.

Henson, 41st, entered meeting at 3:15 p.m.

Hill, 4th, entered meeting at 3:20 p.m.

Johnson, 1st, left meeting at 3:28 p.m.

The Chairman asked if anyone had questions. There were no questions.

Henson, 41st, moved that **SB 114 DO PASS BY SUBSTITUTE**; Hill, 4th, seconded. All members voted yea except R. Thomas, 2nd voted nay.

SB 115 (Shafer, 48th): Residential/General Contractors; revise the licensure provisions

The discussion related to the fact that the bill was important to provide for an exception for owner-builder projects that had not been previously exempted.

Mark Woodall, GA Association of General Contractors and Suzanne Williams, Home Builders Association of Georgia, spoke to the bill.

Henson, 41st, left meeting at 4:00 p.m.

An amendment to provide for an exception for owner-builder projects that had not been previously exempted was presented by Shafer, 48th.

Associated General Contractors, Homebuilders Association of Georgia, Black Contractors of Georgia, and Registered Interior Design Professionals supported the amendment. There was no opposition.

Williams, 19th, moved that **SB 115 DO PASS BY SUBSTITUTE**; Stoner, 6th, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 4:30 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

**MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 21, 2007**

The Senate Regulated Industries and Utilities Committee meeting was called to order at 4:00 p.m., in Room 450 of the State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Butler, 55th; Henson, 41st; Hill, 4th; Murphy, 27th, Ex-Officio; Stoner, 6th; R. Thomas, 2nd; Tolleson, 20th, Ex-Officio; and Williams, 19th.

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

The Chairman then stated that there were 2 bills on the meeting agenda.

SB 55 (Unterman, 45th): Alcoholic Beverages; resealed partially consumed bottle of wine; uniform rules

It is believed that this legislation falls within compliance of federal regulations regarding open containers.

Unterman, 45th, presented a substitute for the bill.

The Chairman asked if anyone had questions. There were no questions.

Henson, 41st, moved that **SB 55 DO PASS BY SUBSTITUTE**; Stoner, 6th, seconded. The vote was unanimous.

SB 173 (Tolleson, 20th): Pipeline Companies; exempt certain acquisitions

Tolleson, 20th, presented a substitute for the bill.

Bulloch, 11th, Chairman of the Senate Agriculture and Consumer Affairs Committee; Gary Black, lobbyist for Georgia Agriculture Commission; Mike Kumph, lobbyist, BP America; Harold Bevis, Delta Airlines; and Roger Lane, GA Oilman's Association, Inc., all spoke favorably to the bill.

Randy Hallman, attorney; Tall Timbers, Thomasville; and Wilkes Cattle Farm, Washington, Georgia, all spoke in opposition of the bill.

The discussion was to the applicability of natural gas suppliers falling under purview of this legislation and whether existing eminent domain laws still apply. This legislation does not minimize due process requirements, does not apply to new pipelines, and new substitute language showed that it does not apply.

Tolleson, 20th, moved that **SB 173 DO PASS BY SUBSTITUTE**; Henson, 41st, seconded. Five members voted yea, one member (Thomas, 2nd) voted nay.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 4:58 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

**MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 28, 2007**

The Senate Regulated Industries and Utilities Committee meeting was called to order at 3:00 p.m., in the Senate Mezzanine in the State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Johnson, 1st, Vice-Chairman; Harbison, 15th, Secretary; Butler, 55th; Henson, 41st; Hill, 4th; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; R. Thomas, 2nd; Tolleson, 20th, Ex-Officio; and Williams, 19th.

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

The Chairman then stated that there were 5 bills on the meeting agenda. The Chairman stated that because of the end of the session and because of an upcoming 2 week recess, he had placed 5 bills on the agenda and that all 5 bills would be heard and voted on during the course of this meeting of the Senate Regulated Industries and Utilities Committee.

SB 146 (Seabaugh, 28th): Public Works bidding; definitions; advertisement of contract opportunities

Seabaugh, 28th, spoke to the bill.

The Chairman asked Seabaugh, 28th, to explain the problem he is trying to correct by introducing this bill.

Seabaugh, 28th, explained that the legislation would make available all the information bidders need in order to know if they want to place a bid because they are very expensive and sometimes after they place a bid, they may find out they didn't have all the permits needed or the easements needed simply because the information was not available. This bill would provide for all specifications to be available for anyone interested in placing a bid.

The Chairman did ask Mark Woodall, who was in support and had been helping Seabaugh, 28th with **SB 146**, if he supported and did he know of any opposition. Woodall stated primarily, the Association of General Contractors, the Georgia Business Association, and Georgia Utility Contractors, did not know of any opposition to the bill.

The Chairman asked Lamar Norton from GMA if they were aware of all aspects of the bill and were they in agreement. Mr. Norton stated that GMA had been involved in the writing of the bill with Seabaugh, 28th, also, and that they were in agreement.

The Chairman asked if anyone had any further questions. There were no questions.

Seabaugh, 28th, moved that **SB 146 DO PASS**; Tolleson, 20th, seconded. The vote was unanimous.

SB 137 (Harp, 29th): Alcoholic Beverages; regulation of sales on Sunday; county/municipality

SB 138 (Harp, 29th): Alcoholic Beverages; regulation of sales on Sunday; county/municipality

Murphy, 27th, asked the author why there were 2 bills. Harp, 29th, explained that **SB 137** allowed beer and wine and opted out distilled spirits and **SB 138** allowed distilled spirits as well. He explained he had drawn both bills up at the Chairman's request, but his support was with **SB 137**.

Harp, 29th, spoke to the bills.

Kathy Kuzava, Georgia Food Industry Association, Bob Moore Publix Supermarkets, Horace Hamilton, The Kroger Company, Greg Woolard, Clyde's Market, Jay Hibbard, Distilled Council Spirits of the U.S., Stony McGill, Georgia Alcohol Dealers Association and Joe Flemaring, Georgia Chamber of Commerce, spoke in support of **SB 137** and **SB 138**. They all stated they feel that people's lives are so busy now that sometimes they are only able to shop on Sundays and that it wasn't fair to these people and to the establishments who sell the alcoholic spirits for them not to be able to buy or provide to the consumers. They also stated they had repeatedly heard from their customers and they wanted the allowance of being able to buy alcohol on Sunday. It was stated that Sunday is the second largest day for shopping in the United States. They also stated that Georgia was one of three states that did not allow Sunday sales of alcohol. And Georgia was the only state in the south that did not allow Sunday sales of alcohol.

The Chairman asked if anyone had any further questions.

Harbison, 15th, asked if the assumption of the customers wanting Sunday sales was based on hearsay or did they actually talk to customers. Mr. Moore from Publix Supermarkets stated that they heard from probably at least 30 to 40 customers a day statewide on this subject matter.

Pastor Mike Griffin, Hartwell, Georgia, Pastor Aaron McCullough, Troup Co. Baptist Church, Georgia Baptist Convention, Pastor Mike Rewes, LaGrange, Georgia, and Jim Beck, Georgia Christian Coalition spoke against [SB 137](#) and [SB 138](#). They stated that anyone who wanted to buy alcohol had six other days in the week to buy. They feel the DUI rate and accident rate in the state will only go up by adding another day. They also stated since Sunday was the Sabbath, they felt it inappropriate to sell alcohol on this day.

The Chairman asked if anyone had any questions. There were no questions.

The Chairman then allowed Harp, 29th, to make his closing statement.

There was quite a bit of discussion between the Chairman, Harp, 29th, and the members of the committee as to whether either of these bills would take power from local government. The discussion focused on the fact that the bill stated the referendum would read that any sale of alcohol would not start until 12 noon on Sunday. Noon was picked because the author thought it would be a good time because most churches would be adjourned by then. The question with this part of the bill was if the referendum read 12 noon, could the stores, etc., make a choice to either start selling at 12 noon or could they have the power to start selling anytime after 12 noon. The author, Harp, 29th, said it was his intention that it would mean anytime after 12 noon an establishment could make their own choice. But, Seabaugh, 28th, argued that the bill stated 17 times it was to be 12 noon. The problem the Chairman had with this portion of the bill was the fear it would violate and take power away from the local government.

At this point, the Chairman made the decision to place the bills in subcommittee and appointed Seabaugh, 28th, Shafer, 48, and R. Thomas, 2nd, to meet with Harp, 29th, to correct the language in the bill so that the intent of the bill would be clear.

The Senate Regulated Industries and Utilities Committee recessed for 10 minutes because Rules was meeting in the Mezzanine and there were several members of this committee on Rules. The time of recess was 5:50 p.m.

At 6:00 p.m., the Chairman called the Senate Regulated Industries and Utilities Committee back to order.

SB 99 (Grant, 25th): Alcoholic Beverages; permitting limousine carriers to sell; applications/fees

Stoner, 6th, spoke to the bill.

The Chairman asked if anyone had any questions. There were no questions.

Murphy, 27th, moved that **SB 99 DO PASS BY SUBSTITUTE**; Tolleson, 20th, seconded. All members voted for the bill except, R. Thomas, 2nd, voted against the bill.

SB 203 (Harp, 29th): Secondary Metals Recyclers; public utilities/transportation; increase penalties

Harp, 29th, spoke to the bill. Steve Levetan from Pull-A-Part explained the bill.

The Chairman asked if anyone had any questions. There were no questions.

Stoner, 6th, moved that **SB 203 DO PASS BY SUBSTITUTE**; Seabaugh, 28th, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 6:25 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

**MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 13, 2007**

The Senate Regulated Industries and Utilities Committee meeting was called to order at 9:10 a.m., in room 450 of the State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Harbison, 15th, Secretary; Butler, 55th; Henson, 41st; Hill, 4th; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; R. Thomas, 2nd.

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

The Chairman stated there were 3 bills on the agenda and that [SB 137](#) had been reported out of subcommittee. He wanted to start with another bill just in case there were people late arriving in the audience to hear **SB 137**.

[SB 237 \(Johnson, 1st\)](#): Architecture; establish minimum training requirements to qualify for certification

Shafer, 48th, spoke to the bill.

The Chairman asked if anyone had questions.

Henson, 41st, asked if this bill had been requested by the Georgia Board of Architecture. Shafer, 48th, responded that sections one (1) and three (3) of the bill were requested by the Board, and section two (2), was suggested by the author of the bill, Johnson, 1st.

The Chairman asked if anyone had any further questions. There were no further questions.

Henson, 41st, moved that [SB 237 DO PASS BY SUBSTITUTE](#); R. Thomas, 2nd, seconded. The vote was unanimous.

SB 137 (Harp, 29th): Alcoholic Beverages; regulation of sales on Sunday; county/municipality

The Chairman told the full committee that the subcommittee had met earlier in the morning and that **SB 137** had been voted to the full committee without recommendation. He explained that a substitute to **SB 137** had been drawn up by Legislative Counsel stating the intent of the sponsor. The provision had been added to give the local governing authority, if they so desire the permission for Sunday sale of alcohol, the power to adopt an ordinance to call a referendum election. If the referendum passed, local government would have the authority to permit and regulate the sale of alcohol through the issuance of license to establishments requesting to sell. However, if the referendum failed, the governing authority would not be allowed to recall another election for one year. But, also, if they could get a petition signed by 35% of the registered voters in that municipality, the previous election could be nullified and give the authority permission to sell alcohol by the package on Sunday.

Also, the main problem that was unclear was whether, as the bill stated, the sale must begin at 12 noon and last through 12 midnight. The intent of the author was that the discretion of the local governing authority be able to regulate time to sell alcohol anytime between 12 noon and 12 midnight.

The Chairman asked if anyone had questions or needed further discussion. There were none.

Stoner, 6th, moved that **SB 137 DO PASS BY SUBSTITUTE**; Henson, 41st, seconded. Hill, 4th, abstained from the vote. Yeas included: Harbison, 15th, Butler, 55th, Henson, 41st, Stoner, 6th; Nays included: Murphy, 27th, Seabaugh, 28th, and R. Thomas, 2nd.

SB 246 (Mullis, 53rd): Buildings; advisory committee on industrialized buildings; appointment/vacancies

Mullis, 53rd, spoke to the bill.

The Chairman asked if anyone had questions. There were no questions.

Harbison, 15th, moved that **SB 246 DO PASS**; Seabaugh, 28th seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 9:45 a.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

**MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 29, 2007**

The Senate Regulated Industries and Utilities Committee meeting was called to order at 3:07 p.m., in room 450 of the State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Johnson, 1st, Vice Chairman; Harbison, 15th, Secretary; Henson, 41st; Hill, 4th; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; R. Thomas, 2nd; Williams, 19th.

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

The Chairman stated there were 2 bills on the agenda.

HB 227 (Lewis, 15th): Consumer choice for Television Act; enact.

Lewis, 15th, spoke to the bill.

The Chairman asked if anyone had questions. There were no questions.

Those in attendance to support the bill included: Kelly McCutchen, Georgia Public Policy; Joe Fleming, Georgia Chamber of Commerce; Tom Giovanetti, Institute for Policy Innovation; Michael O'Sullivan, Georgia Secretary of State Office, Clint Mueller, ACCG; and Gwin Hall, GMA.

Those in attendance to oppose the bill included: Charlotte Engel, Public, Education and Government Access Television; and Bruce Dickson, Southern Media.

Murphy, 27th, moved that **HB 227 DO PASS BY SUBSTITUTE;** Williams, 19th, seconded. The vote was seven (7) yeas and two (2) nays which were: Harbison, 15th, R. Thomas, 2nd.

Chairman Shafer, 48th, left the meeting at 4:05 p.m., to attend the Rules Committee meeting. Johnson, 1st, Vice Chairman, presided.

HB 90 (Sims, 169th): Funeral establishments; adequate stock of funeral caskets; provisions

Sims, 169th, spoke to the bill.

This legislation does not usurp the authority of the Board and does not apply to casket stores.

Chairman Shafer, 48th, returned to the meeting at 4:14 p.m.

Fletcher Funeral Home, Thomasville, Georgia and Michael O'Sullivan spoke in support of the bill.

The Chairman asked if anyone had questions. There were no questions.

Henson, 41st, moved that **HB 90 DO PASS BY SUBSTITUTE**; Johnson, 1st, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 4:35 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

July 12, 2007

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

Dear Mr. Ewing:

Included with minutes of the Senate Regulated Industries and Utilities Committee meetings for the 2007 legislative session, I am returning [SB 26](#), [56](#), [105](#), [138](#), [171](#), [180](#), [228](#), [245](#), and SB [334](#). Also, I am returning [SR 71](#) and [SR 598](#).

Sincerely,

/s/ Anna E. Boggs
Recording Secretary
Senate Regulated Industries and Utilities Committee