

Agriculture & Consumer Affairs Committee Members

2008 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 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

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

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

Agriculture & Consumer Affairs Committee

Rules

2008 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, 2008

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 4:05 PM.

SB 364 (Bulloch, 11th) Livestock; remove ratites/reclassify as poultry for certain purposes; definitions; brand or tattoo registration certificates

Senator Bulloch explained that this was a housekeeping bill to put the State in compliance with the US Dept. of Agriculture's current federal statutes regarding ratites or large flightless birds such as ostriches and emus as poultry rather than as livestock. He further explained that ratites will now fall under the Poultry Products Inspection ACT (PPIA) with USDA Food Safety and Inspection Services and will be regulated as poultry for agriculture inspection purposes. Senator Orrock asked what led to the decline of the ratite industry in Georgia. Senator Bulloch called upon Tommy Irvin, Commissioner of Agriculture to respond. Commissioner Irvin explained that the economics of the ratite industry led to its decline. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Hawkins. The bill passed unanimously.

HB 301 (Reese, 98th) Dogfighting; prohibit; punishments

Representative Bobby Reese presented a committee substitute explaining that he had not yet had a chance to read it (the Senate substitute) but Senator Rogers discussed the changes with him. He explained his bill passed the house with only 6 'no' votes but, after passage, he learned there were other conflicting laws within the code so this bill attempts to address those conflicts as well. He said his bill only pertained to dog on dog fighting and that the bill expands the current law on dog fighting to prohibit activities such as the training of dogs for fighting, organizing bets and increases the penalties for individuals participating in dogfighting as well as expands the ability to prosecute those indirectly involved with dogfighting, including trainers, on-lookers, promoters and others. Senator Bulloch called upon Wayne Allen, Legislative Counsel, to explain the additions to the bill dealing with vicious dogs and impounded dogs.

Senator Hudgens asked Mr. Allen if the phrase "subject to fight" should be changed to "subjected to fighting" to be more clear on the intent of the law. Mr. Allen said that that could imply a different meaning so would be up to the pleasure of the committee to change. Senator Bulloch pointed out that on page 1, the language "relating to dog fighting only" covers that. Senator Tarver asked about the spectators that accidentally end-up at a dogfight. Mr. Allen explained that the words "knowingly" and "intentionally" cover that possibility. Senator Heath asked if his neighbor's dog whips up on his dog, would his dog be subject to impoundment. Mr. Allen answered no. Senator Orrock asked if the intent of the bill was to widen the definition to include spectators as there had been testimony in the past where people claiming spectator status walked away when a 'bust' occurred. Representative Reese answered that yes that was the intent.

Senator Bulloch called upon Senator Rogers to discuss his amendment. He stated that this would add those who advertise or promote a dogfight to the list of offenders. Senator Bulloch read the amendment to the committee. Senator Heath made a motion to do pass the amendment, seconded by Senator Orrock. The amendment passed unanimously. Commissioner Irvin stood and stated that he hoped this bill will not overstep the Agriculture Department's enforcement authority. Senator Bulloch responded that it is not in the same code section so it will not affect the AG Commissioner's authority. Senator Hudgens made a motion to **Do Pass by Committee Substitute**, seconded by Senator Goggans. The bill passed unanimously.

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

/s/ Senator Lee Hawkins, 49th, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 7, 2008

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 4:02 PM. He welcomed committee members, staff and visitors.

SB 379 (Johnson, 1st) Automatic Dialing/Recorded Message; prohibit use; provide exceptions; definitions; disclosure of information by live operators

Senator Eric Johnson presented his substitute bill saying the definition of the equipment was changed from the original bill. He said this is a simple bill that limits the use of automatic dialing and recorded message equipment. He said a live operator must obtain permission before a recorded message is played; that they must give their name, the identity of the sender of the message, the purpose of the message, the identity of the kinds of goods and services to be promoted and if the message is intended to solicit a payment or funds. He went on to say it is the low cost of automated calls, one to two cents each, in comparison with alternative forms of advertising, that is very appealing to advertisers or political campaigns. Senator Orrock arrived at 4:09 PM. Senator Goggans asked about call times. Senator Tarver arrived at 4:10 PM. Johnson said it was in the bill, that no solicitation calls may be made before 8 AM or after 9 PM. Senator Hudgens made a motion to **Do Pass by Committee Substitute**, seconded by Senator Goggans. The motion passed unanimously.

There being no further business before the committee, the meeting adjourned at 4:12 PM.

/s/ Senator Lee Hawkins, 49th, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 13, 2008

Room 318 CLOB

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 8:04 AM.

SB 429 (Bulloch, 11th) Agriculture, Dept. of; assigned functions; enforcement of state laws; control of infectious diseases in livestock

Senator Bulloch presented his bill explaining it expands the law enforcement powers of the Department of Agriculture's Homeland Security Investigators to include the inspection of plants, animals, contaminated foods and other products. He went on to say this bill does not affect any other department and that the employees would have to be P.O.S.T certified. Senator Tarver asked how many officers were there. Terry Coleman, Deputy Commissioner of Agriculture, answered that currently there are 5.

Buzz Wiess, GEMA spoke up, saying he had a substitute bill to present. He said he worked with Deputy Commissioner Coleman to clean up some of the language of the bill as they were concerned that it did not clearly state that Homeland Security was a part of the GA Emergency Management Association. Senator Heath arrived at 8:10 AM. Senator Bulloch stated that Mr. Wiess or Commissioner Coleman should have brought the suggested changes to him at least a day before the committee meeting. Senator Heath said he hesitated to have something sprung at the last minute and questioned if the bill should be tabled for a later meeting. Commissioner Coleman said the wording concerns only came up yesterday. Senator Bulloch said he wanted to get everything right, that he didn't like changing anything on the floor. Commissioner Coleman said he hoped to see the bill pass out of the committee today. Senator Hudgens asked how Senator Bulloch felt about the committee passing the bill and Commissioner Coleman requesting the House committee to amendment to the bill with the Senate agreeing to only this submitted change. Senator Bulloch said OK. Senator Powell made a motion to **Do Pass** seconded by Senator Hawkins. The motion passed unanimously.

SB 418 (Balfour, 9th) Georgia Fire Safety Standard and Firefighter Protection Act; definitions; provide for standards for testing cigarettes

Senator Lee Hawkins spoke on behalf of bill sponsor, Senator Don Balfour. Senator Hudgens left at 8:15 AM. Senator Hawkins explained that this bill required cigarette manufactures make cigarettes safer by inserting fire-break rings into the cigarettes that would cause them to extinguish if the cigarette is no longer being smoked. Bulloch asked why North Carolina and South Carolina were specifically mentioned on page 8. Don Cargill, Philip-Morris, answered those two states just stood out because they directly border Georgia and do not currently have a law like this in place. This bill would require any cigarette sold in Georgia to meet this new safety standard. Senator Bulloch said that this bill requires any cigarettes brought in to the state to have a Georgia Tax Stamp if it is to be sold in Georgia. Mr. Cargill replied yes, but cigarettes for North Carolina and South Carolina must meet their states' laws. Senator Goggans asked if cigarettes were sent here that were not sold here. Mr. Cargill replied that that is correct, not all cigarettes that come into Georgia are sold in Georgia. Senator Hawkins responded that cigarettes are warehoused here for shipment elsewhere.

Senator Orrock arrived at 8:20 AM. Senator Bulloch suggested changing the language by taking out references to sales in North Carolina and South Carolina but clarifying that this legislation applies to all cigarettes sold in Georgia. Senator Orrock questioned the standards of the product. Mr. Cargill answered that many other states have already passed this type of legislation and that all standards were equal, nationwide, in the manufacturing process.

Senator Bulloch made a motion to change line 16 page 8; striking out North Carolina and South Carolina and replace with “not for sale in this state”. Senator Tarver made a motion to **Do Pass by Committee Substitute**, seconded by Senator Hawkins. The motion passed unanimously.

There being no further business before the committee, the meeting adjourned at 8:25 AM.

/s/ Senator Lee Hawkins, 49th, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 29, 2008

Room 125 Capitol

Members present:

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

Senator Bulloch called the meeting to order at 7:31 AM.

SB 515 (Bulloch, 11th) Georgia Seed Development Commission; composition, advisory board, term of office; change certain provisions

Senator Bulloch introduced the bill explaining he has worked on it for over a year. He said it changes the make-up of the GA Seed Development Commission. He continued saying that, under the Georgia Supreme Court Decision, Rogers V. Medical Association of Georgia, private businesses can not have named positions on public commissions. He explained this will bring the seed commission into compliance with this decision of the Supreme Court; that it also expands membership on the commission from 10 to 11; that GA Farm Bureau is removed as a named member of the commission; that a representative from the turf grass industry and the University of Georgia Research Foundation are added as members. Senator Bulloch explained the Commissioner of Agriculture would still be a member and the House and Senate Agriculture Committees' appointed members would come from the agriculture industry. He also said that he felt UGAR should have a member on the commission as well. Senator Hawkins arrived at 7:44 AM. Senator Bulloch explained how appointments are made and how the members of the commission are chosen to represent different fields relating to the agriculture industry

Senator Hudgens asked if the Commissioner of Agriculture isn't able to attend the meetings could he send someone to represent him. Senator Bulloch replied yes, but that person cannot vote per current law. Gary Black, GA Agribusiness Council said his organization supported this bill.

Agriculture Commissioner Tommy Irvin spoke against the bill. He said the commission could use some improvements but he cautioned the committee to be mindful of the possibility of certain groups having a position on the commission who could have a conflict of interest. He stated his opinion that the Seed Development Commission is the best in the nation. He said that was because he, as the Commissioner of Agriculture brought it back as it was about to become defunct. He said they usually meet only once per year although he has the authority to call special meetings. In 39 years they mostly have met only once per year. Senator Powell arrived at 7:50 AM. Commissioner Irvin continued saying that UGAR should not be a member as we do business with UGAR and he believed this would be a conflict of interest. Senator Tarver asked if there were any other changes the commissioner recommended. Commissioner Irvin replied that the board didn't need a massive overhaul; that he always chaired the meetings and, last meeting, he asked the Lt. Governor to attend and he did. He ended by saying that GA Farm Bureau should not be removed from the Commission. Senator Hudgens asked if the Governor could use his appointment to select someone from Georgia Farm Bureau to sit on the commission. Senator Bulloch responded yes, that according to page 2, line 9, the Governor could make that appointment.

Tas Smith, GA Farm Bureau, thanked the Commissioner for his concern but said they understood the reasons for the bill and that GA Farm Bureau wanted to be in compliance with the Supreme Court. He said they appreciate Senator Bulloch bringing this bill. Senator Bulloch said he met with President Duvall who understood the reason for the bill. Mr. Smith agreed, saying they did understand and they are neutral on this bill. Senator Bulloch said his intent is to reorganize and correct errors and, to do that, he met with the current board members to get their input as well. Senator Heath asked for a clarification on Section 3, when the actual appointments would take place. Bulloch stated the legislation provided for even years with this year being the first. Commissioner Irvin again suggested the removal of the University of Georgia Research Foundation as one of the groups to have a position on the Seed Development Commission. Senator Goggans made a motion to **Do Pass**, seconded by Senator Hudgens. Senators Goggans, Heath, Hawkins and Hudgens voted yes with Senators Tarver and Powell voting no. The bill passed 4 to 2.

SB 520 (Goggans, 7th) Dogs; removing certain collars; provide for a misdemeanor

Senator Goggans introduced his bill explaining it makes it a misdemeanor to remove GPS collars from dogs without the owner's permission. Also, if a dog is lost or killed as a result of the person's removal of the collar then that person will be required to pay restitution in the amount of the actual value of the dog. Senator Hudgens asked how you estimate the value of a dog. He continued saying he might feel his dog is worth \$75 but his wife might believe \$2000 isn't enough. Senator Goggans replied that it would be up to a Judge. Senator Tarver asked if this was targeted at any animal. Senator Goggans replied mainly quail or deer dogs as they were very expensive. Senator Tarver suggested the committee might want to amend the bill to exclude other types of dogs. Senator Hudgens said he didn't agree as people felt just as strongly about their pets. Senator Goggans said he owns 3 dogs and they all have ID collars and he would be very upset if anyone removed their collars. He said he wanted the protection of this bill as well. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Hawkins. The bill passed unanimously.

SB 522 (Bulloch, 11th) Wild Animals; licenses/permits; revise certain provisions

Senator Bulloch presented a substitute bill explaining it simply declassifies Sugar Gliders as a wild animal. He continued, saying that the Department of Natural Resources didn't allow them to be sold as pets under current law. He said it was a nice little pet that loved to cuddle. He continued by saying they are marsupials; native to Australia and not a dangerous animal. He said that the Sugar Glider had no defense and won't kill cows, hens and won't eat children. He also said they had to get a permit from the Department of Natural Resources to bring in Sugar Gliders for the committee to see and it cost them \$236.00 for the permit that was only good for a couple of weeks. He explained that the bill allows sugar gliders to be sold, purchased and exhibited as pets without a license or a permit in Georgia, as long as the owner possesses valid documentation that the animal originates from a source inspected and regulated by the United States Department of Agriculture. He also said that this bill does not legalize the possession of other types of marsupials, like kangaroos or opossums, as pets in Georgia. Senator Heath asked why they are called Sugar Gliders. Senator Bulloch replied it is because they kind of look like a flying squirrel and they glide through the air. Senator Hawkins asked if they were harmful to children. Senator Bulloch replied no.

Senator Bulloch recognized John Thomas, Pocket Pets, who introduced Vergil Clunder, Owner of Pocket Pets, who brought out 2 Sugar Gliders to show the committee. Mr. Thomas said that Sugar gliders are small marsupials native to the rainforests of Australia and Indonesia. He continued, saying that they were first brought into the US about 25 years ago and everyone loves them. He said they do not carry any known diseases; do not require any shots in any other state and the females can only have up to 2 babies a year. He went on to say they are legal in 46 of the 50 states, including all the states that border Georgia. He also said they could not survive in cold temperatures so if abandoned outside, they would die and not multiply in the wild. Senator Heath asked what do they eat. Mr. Clunder replied that they were omnivorous. He went on to say they eat most anything but he has some food pellets to feed them and a pocket full of apple pieces. Mr. Thomas said they went to Pizza Hut for dinner last night and when one of the Sugar Glider poked his head out of Mr. Clunder's pocket, everyone in the restaurant wanted to play with him. Senator Bulloch said the substitute addressed the Department of Natural Resources concerns and they were ok with it. Senator Goggans made a motion to **Do Pass by Committee Substitute**, seconded by Senator Hudgens. The bill passed unanimously.

There being no further business before the committee, the meeting adjourned at 8:06 AM.

/s/ Senator Lee Hawkins, 49th, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

March 4, 2008

Mezzanine

Members present:

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

Senator Bulloch called the meeting to order at 5:09 PM. He stated that SB 501 had unresolved issues that were still being worked on so it would not be heard today and SB 528 also had things that needed to be worked out so it also would not be heard today.

SB 533 (Chance, 16th) Seafood; provide for regulations; require certain disclosures; definitions

Senator Chance introduced the bill explaining it requires restaurants to identify where seafood products come from; it requires visual identification of the country of origin or if it is farm-raised. Senator Heath said there was a Channel 2 News report on Tuesday saying that seafood in one of the largest seafood chains in the city was not being identified correctly. He went on to say the news crew showed that every box in the dumpster said China but the seafood was identified differently on the menu. Senator Chance said this bill is in the best interests of the consumer; that they would get what they order. Senator Hudgens arrived at 5:13 PM. Senator Bulloch asked what would be the additional cost to the state. Senator Chance replied that he did not have a fiscal note. Senator Bulloch said the '09 AG Budget had 2 positions for Import Food Specialists. Terry Coleman, Deputy Commissioner of the Department of Agriculture, said they would initially cross-train people but could need up to 5 people and a supervisor. Senator Chance said that grocery stores must list the country of origin but not restaurants. Senator Goggans asked how does this address fast food restaurants that sell food like fish sandwiches? Senator Chance read lines 6-9 on page 2 of the bill.

Senator Hudgens asked if stick-on labels could be used to identify the seafood. Senator Chance replied yes. Senator Heath asked if this would address problems like selling fish as Tilapia but is something different. Senator Chance replied this bill does not deal with the misidentification of seafood; that laws already exist to deal with that issue. He said this bill simply addresses farm-raised seafood and foreign seafood being identified to the consumer. He went on to say this does not tell restaurants what they can and cannot sell, it just makes them label it properly. Senator Heath said he believed it needed follow-up legislation and referred to a handout from the GA Restaurant Association where they said they rely on the provider of the product to ensure the accuracy of labeling. Senator Chance read Page 1, line 23 where it said 'retailer means any person offering for sale seafood to individual consumers...' Senator Hudgens said there is a large food broker in his district who sells to lots of restaurants and other outlets. He said he believed it was the broker's responsibility to say where the seafood is from. Senator Tarver arrived at 3:23 PM. Senator Chance said his bill doesn't address that. He also said that this is a process and a first step in the labeling of seafood. He said this is good public policy. Senator Hudgens said he believed it was not a solution. Senator Heath asked if a restaurant could list on a sign rather than on the menu to reduce the financial burden of reprinting the menu whenever they offered seafood from a different location. Senator Bulloch read page 2 line 7, "or other eating establishment unless the seafood is identified on the menu." Senator Chance said the menu could be a large board. Senator Heath said they could amend the bill as it is hard to comply with as it is. Senator Chance said he would like to see this pass from the committee and he would be open to a floor

substitute or amendment. Oscar Garrison, Dept of Agriculture, Consumer Protection, said they support this bill. He said the Department of Agriculture was working on this type of project now. He said that consumers want to know where their food comes from; that proper labeling would assure that. He said DNA tests could be used. He continued, saying that they would need to hire 2 new inspectors as massive amounts of seafood come through both the Savannah and Atlanta airports.

Ron Wolfe, GA Restaurant Association spoke against the bill saying it places an undue burden on the more than 12,000 restaurants in the state. He said they don't disagree on the issue of authenticity but his members buy seafood trusting the product is correct. He continued saying they are not experts so they can't guarantee the product is what the seller says it is. He also said that there are already laws on the books dealing with the misidentification of seafood so he didn't believe this bill is necessary. He said this bill could force the small operations out of business; that reprinting the menus every time they purchase seafood would be an enormous cost. Senator Orrock said is that because the catch of the day changes every day? Mr. Wolf said that that there could be up to 8 catches of the day. Senator Heath asked Legal Counsel about page 3, lines 10 through 14. Wayne Allen, Legal Counsel, replied this is a good faith exception that the buyer believed the seafood was correctly identified. Senator Heath said that this then protected the buyer who bought a product but it turned out not to be what they thought it was, in other words, it passed the burden on to the seller. Mr. Allen replied that lines 10 and 11 were aimed at the distributors.

Senator Goggans made a motion to **Do Pass**, seconded by Senator Hawkins. Senators Goggans, Heath, Hawkins, Tarver, Powell and Orrock voted yes with Senator Hudgens voting no. The bill passed 6 to 1.

There being no further business before the committee, the meeting adjourned at 5:45 PM.

/s/ Senator Lee Hawkins, 49th, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

March 19, 2008

125 Capitol

Members present:

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

Senator Bulloch called the meeting to order at 8:07 AM.

HB 1303 (Coan, 101st) Seafood; Food service establishments; food nutrition information; provisions

Representative Coan presented his bill explaining it was a simple bill, a preventative bill. He said that any nutritional requirements for restaurants would be set by the state so there would only be one standard to meet. Senator Bulloch said that line 13 is the description of what it means and that it refers to Code Section Title 26. Representative Coan said that other states have had municipalities and cities set different requirements for nutritional standards and how to post those standards. He said it is costly and no uniformity makes it difficult to comply. Senator Heath asked on line 15 what is the difference between minerals and sodium. Representative Coan replied sodium is a mineral but other minerals are folic acid, potassium, magnesium. He said that people are more concerned about the amount of sodium in their food. Senator Powell arrived at 8:13 AM. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Goggans. The motion passed unanimously.

HB 649 (Smith, 168th) Georgia Blueberry Commission; create

Senator Goggans introduced the bill saying that the Georgia Blueberry Industry is alive and doing well. He explained this bill creates the Georgia Blueberry Commission under the GA AG Commodities Act. He said it would be fully funded by the growers so it will not require any state funding. He said that Page 2 line 20 establishes the Blueberry Commodity Commission; page 2 line 17 moves the 3 year requirement; lines 35 and 36 need to be deleted as Legislative Counsel is concerned they unduly affect all the commodity commissions. Senator Bulloch asked Legislative Counsel about page 3 lines 32 and 33 that now requires a day during each regular Session in even years. Why take out 'during each regular session of the General Assembly convening.'

Wayne Allen, Legislative Counsel replied that this should be done only during session. Senator Bulloch responded that the section deals with Ex-Officio and was already in law and sometimes people have to be appointed because of unexpected things such as death. Senator Hudgens asked what if a member resigns. Senator Bulloch replied that is already addressed in current law. Mr. Allen said he could write a committee substitute. Senator Bulloch said to strike lines 32 and 33, put a period at the end of line 34; strike all of 35 and 36. Senator Heath said Section 2 dealt with Ex-Officio. Senator Bulloch replied that he went through the code book. Senator Tarver arrived at 8:22 AM. Senator Hudgens asked how you defined a blueberry grower. Senator Bulloch replied they must be a commercial grower. Senator Hawkins asked why his blueberries were not from Georgia. Senator Goggans replied let me tell you and there was general laughter from the committee. Senator Hawkins made a motion to **Do Pass by Committee Substitute**, seconded by Senator Hudgens. The motion passed unanimously.

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

Senator Bulloch tabled this bill as Representative Manning or her representative was not available to present it.

There being no further business before the committee, the meeting adjourned at 8:25 AM.

/s/ Senator Lee Hawkins, 49th, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

March 20, 2008

125 Capitol

Members present: Bulloch (11) Chairman Orrock (36)
Hudgens (47) Vice Chairman Tarver (22)
Hawkins (49) Secretary
Goggans (7)

Senator Bulloch called the meeting to order at 8:17 AM. He said that the first bill deals with water and he is limiting the speakers to 3 from each side. He said this is a tough issue and, in the toughest drought conditions affects businesses. He said that Representative England had met with and worked with everyone and he commended him for bringing this bill.

HB 1281 (England, 108th) Water resources; local government restrictions; more restrictive than state; prohibit

Representative England introduced a substitute bill said that the landscape industry normally had around \$8 billion in sales and roughly 79,000 jobs, but in the last 6 months they lost about 35,000 jobs and about \$3 billion in profits. He continued saying that this is usually their busiest time of the year but, with all the restrictions, people can't water so the industry was cancelling orders for plants and were facing losing more jobs and the industry might not survive. He said the Georgia Green Industry supported this bill and that Tom Gale, GMA helped craft the bill, to help soften the blow. He said this bill allows local governments to tighten or relax state imposed general water restrictions by demonstrating good cause and receiving approval from the Georgia Environmental Protection Division (EPD)

Representative England explained that Section 1 allows more stringent restrictions by local government but they must show good cause; paragraph 2 states that the emergency restrictions shall not exceed 7 days unless the director of EPD grants a variance; page 2 line 7 needs to be changed to, after the word may add 'apply for and upon approval' and add "shall" after the word shown; Sections 2 and 3 address swimming pools and allowed the use of ground water for them except for emergencies. Senator Orrock asked if this fit with the State-wide water plan. Representative England responded that he felt it was a good fit; that more data would be available to make decisions. Senator Orrock said what about the problems of Atlanta and Florida; it seems to depart from that. Representative England responded that the EPD director would look at the court order and that the downstream flow must be taken into account.

Senator Hudgens asked on line 7 page 2, does this take into account the 10% reductions required by the Governor. Representative England responded yes, that the folks at home can apply for and stay at the lowest level under the 10% reduced level. Senator Hudgens said the bill gives the director of EPD 3 business days to make a decision. Representative England replied yes or the director would be in violation of state law. Senator Hudgens said that citizens can file legal action. Wayne Allen, Legislative Counsel said that is under general law; they would qualify as an aggrieved 3rd party. Senator Orrock said she believed it would be opening Pandora's Box; that not only would EPD be working night and day to deal with all the applications but it would open up a major front for appeals. She said she favored local governments to go more astringent; that lines 12 and 13, page 2; relevant information, who determines that. Senator Orrock said shouldn't we be looking at the whole water issue, not just local issues. Representative England responded that the director would look at all the issues, both local and state-wide. Senator Orrock

said that this would be a wide-open door; that local sub-divisions would not be looking at the whole water shed. Representative England responded we can do nothing or do something and save the industry rather than watch it wither and die. He continued, saying he tried to work with everyone; nothing is perfect but this is a good first step. Senator Hudgens said, to be exempt from non-statutory water restrictions, local officials must make an application. Senator Bulloch responded that it does not take away the county's authority; but EPD can stay any permit.

Senator Bulloch called upon Don Cope, President of Dalton Utilities, to speak on behalf of the Ga Association of Water Professionals. Mr. Cope said their principal industry is the carpet industry and they are actively involved in the state water plan. He said they are against this bill; that they support strong restrictions. He said the members of the GA Assoc. of Water Professionals all have diverse and different needs and requirements. He said Cobb County lost \$34 Million because of water restrictions last year. He said he didn't agree that people should be allowed to do outdoor watering. He said the drought water plan requires us to follow EPD; this is just another layer of approval.

Senator Hudgens asked if the carpet industry can't have water would you want the ability to allow. Mr. Cope responded that he didn't want an extra layer of approval; that he wanted to be allowed to work to their permit. Pete Frost, Executive Director of the Douglasville-Douglas County Water and Sewer Authority said his association is against this bill. He said they put on water restrictions 3 months ahead because they believed the county would run out of water. He said they lost 25% of their water before they added the restrictions. He said he believed this bill is flawed. Senator Bulloch said that Atlanta told you to cut 10% of your water usage. Without the mandatory water plan we wouldn't be here. He said the Governor is trying to work with everyone but we are trying to mediate. He said he encourages everyone to help the green industry and local homeowners.

Glen Page, General Manager of the Cobb County Marietta Water Authority said he was against this bill as local water supplies are at risk. He felt this bill was unnecessary. Charles Laughinghouse, Chairman of Forsyth County Board of Commissioners said he was against this bill. He said they have exceeded the Governor's 10% reduction for the last 2 months. He said he felt that local authorities should be empowered without oversight. He also said that their water reservoir was built with local funds. Senator Orrock said that local managers don't need to be told to water properly. Mr. Laughinghouse said correct, they try to meet the needs of their citizens. He said he believed in local control.

Mary Kay Woodworth, Ga Urban Agriculture Council said they supported this bill; that excessive restrictions were detrimental to industry and, because of that 35,000 people have lost their jobs. Jeffrey Harvey, Georgia Farm Bureau Federation and Danny Brooks, Chairman, Horticultural Industry Committee of Georgia Farm Bureau Federation said they supported this bill. Chris Butts, owner of a family-owned business, Charmar Flowers and Gifts, said as of the first day of spring, they are out of business. He said they started in business in 1968/1969 and they employed 25 people. These people have now lost their jobs and the business is no longer on the tax digest. He said the bill does not stop local authorities but makes the rules consistent. He said he supports this bill. Senator Tarver made a motion to **Do Pass by Committee Substitute**, seconded by Senator Hawkins. Senators Hudgens, Hawkins, Tarver and Goggans voted yes with Senator Orrock voting no. The bill passed 4 to 1.

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

Representative Terry Johnson presented a committee substitute. Senator Bulloch said the Senate Agriculture Committee had passed a version of this bill already and other versions in the previous years although none of them have ever reached the Senate floor. He asked for a motion. Senator Hudgens made a motion to **Do Pass by Committee Substitute**, seconded by Senator Hawkins. The bill passed unanimously.

There being no further business before the committee, the meeting adjourned at 9:03 AM.

/s/ Senator Lee Hawkins, 49th, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

April 3, 2008

125 Capitol

Members present: Bulloch (11) Chairman Orrock (36)
 Hawkins (49) Secretary Heath (31), Ex-Officio
 Goggans (7)

Senator Bulloch called the meeting to order at 2:04 PM

Senator Bulloch explained one of the reasons for today's meeting is the reappointment of the Ex-Officio member to the GA Commodity Commission; 2 year appointment of 'Chop' Evans. He said Representative Tom McCall lives in Elbert, GA so the House Agriculture Committee appoints the Ex-Officio member from the North and the Senate Agriculture and Consumer Affairs Committee appoints the member from the South. He explained that Mr. Evans took over an unexpired term due to the death of a member and would like to continue to serve. Senator Bulloch said he is a peach and pecan farmer and has an MBA from the University of Georgia. Senator Bulloch asked for a motion. Senator Heath made a motion to **Appoint 'Chop' Evans as the Ex-Officio Member of the Commodity Commission Board**, seconded by Senator Hawkins. The motion passed unanimously.

Senator Bulloch explained the GA Seed Development Commission bill passed this year and he has been waiting for the Governor's signature. The bill changed the make-up of the board because of a 1979 GA Supreme Court rule that an independent private organization cannot be a named appointment to a State board. The Governor, Lt. Governor, Speaker and agriculture organizations supported the bill. He said he met with Representative Tom McCall on the bill as well. Senator Bulloch said he recommended James T. Clements, Co-Owner of Plantation Seed and Manager and Co-Owner of AGSouth Genetics. He said Mr. Clements is currently a member of the Georgia Seed Development Commission and he recommends that Mr. Clements be reappointed. Senator Goggans made a motion to **Appoint James T. Clements to the Georgia Seed Development Commission**, (subject to the signature of the Governor) seconded by Senator Heath. The motion passed unanimously.

Senator Bulloch explained that certain committees are charged with oversight of Georgia agencies' proposed changes to their rules and regulations. He said the Senate Agriculture and Consumer Affairs Committee is charged with oversight of the Department of Revenue. He went on to say thank you to Heath Moody, Senate Research, for her assistance, hard work and long hours reviewing the Revenue Department's proposed rule changes. He then recognized Commissioner Bart Graham of the GA Department of Revenue.

Commissioner Graham introduced Tim Mitchell, Analyst for the Department of Revenue and Mack Chandler, the Commissioner's Executive Assistant and Legislative Director. Commissioner Graham explained that the proposed rules and regulation changes are the end result of a 2 year process to reduce and revamp the current rules and regulations for alcohol and tobacco. He said they put them out for public comment and when someone gives them good feedback they pull the proposed changes back and incorporate the suggestions. He said they receive feedback from people and groups such as Fed Kitchens and other suppliers in the alcohol industry. Senator Bulloch said he had never participated in any public hearings until he attended the water hearings. He asked the Commissioner how does he gage the input; the number of

people attending to speak on the issue. Senator Bulloch continued saying there is a silent majority who doesn't show up but is interested so how do they receive public comments. Commissioner Graham replied that they receive feedback by e-mail, letters and phone calls. He said that it was not just from the people attending the hearings. Senator Bulloch replied that it was a learning process for the committee and they want to learn what the Commissioner's process is. Commissioner Graham said that they did a presentation for the House but, until 2 days ago, they thought that Shafer's committee was the Senate committee who had oversight. Mr. Mitchell said that, up to 1 ½ years ago, the rules and regulations had not been looked at for 40 years. He said that they had eliminated unnecessary rules and were focused on updating all the regulations. He said as individuals contact the department about a regulation, they include it in the next 'look see.' He said they pass out information to all the interested parties and tell them what date the comment period is over. He said that they sometimes have 40 to 45 people turn up but normally that number is from 2 to 15. He said that if the regulation changed receives enough comments they will withdraw it, just don't adopt it but if they make the change then they must put out for an additional 30 day period.

Mr. Mitchell said that they planned a facility tour and put out multiple notices mostly to the press and to e-mail addresses they had accumulated. Senator Bulloch asked how people got on the list. Mr. Mitchell replied that people go to their web site or contact the department and ask to be added to their list. Commissioner Graham said the current changes went into effect on March 30, 2007 and affect tastings at wineries and breweries and marketing practices. He said they met with micro breweries as they were contacted for guidance as the industry didn't like the fact that there was unlimited free drinking allowed by the state. He said they tried to get MADD involved but they did not participate. He said some of the changes are one hour tours may provide 24 oz of malt beverage and 5 oz of wine and a 2 hour tour may provide 32 oz of malt beverage and 15 oz of wine; the regulations prohibit alcoholic beverage samples being provided to tours on Sunday at breweries and wineries. Additional regulations will go into effect on April 10th which prohibit retailers from selling below wholesale price and limits the dollar amount spent for the marketing of certain types of alcohol.

Mr. Mitchell said they sent the notice regarding the proposed regulation changes to Legislative Counsel and they give to the proper committees. He said next time they would make sure the committee received a copy before the new rules and regulations were adopted. Senator Goggans asked why the change about not selling below wholesale prices. Mr. Howard Tyler, Director of Alcohol and Tobacco Tax Division, Ga Department of Revenue, said that is a Federal Regulation. Senator Bulloch said he appreciated the Commissioner and all the members of the Department of Revenue attending the meeting. He said he better understands their functions and each one of them has a great responsibility.

Ed McGill, GA Alcohol Dealers Association, said he represents over 4,000 Georgians and, if you add in other industry reps like Fred Kitchens, Wine and Spirits Wholesalers of Georgia, they are in sync with Georgia. He said this was a good process and he supports the Commissioner. Fred Kitchens said he has participated in reviewing the rules and regulations for 2 years now. He said they are a heavily regulated industry and they have expressed their concerns to the Commissioner.

Chet Bryant, Georgia Beer Wholesalers Association said the Commissioner had engaged the industry and he had listened to them regarding the rules and regulations changes. He said he appreciated the Commissioner's attitude. Senator Bulloch said that some concerns had jumped out at him on some of the proposed rules and regulations changes, from an agriculture point of view, on the winery/vineyard tours. He said he was concerned that winery tours and social gatherings were not regulated so as to hurt this agricultural industry. He said it was a specialty crop and it needed promotion but he was not an expert on GA Farm Wineries and their Sunday tours. Commissioner Graham replied that farm wineries and brew pubs are treated differently under the code than manufacturers, distributors and retailers so these regulations do not affect Georgia farm wineries such as those along the GA Wine Highway.

Senator Orrock said the committee might want to encourage the wine industry; to spend the weekend in North Georgia at a Bed and Breakfast. She said she knew there were things that the committee could do to help them move forward such as funding and or other support. Commissioner Graham said he appreciated the Senator's interest.

There being no further business before the committee, the meeting adjourned at 3:00 PM.

/s/ Senator Lee Hawkins, 49th, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

October 21, 2008

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 2008 Session.

Also, enclosed are the following bills upon which no action was taken during the 2008 Session of the General Assembly:

[SB 207](#)
[SB 501](#)
[SB 528](#)

Sincerely,

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