

**SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE**

2009—2010

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Senator Renee Untermann, 45th
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Senator Tommie Williams, 19th
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Senator Ed Harbison, 15th, Secretary
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Senator Dan Moody, 56th (Ex Officio)
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Senator Mitch Seabaugh, 28th
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**SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE**

**RULES
2009—2010 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
January 28, 2009

The Senate Regulated Industries and Utilities Committee meeting was called to order at 4:00 p.m., in 450 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; Moody, 56th, Ex-Officio; Murphy, 27th, Ex-Officio; Stoner, 6th; Tolleson, 20th, Ex-Officio; Unterman, 45th; and Williams, 19th.

The Chairman welcomed everyone to the first meeting in 2009 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 2009-2010 legislative sessions, DO PASS; Williams, 19th, seconded the motion. The vote was unanimous.

The Chairman then stated there was one (1) bill on the agenda. He stated that the meeting was for a hearing only on [SB 31](#).

[SB 31](#) (Balfour, 9th): Georgia Nuclear Energy Financing Act

This bill creates 46-2-25 (c.1) of the O.C.G.A.

This legislation authorizes utilities in Georgia to recover any financing costs associated with the construction of a nuclear generating plant which has already been certified by the Georgia Public Service Commission (PSC). The recovery costs will be assessed to each electric utility customer and will be adjusted annually and subject to PSC review except that the review can have no impact on revenue requirements or general rate cases.

Initiation of assessment of the recovery costs may begin with five years of PSC certification if the nuclear generation plan is certified after July 1, 2009; however, for any plan certified prior to July 1, 2009, recovery costs must be assessed commencing on January 1, 2011. Any costs accrued before the latter date will be accrued, capitalized, and amortized over the next five years with one-fifth the costs recovered in each of those five years.

Recoverable costs will be recalculated and reset annually, if necessary, to accurately reflect construction costs in the next twelve months consistent with the PSC certificate coupled with a balanced accounting of actual expenditures incurred.

The recovery of the financing costs will continue through the start of commercial operation of the nuclear generating plant until the effective date of the next general rate case filed by the utility because the financing costs at that time will be included in the general revenue requirements and collected in the general base rates.

Lengthy discussion pertaining to the various financing schemes, the role of the PSC to retain such decisions, the actual costs of borrowing funds, capital and equity considerations, and assistance for low-income and senior citizens.

Stan Wise of the PSC spoke on behalf of [SB 31](#), but stated that this was his own view and not necessarily the view of the Public Service Commission.

Others who spoke on behalf of **SB 31** included: John Sibley, retired, Melvin Kruger, L.E. Schwartz & Son, Inc., Keith Thomas, Buildingtrades, Richard Hammond, retired, Don Beaver, Cobb County Chamber of Commerce and George L. DeLoach, Mayor, City of Waynesboro.

Will Phillips, AARP of Georgia and Allison Wall, Georgia Watch, both spoke against the bill.

Others who spoke against **SB 31** included: Danny Feig, Nuclear Watch South, Glenn Carroll, Nuclear Watch South, and Neil Herrin, Sierra Club.

Due to the late hour and the length of the meeting, the Chairman stated he had to leave to speak in Cobb County within an hour. He gave Georgia Power the choice to speak to the bill or come back to next meeting of the Regulated Industries and Utilities and speak. The spokesman for Georgia Power stated they would wait and come back and speak at next meeting.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 6:10 p.m.

Respectfully submitted:

/s/ Senator David Shafer, Committee Chairman

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 4, 2009

The Senate Regulated Industries and Utilities Committee meeting was called to order at 4:00 p.m., in 450 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; Moody, 56th, Ex-Officio; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; Tolleson, 20th, Ex-Officio; Unterman, 45th; and Williams, 19th.

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

The Chairman then stated that the meeting today was a continuous of the hearing of [SB 31](#), Georgia Nuclear Energy Financing; procedure for changing any rate.

At this time, the Chairman called the first guest to speak on behalf of the bill.

Keith Thomas of Atlanta and North Georgia Building Trades spoke on behalf of the bill. He spoke to the importance of **SB 31** moving forward with the construction of Vogtle. He stated that it would open jobs in construction allow Georgians to be employed and they were to be the longtime investors and consumers who will be helping to pay the funding.

The Chairman asked if there were any questions.

Stoner, 6th, asked if his understanding was correct in that Vogtle was going to be built regardless, the issue trying to be determined is when it will be financed. Mr. Thomas answered that was correct.

Moody, 56th, asked Stoner, 6th, had the building already been approved because he had not heard that the final approval had been made. Stoner, 6th, said that the final approval had not been made, but his point was that the issue of **SB 31** would not determine anything other than the finance of Vogtle.

The Chairman spoke to say that he felt everyone in the room wanted the unit to be built, but he felt the intention of the bill was getting a bit sidetracked and that he wanted to do a better job of keeping the testimony and the questions directed at the intent of **SB 31**.

Hill, 4th, arrived at the meeting at 4:30 p.m.

Next to speak in support of **SB 31** was Roy Bowen, President of Traditional Manufacturing. Mr. Bowen introduced himself and expressed the reason he was at the meeting to support [SB 31](#) is because Traditional Manufacturing is one of Georgia Power's largest customers.

He wanted mainly to address a representation of the bill by the PSC Staff Analysis. He said the analysis states that finance cost will be recovered by each customer through a separate rate tariff and allocated on an equal percentage base of standard base tariffs. He stated that this meant that 37.7% of Kilowatt hours sold and 20.9% of the base revenues would be exempt from the allocations. He went on to say that the analysis states that costs which could have been allocated by large industrial and commercial customers would have to be allocated to remaining customers thus increasing their rates even more. He wanted to inform the committee that the PSC Staff Analysis assertion is factually incorrect. He explained that the analysis exaggerated by 100% the kilowatt hours and by 200% base revenues attributive to marginally base tariffs by including in their report kilowatt hours and base revenue that would in fact receive an allocation of finance cost.

He said that the language of **SB 31** instills that status quo is maintained throughout and that no special break will be given to one or another group of customers.

After Mr. Bowen spoke, the Chairman asked if the CWIP (construction work in progress) outlined in the bill was the same as the CWIP the PSC normally allocated. Mr. Bowen told the Chairman it was the same. The Chairman then asked if Mr. Bowen had a problem with the CWIP. Mr. Bowen said they did not have a problem.

The Chairman asked if there were any more questions.

Henson, 41st, asked if the PSC in previous projects had allocated the same way as the bill stated.

Mr. Bowen replied yes. He also stated that since the PSC has no set way, they wanted to assure by having the bill that the allocations would be distributed fairly and equally.

Henson, 41st, then asked if it had always been done that way, then why did they feel the need to put this in the bill. He asked if they were afraid they would not go the same way and they felt maybe the pressure from the bill would insure the PSC to stay with their usual method.

Mr. Bowen answered that they just wanted to make sure there was no uncertainty in how it would be handled. He stated it needed to be locked down.

Next to speak to the bill were members of Georgia Power: Oscar Harper and Anne Daiss.

At this point, everyone in attendance of the meeting who had asked to speak to **SB 31** or on behalf of the bill had done so.

The members then engaged in a lengthy discussion pertaining to the various financing schemes, the role of the PSC to retain such decisions, the actual costs of borrowing funds, capital and equity considerations, and assistance for low-income and senior citizens.

Henson, 41st, left meeting at 5:20 p.m.

Stoner, 6th, offered a substitute to the author's substitute to **SB 31 that** would basically leave the issue of finance recovery and the process in the hands of the PSC.

Stoner, 6th, moved that his **SB 31 DO PASS BY SUBSTITUTE**, Williams, 19th, seconded. The vote was 2 yeas, 7 nays. The motion failed. Those voting yea were Stoner, 6th and Williams, 19th. Those voting nay were Johnson, 1st, Hill, 4th, Moody, 56th, Murphy, 27th, Seabaugh, 28th, Tolleson, 20th, and Unterman, 45th.

Johnson, 1st, moved that **SB 31, DO PASS BY SUBSTITUTE**, Williams, 19th, seconded. There were 2 nays: Stoner, 6th and Butler, 55th. There were 8 yeas: Johnson, 1st, Hill, 4th, Moody, 56th, Murphy, 27th, Seabaugh, 28th, Tolleson, 20th, Unterman, 45th, and Williams, 19th. **SB 31, DO PASS BY SUBSTITUTE** with an 8 – 2 vote.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 5:40 p.m.

Respectfully submitted:

/s/ Senator David Shafer, Committee Chairman

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 11, 2009

The Senate Regulated Industries and Utilities Committee meeting was called to order at 4:00 p.m., in 450 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; Moody, 56th, Ex-Officio; Murphy, 27th, Ex-Officio; Tolleson, 20th, Ex-Officio; Unterman, 45th.

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

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

SB 68 (Murphy, 27th): Alcohol Beverages; counties; prohibit against sale; housing authority

This bill amends 3-3-21 (e) of the O.C.G.A.

This legislation amends existing language relating to sales of alcoholic beverages near churches, school buildings, or other sites.

“Housing authority property” means any property containing 300 housing units or fewer owned or operated by a housing authority property;
No persons may sell any alcoholic beverages for consumption within 100 yards of any housing authority property.

This legislation authorizes counties and municipalities with approval from applicable local housing authorities to exempt themselves from the distance limits set forth in existing language for alcohol sales.

This new subsection does not apply to any location for a license which was issued prior to July 1, 2000, nor to the renewal of the license, and to locations in which license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at any time during 12 months preceding such application.

Murphy, 27th, presented the bill.

Les Schneider with Wimberly, Lawson, Steckel, Nelson & Schneider, PC spoke on behalf of the bill.

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

Tolleson, 20th, moved that **SB 68 DO PASS BY SUBSTITUTE**; Unterman, 45th, seconded. The vote was unanimous.

Stoner, 6th, arrived to meeting at 4:25 p.m.

Seabaugh, 28th, arrived to meeting at 4:30 p.m.

SB 82 (Unterman, 45th) As Introduced: Secondary Metals Recyclers; transaction records; change provisions

This bill amends 10-1351 and 10-1-359 of the O.C.G.A.

This bill creates 10-1-352.1 and 10-1-358 of the O.C.G.A.

This bill adds certain requirements on recyclers regarding transaction records; new requirements are as follows:

Provide a detailed description of the metal purchased, which includes the dated, time stamped photo of the metal property, name of the photographer, and a specific physical description, including automotive part, or farm equipment;

A signed statement that the receiver is certifying that he or she is the rightful owner, and has the lawful right to sell and dispose of it;

Along with the name and address of the person delivering the property a fingerprint, photocopy or electric scan of driver's license or state, federal photo is required;

If already on file, the recycler must examine the above requirements, and no re-identification is needed for each transaction;

If no drivers license, state, federal identification card, or refuses a fingerprint then recycler may not complete the transaction;

A written description from the person receiving the metal describing the source and address where the metal was obtained must be provided;

Payments must be made payable to the person named in photograph, and transmitted by mail or picked up.

Additionally, on or after July 1, 2009, the recyclers must send information for each purchase within five days of transaction to the local Sheriff's Department.

Recyclers may not purchase or receive metals from a minor, or from government-owned water manhole covers. Aluminum and food cans are acceptable.

New language provides that: no recycler can pay cash for metal that is primarily copper; payments by check only can be issued more than 10 days but less than 30 days after purchase of them.

This legislation authorizes that any county, city or consolidated government may:

License recyclers; define their powers and privileges by ordinance; impose taxes, revoke licenses; exercise supervision; and ensure fair dealing.

The following spoke on behalf of the bill: Georgia Cemetery Association, Georgia EMC, ATT, GMA, ACCG, Georgia Sheriff's Association, Georgia Realtors, Homebuilders Association of Georgia, City of Atlanta, Georgia Farm Bureau, Georgia Chamber of Commerce, MEAG, Georgia Transmission Association, City of Savannah, and Georgia Beverage Association.

The following spoke against the bill: Georgia Recyclers, Blaze Recycling, East Point Alloys, Newell, Switcher Steel, and United Recycling

There was lengthy discussion regarding fingerprinting, oaths, and cash tender for goods, minors, local government preemption and jurisdiction and liability.

The Chairman did not feel the committee was ready for a vote. The Chairman announced that he thought that a lot of the questions and discussion matters needed to be addressed and the bill needed to reflect the changes. The Chairman stated he thought the bill was a good bill, and just needed a little work. At this time, he asked the author to take the next week to meet with different people and work to come up with a substitute. The author of [SB 82 \(Unterman, 45th\)](#) agreed.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 6:10 p.m.

Respectfully submitted:

/s/ Senator David Shafer, Committee Chairman

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 18, 2009

The Senate Regulated Industries and Utilities Committee meeting was called to order at 4:00 p.m., in 450 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; Moody, 56th, Ex-Officio; Murphy, 27th, Ex-Officio; Stoner, 6th; Unterman, 45th; and Williams, 19th.

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

The Chairman then stated there were 5 bills on the meeting agenda. He also stated that due to Unterman, 45th, not being present at the meeting due to personal reasons, that [SB 82](#) would be placed on the agenda for the next scheduled meeting of the Senate Regulated Industries and Utilities Committee.

[SB 104 \(Wiles, 37th\)](#): Cosmetic laser Practitioners; licensing; change certain provisions

This bill will amend 43-34-242, 244, 248, 249, 250 of the O.C.G.A.
This bill will create 43-34-249.1 of the O.C.G.A.

Anyone desiring to obtain an Assistant Laser Practitioner license must have 2,000 hours of administering cosmetic laser service, received 3 certificates of laser/intense pulse light courses which are taught by a licensed physician, or continuing education educator. These requirements are new and in addition to the existing requirements except that the Composite State Board of Medical Examiners (Board) may now not waive any education requirements associated non-Georgia licensed practitioners.

In addition, with approval from the Board:

Physicians can delegate examinations to a cosmetic laser practitioner who is a physician's assistant, or a licensed nurse;

Facilities can delegate to a physician's assistant who is not a license cosmetic practitioner; however, a trained laser licensed physician must be available in person or via telecommunications;

Facilities: must post who the acting laser supervisor is on that day, provide an emergency number, applicable degrees earned, qualifications, and type of licenses held. After the respective procedure is finished this information must be provided to the patient.

The Board shall have the authority to waive requirements for facilities or physicians who offer cosmetic laser services.

This bill will strengthen cosmetic laser services practitioner license requirements.

Unterman, 45th, arrived at 4:10 p.m.

Wiles, 37th, spoke to the bill.

Dr. Katerina Chiller and Larry Lanier of Medical Association of Georgia both spoke to the bill.

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

Henson, 41st, moved that **SB 104 DO PASS BY SUBSTITUTE**; Murphy, 27th, seconded. The vote was unanimous.

SB 148 (Shafer, 48th): Georgia Occupational Regulation Review law

This bill amends 43-1A-1, et. Seq. of the O.C.G.A.

Chapter 1A is amended to require periodic review of all existing regulatory boards to ensure its necessity in the current business climate. The existing Georgia Occupational Regulation Review Council's (Council) actions will not be binding, and the Council will continue to have ten members and enjoy existing powers. The council will operate under the Georgia Administrative Procedures Act.

New powers include review of existing regulatory entities at least once every 7 years.

If the Council concludes regulatory changes are necessary, a report will be issued recommending the changes about that regulatory entity; the head of any regulatory entity will have the right to appear before the Council to contribute suggestions regarding potential changes to that respective entity.

Legislation creating new regulatory entities or affecting review of an entity must also consider whether there are means other than regulation to protect applicable interests in Georgia.

Upon review a report regarding an existing entity, the General Assembly must consider one of three options:

1. Take no action if sufficient regulation is being met;
2. Amend enabling legislation of any entity more efficient regulations are necessary; or

3. Repeal the enabling legislation of that entity.

Shafer, 48th, spoke to the bill.

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

Murphy, 27th, moved that **SB 148 DO PASS BY SUBSTITUTE**; Unterman, 45th, seconded. The vote was unanimous.

SB 149 (Shafer, 48th): Uniform Athletes Agents Act

This bill amends 43-4A-1, et. Seq of the O.C.G.A.

Chapter 4A is amended to delete language pertaining to the Georgia Athlete Agent Regulatory Commission; this commission is disbanded.

The Georgia Secretary of State will now regulate athlete agents and enjoy the existing powers necessary to regulate athlete agents.

Shafer, 48th, spoke to the bill.

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

Henson, 41st, moved that **SB 149 DO PASS**; Unterman, 45th, seconded. The vote was unanimous.

SB 150 (Shafer, 48th): Junk Dealers; repeal chapter and designate it as reserved

This bill will delete Chapter 22 of Title 43
This bill will amend 15-9-60 of the O.C.G.A.

Definitions for “junk” and “junk dealer” are deleted. Junk dealers will not be required to register in counties or judge’s offices, nor do they need written consent of landowners to enter onto their property.

The \$1.00 registration charge levied on Junk Dealers is deleted; Probate Courts may no longer charge Junk Dealers \$10 for proceedings.

Shafer, 48th, spoke to the bill.

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

Unterman, 45th, moved that **SB 150 DO PASS**; Murphy, 27th, seconded. The vote was unanimous.

Williams, 19th, arrived at meeting 4:30 p.m.

Hill, 4th, arrived at meeting 4:35 p.m.

Henson, 41st, left at meeting 4:45 p.m.

SB 82 (Unterman, 45th): Secondary Metals Recyclers; transaction records; change provisions

This bill amends 10-1-351; 10-1-356; 10-1-357; and 10-1-359 of the O.C.G.A.

This bill creates 10-1-352.1 and 10-1-358 of the O.C.G.A.

This bill adds certain requirements on recyclers regarding transaction records; a personal identification card is a driver's license with name, address, and photograph.

Regarding motor vehicles transactions, the title must be provided or fully cancel a certificate of title, and the recycler must forward same to the GDOR.

The recycler may pay by check or cash for copper, catalytic converter or aluminum property, and cash transactions must wait 24 hours for satisfaction. Checks payable only to the person delivering the goods unless it's on behalf of a government or non-profit or business the check may be made to the entity.

This does not apply to business to business transactions.

Damages would include aggregate sum of damage to property plus reasonable costs for repair or recovery.

The following spoke on behalf of the bill: Georgia Cemetery Association, Georgia EMC, ATT, GMA, ACCG, Georgia Sheriff's Association, Georgia Realtors, Homebuilders Association of Georgia, City of Atlanta, Georgia Farm Bureau, Georgia Chamber of Commerce, MEAG, Georgia Transmission Association, City of Savannah, and Georgia Beverage Association.

The following spoke against the bill: Georgia Recyclers, Blaze Recycling, East Point Alloys, Newell, Switchzer Steel, and United Recycling

Again, there was discussion regarding fingerprinting, oaths, and cash tender for goods, minors, local government preemption and jurisdiction and liability. Some of the same issues which had prompted a lot of the changes made to the substitute.

The Chairman and the members still had too many questions and concerns to vote on the bill, they all agreed. The Chairman then instructed the author, Unterman, 45th, to get with people for and against the bill and any member who would like to be in on the meeting and try and come up with a substitute that would come close to pleasing everyone. Unterman, 45th, reluctantly agreed. She felt she had given everyone on both sides, plus all the members the chance to come to her and discuss any disagreements they each had with the bill. But, she said she would try one last time and requested anyone interested to please see her immediately after the meeting.

Hill, 4th, left meeting at 5:15 p.m.

Unterman, 45th, left meeting at 5:20 p.m.

Johnson, 1st, left meeting at 5:30 p.m.

Murphy, 27th, left meeting at 5:45 p.m.

SB 16 (Harp, 16th): Alcoholic Beverages; county; package sales on Sunday; referendum (PF)

This bill would amend 3-3-7 of the O.C.G.A.

This legislation authorizes, by local law, for authorization and regulation of sales of alcohol on Sunday.

Each county and city already allowing sales of beer and wine may authorize the sale of same on Sundays if approved by local referendum. Sales cannot commence before noon on Sundays, and will be regulated by local ordinance.

A city or county may also hold a local referendum on the sale of beer, wine and liquors on Sundays before noon to be regulated by local ordinance, and the city or county must seek approval from voters for the sale of beer, wine and liquors if all three are already lawful for sale in that locality.

Harp, 16th spoke to the bill.

Natalie Shore, Gwinnett Chamber of Commerce; Henry Colley, Spirit Foods; Kyle Branch, Kroger; Joe Fleming, Georgia Chamber of Commerce; Jay Morgan, Distilled Spirits Council of the United States; Jim Tudor, Georgia Association of Convenience Stores spoke to the bill.

Ray Newman, Georgia Baptist Convention; Jim Beck and Mike Delozier, Georgia Christian Coalition; Tim Echols, Family Resource; Willis Moore, Georgia Council on Moral Concerns; Margaret Donovan, Teen Pact; Nate Bednar, Pastor, Metropolitan Baptist Church; Abby Davis, Peachtree City, GA; David Harbin, Tyrone, GA; Hollie McWater, Fayetteville, GA; Gene Houson, Peachtree City, GA; Kayley Wade, Christian Coalition; Jacob Chambliss, Christian Coalition;

Loleb Laminack, Christian Coalition; Amanda Stables, Christian Coalition; April Abbott, Christian Coalition; Joshua Maddox, Christian Coalition; Sierra Holmes, Christian Coalition spoke against the bill.

The Chairman asked if there were no questions. There were none.

At this point of the meeting, the Chairman brought attention to the fact that during the presentation of the bill and all the speakers, a majority of the members of the Regulated Industries and Utilities Committee had left to attend other meetings or had other commitments. He pointed out that there were only 4 members including the Chairman left for a vote and that the rules voted on and passed by the Regulated Industries and Utilities Committee stated that there must be at least 6 members present to make a quorum for a vote. Therefore, there would be no vote on [SB 16](#).

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 6:20 p.m.

Respectfully submitted:

/s/ Senator David Shafer, Committee Chairman

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 4, 2009

The Senate Regulated Industries and Utilities Committee meeting was called to order at 4:00 p.m., in 450 State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Butler, 55th; Henson, 41st; Hill, 4th; Moody, 56th, Ex-Officio; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; Tolleson, 20th, Ex-Officio; Unterman, 45th; and Williams, 19th.

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

The Chairman then stated there were 9 bills on the meeting agenda.

SB 16 (Harp, 29th): Alcoholic Beverages; county; package sales on Sunday; referendum

This bill amends 3-3-7 of the O.C.G.A.

This legislation authorizes, by local law, for the authorization and regulation of sales of alcohol on Sunday.

Each county and city already allowing sales of beer and wine may authorize the sale of same on Sundays if approved by local referendum. Sales cannot commence before noon on Sundays, and will be regulated by local ordinance.

A city or county may also hold a local referendum on the sale of beer, wine and liquors on Sundays before noon to be regulated by local ordinance, and the city or county must seek approval from voters for the sale of beer, wine and liquors if all three are already lawful for sale in that locality.

The Chairman reminded the members of the Regulated Industries and Utilities and guests that **SB 16** had been on the agenda for the last two meetings and the committee members had already heard extensive testimony from both sides of the issue. The Chairman then asked Harp, 29th, sponsor of **SB 16**, to please come forward and speak to the bill, after which closing comments the bill would be put to a vote.

At this point Harp, 29th, spoke to the Chairman and the committee members. Harp, 29th, asked that since the Senator from the 15th District, Harbison, was not able to be at the committee because he had to be in his district due to his wife battling breast cancer, Harp, 29th, sponsor of **SB 16** asked the Chairman and the Regulated Industries and Utilities Committee members to please allow him at this

time to withdraw consideration of **SB 16** from the committee. Harp, 29th, went on to read a lengthy quote from Theodore Roosevelt that was not apparently related to the substance of the bill or his request to have bill withdrawn.

The Chairman expressed surprise at the request and statement by Harp, 29th. He said that he had no idea coming into the meeting that Harp, 29th was going to ask that **SB 16** be withdrawn. The Chairman then said that he was not sure that the request for withdrawal precluded the committee from considering the matter, but added that he was not sure that any committee member would want to make a motion on a bill that the sponsor was withdrawing. The Chairman briefly conferred with the committee members, none of whom indicated an interest in making a motion on a bill against the sponsor's wishes. The Chairman then again stated that prior to the committee meeting he had had no discussion with Harp, 29th concerning withdrawal of the bill. Harp, 29th, sponsor of **SB 16**, agreed. The Chairman then asked Harp, 29th, if had he conferred with his allies and the proponents of **SB 16** and were they all aware of and in agreement with his decision to withdraw SB 16. Harp, 29th, answered "yes, that is correct." The Chairman then stated that the wish of Harp, 29th, sponsor of **SB 16**, and the other proponents of the bill would be respected by the committee and asked that the record reflect that consideration by the Regulated Industries and Utilities of [SB 16](#) be withdrawn at the sponsor's request.

[SB 82 \(Unterman, 45th\)](#) As Passed: Secondary Metals Recyclers; transaction records; change provisions

This bill adds certain requirements on recyclers regarding transaction records; a personal identification card is a drivers' license with name, address and photograph.

Regarding motor vehicles transactions, the title must be provided or fully cancel a certificate of title, and the recycler must forward same to the GDOR.

The recycler may pay by check or cash for copper catalytic converter or aluminum property, and cash transactions must wait 24 hours for satisfaction. Checks payable only to the person delivering the goods unless its on behalf of a government or non-profit or business the check may be made to the entity.

This does not apply to business to business transactions.

Damages would include aggregate sum of damage to property plus reasonable costs for repair or recovery.

This bill amends 10-1-350, 351, 355; 16-8-12 of the O.C.G.A.

This bill creates 10-1-352.1 of the O.C.G.A.

The Chairman stated that he wanted to commend Unterman, 45th of all the hard work, long days and many discussions and meetings she had had in order to make [SB 82](#) a bill that everyone could agree on. The Chairman stated that their had been extensive discussion in the February 11, 2009, meeting and at that time, Unterman, 45th had agreed to go back to the table, make sure everyone interested in **SB 82** get a chance to speak and hopefully pass a bill out of the Regulated Industries and Utilities committee that all would be comfortable moving forward.

Unterman, 45th, spoke to the bill. The sponsor said that basically the main thing that changed in the bill was to remove the lines in the bill pertaining to fingerprints. This had been agreed upon all parties. There were very few minor details made.

The Chairman then asked if there were any questions.

Murphy, 27th, voiced concerns of having to use a universal code book to look up every piece of recycled material and picture every piece brought into a recycle shop. That some places get thousands a day and he thought this was way beyond their means to be able to handle per day.

Unterman, 45th explained that some of that procedure was already being used by the companies and it would not be that much more for them to add.

The Chairman asked if there were anymore questions. There were none.

Seabaugh, 28th, moved that [SB 82 DO PASS BY SUBSTITUTE](#); Moody, 56th, seconded. The vote was unanimous except for one (1) Nay vote by Murphy, 27th.

[SB 192 \(Hill, 32nd\)](#): Wireless Communications Tower Siting Act

This legislation establishes certain definitions in its telecommunications subject matter and is not the intent of the General Assembly to limit authority of zoning authorities, but to provide safe and efficient facilities for broadband and wireless communication services.

In addition any authority or persons planning to provide wireless telecommunications must be required to adopt specific planning and zoning regulations. To be in accordance with these regulations:

- Must complete an application with the appropriate planning authority and comply with local ordinances on land use. A reasonable financial surety amount must be in place to ensure that abandoned facilities can be removed;

- Owners of structures must provide space on the structure for local government services at less than market rate, and must be in compliance with applicable federal and local environmental requirements;
- The authority after 75 days of receiving an application must review and advise the applicant in writing of the decision. If disapproval, the party may have any court review the application; and
- Construction of new towers is not preferred; towers, if possible, must be on existing structures such as buildings and water towers--which are subject to building permits. All permits are limited in duration; if an applicant refuses to locate on a reasonable existing structure, the application must be denied. The authority has 45 days to provide a written agreement if application is approved.

The authority cannot:

- Under FCC rules, impose measures for radio frequency emissions on wireless communication facilities; however, they can enforce regulations for radio frequencies strength;
- Delay construction of wireless support structures lasting over 90 days or within 6 months of conclusion; and
- Impose fees on any building permits or applications; however local authorities or 3rd parties can impose fees, including travel expenses. Total charges cannot exceed \$5,000 for location, placement, and any new construction.

This bill creates 36-66B-1 of the O.C.G.A.

Hill, 32nd, spoke to the bill.

Kimberly Adams, Georgia Wireless Association spoke to the bill.

David Dyer, Georgia Center for Local Government, Todd Edwards, ACCG, spoke against the bill.

Marci Rubensohn, GMA spoke as a neutral party to the bill.

The Chairman asked if any questions. There were none.

Murphy, 27th, moved that **SB 192 DO PASS BY SUBSTITUTE**; Seabaugh, 28th, seconded. The vote was six (6) in favor and two (2) Nays by Butler, 55th, and Tolleson, 20th.

SB 195 (Chance, 16th): Professions/Businesses; clarify applications submitted in prescribed form

This legislation amends numerous chapters regarding various provisions relating to professional licensure.

Pharmacists, license transfers, and interns are no longer required to submit a written application to apply for licensure, and the exam must only be Pharmacy Board-approved, and that Board will not determine the substance, time, and location of that exam.

Provisions relating to points for veterans are amended to reflect that exams will be not given by certain licensing boards but rather only required by those boards.

Division directors will not be required to establish administrative rules regarding examination for the various boards; they will be referred to in gender neutral; and they will not be required to be located in Atlanta.

Notices of rule changes will not be required to be mailed to architects or cosmetologists.

Barbershops may obtain or retain licensure if it trains or uses apprentices as required by that respective board. Prospective licensees must be at least 16 years of age (rather than just completing the fifth grade of school instruction).

Language regarding license revocation for chiropractors is deleted.

A Secretary of State inspector will have the right to inspect beauty shops (rather than a division director).

Low-voltage electricians will not be required to have an experience-related affidavit sworn before a notary public.

The land surveyor and funeral director examination will be Board-approved rather than Board-written.

Written notification of meetings will not be required for hearing aid dealers and dispensers. The Board will no longer be required to prepare the applicable examination, nor will the division director be required to assist in testing. The board may provide general scope for the examination, and the division director may contract for testing services. Apprentices will be scheduled for examination after 30 days of obtaining the required permit.

Landscape architects will be required to submit a licensure fee.

Occupational therapists will no longer be required to file a written application.

Ophthalmology licensees may be required to pass a board-approved examination.

Opticians will only have to submit an affidavit disclosing continuing education hours.

Podiatry licensees must only pass a Board-approved examination (rather than Board-given), if the Board requires the examination for that applicant.

Private detective license applicants and subsequent registration will not be required to submit a written application.

Psychology licensees must take a Board-approved examination, and the application may be either written or oral.

The used motor vehicle and parts dealer's examination does not have to be given by division director.

Veterinarians and vet techs licensees will not be required to submit a written application to that Board.

Treatment plant operators' examinations will be Board-approved.

This bill amends 26-4-41, 42, and 46; 43-1-2, 9, 10, and 43-4-9; 43-7-7, 12, and 16; 43-10-6; 43-14-8.1; 43-15-12; 43-18-41 and 42; 43-20-5, 6, 8, 9, and 12; 43-23-8; 43-28-9; 43-29-7 and 11; 43-33-9; 43-35-12 and 14; 43-38-6 and 7; 43-39-9; 43-47-8; 43-50-31 and 40; and 43-51-7 of the O.C.G.A.

This bill deletes 43-9-14; 43-29-9(a) and (b) of the O.C.G.A.

Chance, 16th, spoke to the bill. He explained that **SB 195** was being brought to the committee for the Secretary of State's office.

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

Henson, 41st, moved that **SB 195 DO PASS BY SUBSTITUTE**; Seabaugh, 28th, seconded. The vote was unanimous.

SB 162 (Grant, 25th): Private Detective Businesses; security guards; licensure for employment

This legislation requires persons seeking to be employed as an armed agent to meet certain pre-licensure requirements. An application to the Board must be made within 180 days meeting these requirements.

Existing requirements regarding age, citizenship, moral character, clean criminal record remains, and honesty remain statutory.

This bill amends 43-38-7 of the O.C.G.A.

Grant, 25th, spoke to the bill.

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

Henson, 41st, moved that [SB 162](#) **DO PASS**; Murphy, 27th, seconded. The vote was unanimous.

[SR 402](#) (Shafer, 48th): Joint Telecommunications Comprehensive Reform Study Committee; create

This resolution creates a study committee so that Georgia can ensure that our state continues to be the leader in telecommunication marketplace.

This resolution adds that the General Assembly will compose a committee of 27 members:

- 5 members from the Senate appointed by Lieutenant Governor;
- 5 members from the House appointed by the Speaker;
- 5 members appointed by the Governor;
- 4 persons each appointed by Speaker of House, Lieutenant Governor, and Governor including:
 - Representatives of the Georgia PSC, and telecommunications industry, consumer representative, members of Georgia's academic and research community, and others knowledgeable about telecommunications.

The Speaker, Lieutenant Governor, and the Governor will each choose a member to serve as a co-chairperson.

Necessary funds will come from the House of Representatives and Senate; the committee members will receive allowances for 5 days, and additional days must be authorized.

Upon completion of its study and analysis of telecommunication policies a report of its findings is due on December 15, 2009 and shall abolish on this date.

This bill creates Joint Telecommunications Comprehensive Reform Study Committee.

Shafer, 48th, spoke to the bill. He explained that **SR 402** was created in the House as a study committee in the 2008 session of the General Assembly.

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

Hill, 4th, moved that **SR 402 DO PASS**; Seabaugh, 28th, seconded. The vote was unanimous.

SB 233 (Stoner, 6th): Health; require the board to administer examinations; emergency medical tech

This legislation adds that the board must approve or administer examinations effective July 1, 2010, for the purpose of certifying or recertifying the following:

- Emergency medical technicians, paramedics, and cardiac technicians.

However, this does not prevent the board from accepting other additional examinations for certifying or recertifying.

This bill amends 31-11-51 and 52.

Josh Mackey, Georgia Association of Emergency Medical Services, Inc. spoke to the bill.

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

Henson, 41st moved that **SB 233 DO PASS**; Butler, 55th, seconded. The vote was unanimous.

SB 28 (Shafer, 48th): Architecture; clarify types of construction projects; Georgia Interior Designer.

This bill relates to the practice of architecture, and requires that all types of construction, planned or existing, must be documented, certified, and submitted for a building permit by a Georgia Registered Interior Designer.

The Registered Interior Designer must submit the plan to a responsible building official to notarize and sign the statement. The plan must be on letterhead from a person in a position of authority within the Design firm. The plans must be in compliance with the current business codes and regulations in effect.

This bill amends 43-4-14(b)(5); 25-2-1 and 14.

Shafer, 48th, spoke to the bill. Told the committee that this bill mirrored [HB 231](#): Practice of architecture; projects within structures; clarify

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

Murphy, 27th, moved that [SB 28](#) **DO PASS BY SUBSTITUTE**; Stoner, 6th, seconded. The vote was five – one. Henson, 41st, voted nay.

[HB 231 \(Jerguson 22nd\)](#): Practice of architecture; projects within structures; clarify

This legislation amends existing language to broaden coverage to all building plans—not just to office structures—that must be in full compliance with building codes on nonload-bearing construction.

After the registered Architect designs the structure, the Interior Designer submits the design to a person of position within the firm, who on company letterhead certified the plan as current, and within compliance.

This bill amends 43-4-14 (b)(5); 25-2-1 and 14

Jerguson, 22nd, spoke to the bill. He also relayed to committee that **HB 231** mirrored [SB 28](#) as it passed committee by substitute.

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

Murphy, 27th, moved that [HB 231](#) **DO PASS BY SUBSTITUTE**; Butler, 55th, seconded. The vote was four - two. Stoner, 6th, and Henson, 41st, voted nay.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 6:40 p.m.

Respectfully submitted:

/s/ Senator David Shafer, Committee Chairman

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 18, 2009

The Senate Regulated Industries and Utilities Committee meeting was called to order at 4:00 p.m., in 450 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; Stoner, 6th; Tolleson, 20th, Ex-Officio; Unterman, 45th; and Williams, 19th.

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

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

HB 302 (Hamilton, 23rd): Telecommunications; charge for third party service; change requirements

This bill relates to telecommunications and competition development and adds that a telecommunication company that charged a customer for a service from a non-affiliated third party must provide to the customer the ability to block the associated charge.

This bill amends 46-5-171.1 of the O.C.G.A.

Hamilton, 23rd, spoke to the bill.

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

Unterman, 45th, moved that **HB 302 DO PASS**; Butler, 55th, seconded. The vote was unanimous.

HB 68 (Sims, 169th): Funeral establishments and crematories; disposition of cremains; provide

This legislation relates to the operations of funeral homes and crematories and adds the following:

- A funeral establishment must receive and retain a statement from an authorized agent specifying, if known, the disposition of the cremated remains;
- An internal tracking system must be available for all cremated remains that are shipped, and a signed receipt is required by the recipient;

- After 60 days if the agent has not specified the disposition or claimed the remains, the funeral establishment who possesses the remains must send a notice for a notification for final instructions. If no notification was received on final disposition on the remains the establishment will--in a humane way--entomb the cremated remains in crypt, in accordance with applicable laws.
- The final resting place must be marked and recorded and any fees incurred for the entombment will be the responsibility of the agent; costs cannot exceed \$100.

This bill creates 43-18-80 of the O.C.G.A.

Sims, 169th, spoke to the bill.

Alysia McDonald with Georgia Funeral Director's Association also spoke to the bill. The Georgia Funeral Director's Association was very much in support of **HB 68**.

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

Johnson, 1st, moved that **HB 68 DO PASS BY SUBSTITUTE**; Murphy, 27th, seconded. The vote was unanimous.

HB 473 (Harbin, 118th): Community Affairs, Department of; grants for clean energy property; provisions

This legislation provides grants for clean energy properties supplied from federal funds for a limited period through December 31, 2012.

The grants issued by GEFA to any person is for construction, purchasing, or leasing of clean energy property. Under a property lease, the cost is eight times the rental rate less any rental rate received by sub rentals.

In General, grants:

- To a person who already receives a grant is not eligible to receive a second;
- To persons must obtain a written certification from the person they are leasing from that states that they have not already received a grant if they wish to claim credit;

- Cannot exceed the money available in the federal fund to the GEFA and grants available are only for clean energy; no other funds are available from other sources;
- Applications must be submitted to GEFA for approval as long as it meets the requirements, and approval is within 60 days;
- Requested from GEFA will ask for information for inspection to determine and verify money granted. Eligibility requirements rest with applicant; insufficient records are grounds for denial; and
- Availability of grants is on a first come--first serve basis. Grant is limited to 35 percent of the costs of the clean energy property.

Ceilings on grant money:

- \$500,000 per installation applies to solar equipment for solar electricity, thermal application and active space heating and wind equipment;
- \$100,000 per installation applies to solar energy for domestic water heating certified by the Solar Rating Certification Corp, Florida Solar Energy Center or comparable entities, and Energy Star geothermal heat pump systems;
- \$.060 per square foot for lighting retrofit projects, energy saving products installed gets \$1.80 per square foot in energy efficient buildings;
- \$2,500 per dwelling for domestic water heating certified by entities, \$10,500 per dwelling for solar energy thermal applications, active space heating or wind; and
- \$ 4,000 per installation for Energy Star certified geothermal heat pump systems

GEFA will adopt all rules and regulations and will track and report on the status of grants on a quarterly basis.

The report will consist of the following:

- Number of persons who claimed grants;
- Costs of grants issued;
- Types of clean energy installed and locations;

- Economic benefits to the state from the clean energy grants; and
- Number of grants allowed.

This bill amends 50-23-21; 50-25-8 of the O.C.G.A.

Stoner, 6th, spoke to the bill.

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

Henson, 41st, moved that **HB 473 DO PASS BY SUBSTITUTE**; Harbison, 15th, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 4:40 p.m.

Respectfully submitted:

/s/ Senator David Shafer, Committee Chairman

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 23, 2009

The Senate Regulated Industries and Utilities Committee meeting was called to order at 1:00 p.m., in 450 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; Moody, 56th, Ex-Officio; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; Tolleson, 20th, Ex-Officio.

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

The Chairman then stated there were 6 bills on the meeting agenda.

HB 614 (Cooper, 41st): Georgia Prescription Monitoring program Act; enact

This legislation is intended improve health care quality and effectiveness by reducing abuse of controlled substances, reducing duplicative prescribing and overprescribing.

“Dispenser” is defined as any person that delivers scheduled controlled substances to the ultimate user but does not include a licensed hospital pharmacy, an institutional pharmacy serving a health care facility, a practitioner who administers these substances, a Corrections pharmacy, or a licensed veterinarian.

If any undue hardship is imposed on a clinic or facility then it may apply for an exemption and be excluded from what justifies as a dispenser. The Georgia State Board of Pharmacy (GSBP) must provide guidelines on what an undue hardship is, including the number of indigent patients served and the lack of electronic capabilities the facility may enjoy.

The Georgia Drugs and Narcotics Agency may:

- Apply for grants and accept gifts, grants, or donations;
- Dispense grant funds for equipment and software and user guidelines;
- Establish standards and specifications for all equipment and software purchased;

The agency must consult with the GSBP and the Board of Medical Examiners (Board) to establish and maintain a program for monitoring prescribing and dispensing controlled substances. Beginning on January 1, 2011, dispensers must submit electronically information regarding each prescription dispensed of certain schedules of controlled substances.

The electronic information submitted must include:

1. DEA permit number or dispenser ID number;
2. Date filled;
3. Prescription number;
4. New or refill;
5. National Drug Code;
6. Quantity and strength expensed;
7. Number of pills;
8. Patients name;
9. Address;
10. Date of birth;
11. Approved prescriber identification number;
12. Date prescription issued; and
13. Other data consistent with the American Society of Automation in Pharmacy.

The frequency of information sent must be at least weekly, and prescriptions dispensed up to the prior day. A waiver issued by GSBP can be obtained if dispenser is unable to submit information electronically; however, a paper form that provides all information is required.

All information will be kept confidential on all patients as long as it does not conflict with federal Health Insurance Portability and Accountability Act of 1996.

The Prescription Monitoring program data will be shared with another state if that state's privacy standards are the same as the boards, or it may be shared with other authorized prescribers of controlled substances, State Board of Medical Examiners and by order of a court. Information on patients will be removed before providing the public and private entities information on stats, research, or information for educational purposes and will be purged five years after dispense.

All breaches on confidentiality will be subject to penalties

The Prescription Monitoring Program Advisory Committee is established for consulting, maintenance, guidelines and operation of the prescription monitoring program. The committee will have members representing the Board, GPSB, pharmacies, optometry, dentistry, and medical professionals. There is an elected chairperson by a vote of 3 members and will meet once annually, and there will be no salary.

Dispensers who fail to submit monitoring information or intentionally submit incorrect information are guilty of a misdemeanor and punished by imprisonment not exceeding 12 months or fined \$1,000 or both.

An individual who willfully and intentionally discloses or uses information on the monitoring program will be guilty of a felony and punished by imprisonment not exceeding 10 years and fined \$10,000 or both.

A dispenser or prescriber cannot be liable for damages, to any persons in any civil, criminal or administrative action for injuries, death, or loss to a person or property on the basis that they did not seek or obtain information from the monitoring program. They are also immune from damages if they acted in good faith when requesting or receiving information from the program.

This bill creates 16-13-120 Chapter 13 of Title 16 of the O.C.G.A.

Cooper, 41st, spoke to the bill.

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

Johnson, 1st, moved that [HB 614](#) **DO PASS BY SUBSTITUTE**; Harbison, 15th, seconded. The vote was unanimous.

Unterman, 45th, arrived at meeting at 1:25 p.m.

[HB 568](#) (**Parsons, 42nd**): Public Service Commission; members shall represent entire state; provisions

This legislation requires the Chairperson of the PSC be selected from other members; the initial Chairperson will serve from January 1, 2010, through January 1, 2013.

Each term will last three years.

Two members may call an election for Chairperson prior to the end of a term, but there can be only one election per calendar year.

Other officers may be elected, as well.

This bill amends 46-2-5 of the O.C.G.A.

Parsons, 42nd, spoke to the bill.

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

Murphy, 27th, moved that [HB 568](#) **DO PASS BY SUBSTITUTE**; Johnson, 1st, seconded. The vote was 8-2. Butler, 55th, and Unterman, 45th, voted nay.

Hill, 4th, arrived at meeting at 1:45 p.m.
Tolleson, 20th, left at meeting at 1:55 p.m.

[HB 579](#) (Maxwell, 17th): Contractors; eligibility for licensure; provide

This legislation authorizes that an entity granted a general or residential contractor license, where the qualified agent had died prior to receipt of the license, to remain eligible to receive the license upon submission of a new agent.

This bill creates 43-41-8(c) of the O.C.G.A.

Maxwell, 17th, spoke to the bill.

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

Seabaugh, 28th, moved that [HB 579](#) **DO PASS**; Stoner, 6th, seconded. The vote was unanimous.

Moody, 56th, left the meeting at 2:05 p.m.

[HB 158](#) (Manning, 32nd): Public water systems; water usage among tenants; revise provisions

This legislation requires that new multi-unit residential structure permitted after January 1, 2010, be equipped to measure water usage by each tenant or unit, and that the owner of that building charge tenants separately for their water usage. The usage must be prorated for common areas. The total charges paid by the owner or operate for water service for each building cannot exceed the total paid for the water by the owner or operator plus a reasonable fee for the water billing.

This bill creates 12-5-180.1(c)

Manning, 32nd, spoke to the bill.

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

Henson, 41st, moved that [HB 158](#) **DO PASS**; Stoner, 6th, seconded. The vote was unanimous.

HB 115 (Jerguson, 22nd): Distilled spirits; state license requirements; identifying information; provide

This legislation adds new definitions of “beneficial interest,” “family,” and “person.”

No person or family can obtain more than or have beneficial interest in more than two retail licenses.

Applicants for a new or renewed retail dealer license must provide one of the following for himself and for the family member to the DOR:

- Georgia driver’s license;
- ID card number;
- Social Security number;
- Passport number;
- Resident alien card number;
- Temporary resident alien card number; or
- INS number.

Failure to supply will result in denial of the license.

Applicants other than individuals must meet these requirements, as well.

These requirements will not prohibit the reissuance of a valid retail license held prior to July 1, 2009, or prior to marriage, or prior to April 3, 1978.

This bill amends 3-3-6, 7, 26; 3-4-20, 25, 49, 61, 111, 111.1; 3-5-20; 3-6-20 of the O.C.G.A.

This bill creates 3-4-80(d) of the O.C.G.A.

Shafer, 48th, spoke to the bill.

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

Murphy, 27th, moved that **HB 115 DO PASS BY SUBSTITUTE**; Stoner, 6th, seconded. The vote was 8-1. Unterman, 45th, voted nay.

Johnson, 1st, Butler, 55th, Seabaugh, 28th, and Stoner, 6th, left meeting at 2:20 p.m.

HB 68 (Sims, 169th): Funeral establishments and crematories; disposition of cremains; provide

This legislation relates to the operations of funeral homes and crematories to require that preneed contracts will govern unless delinquently funded. If no preneed contract exists, the right to control the disposition of the decedent will vest in the following order:

1. The person designated via affidavit by the decedent;
2. Surviving spouse;
3. Sole surviving child, or majority of surviving children;
4. Surviving parent(s);
5. Surviving siblings;
6. Surviving grandparent(s) or majority of same;
7. Guardian of decedent;
8. Estate representative;
9. Kin in order of descent and distribution;
10. The State; or
11. Any other willing person.

A person with a vested right forfeits same if that person:

- Is responsible for the murder or manslaughter of the decedent;
- Does not exercise the right within two days of notification of death or three days after death of decedent;
- If a spouse and marriage was being dissolved; or
- The Probate Court determines the relationship with the decedent was estranged.

The Probate Court must use certain criteria to determine the right of disposition and must consider all relevant circumstances.

The funeral home will not be liable for refusal to accept remains if there is a dispute to disposition until a court order is provided or other written agreement among the applicable parties.

A funeral home may add costs of storage if a dispute persists, and may add legal fees to any court action stemming from dispute of disposition.

- A funeral establishment must receive and retain a statement from an authorized agent specifying, if known, the disposition of the cremated remains;
- An internal tracking system must be available for all cremated remains that are shipped, and a signed receipt is required by the recipient;
- After 60 days if the agent has not specified the disposition or claimed the remains, the funeral establishment who possesses the remains must send a notice for a notification for final instructions. If no notification was

received on final disposition on the remains the establishment will--in a humane way--entomb the cremated remains in crypt, in accordance with applicable laws.

- The final resting place must be marked and recorded and any fees incurred for the entombment will be the responsibility of the agent; costs cannot exceed \$100.

Crematoriums cannot be located within 1000 feet of a platted subdivision.

Balfour, 9th, spoke to the bill. He explained that Section 1 is language from [HB 257](#) which did not crossover when **HB 68** was presented to the Regulated Industries and Utilities Committee. **HB 68** now contained the language from HB 257.

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

Henson, 41st, moved that [HB 68](#) **DO PASS BY SUBSTITUTE**; Murphy, 27th, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 2:40 p.m.

Respectfully submitted:

/s/ Senator David Shafer, Committee Chairman

/s/ Anna E. Boggs, Recording Secretary

October 21, 2009

Honorable Bob Ewing
State Capitol
Atlanta, GA 30334

Dear Mr. Ewing:

Included with the minutes of the Senate Regulated Industries and Utilities Committee meetings for the 2009 legislative session, I am returning [SB 16](#), [SB 147](#), [SB 247](#), [SB 248](#), [SB 272](#), [SR 705](#) and [SR 736](#). I am also returning [HB 168](#).

Sincerely,

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