

SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE

2009—2010

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

Senator Renee Unterman, 45th,
Vice Chairman
Post Office Box 508
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Senator Ed Harbison, 15th, Secretary
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Senator Buddy Carter, 1st
Post Office Box 222
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Senator Gloria Butler, 55th
6241 Southland Trace
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Senator Steve Henson, 41st
2643 Sterling Acres Drive
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Senator Jack Hill, 4th
Post Office Box 486
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Senator Dan Moody, 56th (Ex Officio)
3977 Merriweather Woods
Alpharetta, Georgia 30022

Senator Jack Murphy, 27th, (Ex Officio)
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Cumming, Georgia 30041

Senator Mitch Seabaugh, 28th
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Senator Doug Stoner, 6th
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Senator Ross Tolleson, 20th, (Ex Officio)
Post Office Box 1356
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Senator Tommie Williams, 19th
148 Williams Avenue
Lyons, Georgia 30436

**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, 2010

The Senate Regulated Industries and Utilities Committee meeting was called to order at 9:10 a.m., in 450 State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Unterman, 45th, Vice-Chairman; Harbison, 15th, Secretary; Butler, 55th; Carter, 1st; Henson, 41st; Hill, 4th; Moody, 56th, Ex-Officio; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; Tolleson, 20th, Ex-Officio; and Williams, 19th.

The Chairman then introduced committee members and support staff and welcomed guests. The Chairman introduced new Senator and committee member, Senator Buddy Carter, 1st, and introduced Senator Renee Unterman, 45th, new vice-chairman of the Senate Regulated Industries and Utilities Committee Meeting.

HB 168 (Rep. Cox, 102nd): Telecommunications; modernize competition; provisions

This legislation reduces subsidies distributed from one telecom company to another, reforms the existing Universal Access Fund, and removes outdated regulatory mandates. The objective of this legislation is to: Update and modernize Georgia's law relating to telecommunications; Reduce subsidies paid by Georgia consumers and not impose any new fees; Eliminate out-dated 1995 statutory rate provisions on basic services for alternatively regulated carriers; and Codify provisions of the 1996 Federal Telecom Act.

This legislation also details how the PSC (Public Service Commission) will administer the Universal Access Fund. Additionally, wireless telecom companies must contribute to the fund which leaves the current law in place allowing the PSC to add wireless carriers to the payment base of the future.

The PSC will require all VoIP (Voice over Internet Providers) to register. This registration will allow the state to identify all VoIP carriers operating in the state and make sure they comply with regulations.

HB 168 amends O.C.G.A Chapter 5 of Title 46.

Cox, 102nd, spoke to the bill.

The Chairman announced that today's meeting would be entirely about telecom reform. He explained that they would only be hearing comments and that there would be no vote on **HB 168** at this time.

The following people spoke in favor of **HB 168**:

Kelly McCutchen, Georgia Public Policy Foundation
Debbie Dooley, Freedom Works
Hance Haney, Discovery Institute
Tom McCain, TDS
Chris Jones, Verizon
Gene Watkins, ComSouth
John Silk, Georgia Telephone Association

The following people spoke against **HB 168**:

Chuck Welch, TW Telecom
Rick Moreland, Windstream
Michael Wall, Comcast Cable

After everyone had spoken for or against the bill, Unterman, 45th, asked the Chair when he thought the next hearing or meeting would be on [HB 168](#). The Chair told everyone that he had been working with all the telecom groups and he would continue to meet and work with them until they came to an agreement on how the bill should be.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 11:05 a.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 4, 2010

The Senate Regulated Industries and Utilities Committee meeting was called to order at 2:20 p.m., in 450 State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Unterman, 45th, Vice-Chairman; Harbison, 15th, Secretary; Butler, 55th; Carter, 1st; Henson, 41st; Hill, 4th; Moody, 56th, Ex-Officio; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; Tolleson, 20th, Ex-Officio; and Williams, 19th.

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

The Chairman then stated that the only bill on today's agenda would be **HB 168** and he hoped at the end of the meeting they would be able to vote on the bill.

HB 168 (Rep. Cox, 102nd): Telecommunications; modernize competition; provisions

This legislation reduces subsidies distributed from one telecom company to another, reforms the existing Universal Access Fund, and removes outdated regulatory mandates. The objective of this legislation is to : Update and modernize Georgia's law relating to telecommunications; Reduce subsidies paid by Georgia consumers and not impose any new fees; Eliminate out-dated 1995 statutory rate provisions on basic services for alternatively regulated carriers; and Codify previsions of the 1996 Federal Telecom Act.

This legislation also details how the PSC (Public Service Commission) will administer the Universal Access Fund. Additionally, wireless telecom companies must contribute to the fund which leaves the current law in place allowing the PSC to add wireless carriers to the payment base of the future.

The PSC will require all VoIP (Voice over Internet Providers) to register. This registration will allow the state to identify all VoIP carriers operating in the state and make sure they comply with regulations.

HB 168 amends O.C.G.A Chapter 5 of Title 46.

Cox, 102nd, was not in attendance but had asked the Chairman to speak to the bill.

The Chairman started by saying that the best way to assure low prices and good service, is for the consumer to have choices. He also explained that the bill was intended to level the playing field between providers and to encourage others to enter the telecom market and in doing so it would preserve and create jobs. Also, **HB 168** would reduce subsidies Georgia consumers pay.

He stated that this bill will place telephone and cable providers under the same regulations. He explained that they had been regulated under different laws and now that both services crossed over and provided both services to consumers, they should operate under the same rules.

The Chairman said he would let both sides speak briefly to the bill since the hearing during the last meeting had covered both sides.

Before listening to testimony on the bill, the Chairman called Commissioner Weiss from the Public Service Commission to find out how the PSC stood on the bill. Commissioner Weiss said the PSC was okay with the bill since the parties involved had gotten together and ironed out a good bill for all.

The following spoke in support of **HB 168**:

Bob Krugar, GTA/Com South; Debbie Dooley, Freedom Works; Roger Tutterow, Mercer University; David Pilgrem, CWA; Kevin Curtin, AT&T; Louie Hunter, Americans For Tax Reform; Shane Muchmore, Sprint; Chris Jones, Verizon.

The following spoke against **HB 168**:

Michael Wall, Comcast.

The Chairman asked Kevin Curtin, AT&T and former PSC Commissioner Burgess, to please come up and answer any questions the members of the committee might have. There were few questions.

Unterman, 45th, moved that **HB 168 DO PASS BY SUBSTITUTE**; Carter, 1st seconded. The vote was 10 yeas, 2 nays. Tolleson, 20th, and Butler, 55th, voted against the bill.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 4:05 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 11, 2010

The Senate Regulated Industries and Utilities Committee meeting was called to order at 9:10 a.m., in 450 State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Unterman, 45th, Vice-Chairman; Harbison, 15th, Secretary; Carter, 1st; Hill, 4th; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; Tolleson, 20th, Ex-Officio; and Williams, 19th.

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

The Chairman then stated there were three bills on the agenda.

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

This legislation relates to the regulation of junk dealers.

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.

This bill amends O.C.G.A. 15-9-60

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**; Carter, 1st seconded. The vote was unanimous.

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

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 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 regarding 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 of 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 if more efficient regulations are necessary; or 3.) Repeal the enabling legislation of that entity.

This bill amends O.C.G.A. 43-1A-1, *et. seq.*

Shafer, 48th, and Brian Kemp, Secretary of State, spoke to the bill.

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

Harbison, 15th, moved that [SB 148](#) DO PASS; Tolleson, 20th, seconded. The vote was unanimous.

[SB 335](#) (Murphy, 27th): Alcoholic Beverages; counties with approval; sale on premises 100 yards

This legislation would amend existing language concerning the 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 person may sell any alcoholic beverages for consumption within 100 yards of any housing authority property.

This would authorize 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.

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

This bill amends O.C.G.A. 3-3-21.

Murphy, 27th, spoke to the bill.

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

Hill, 4th, moved that **SB 335 DO PASS BY SUBSTITUTE**; Unterman, 45th, seconded. The vote was unanimous.

HB 231 (Rep. 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 non-load-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 certifies the plan as current, and within compliance.

This bill amends O.C.G.A. 43-4-14 (b) (5).

Representative Jerguson, 22nd, spoke to the bill.

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

Unterman, 45th, moved that **HB 231 DO PASS BY SUBSTITUTE**; Seabaugh, 28th, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 9:40 a.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 18, 2010

The Senate Regulated Industries and Utilities Committee meeting was called to order at 2:00 p.m., in 450 State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Unterman, 45th, Vice-Chairman; Harbison, 15th, Secretary; Butler, 55th, Carter, 1st; Henson, 41st, Hill, 4th; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; and Tolleson, 20th, Ex-Officio.

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

The Chairman then stated there was only one bill on the agenda.

HB 579 (Rep. 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 O.G.G.A. 43-41-8(c).

Representative Maxwell, 17th, spoke to the bill.

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

Henson, 41st, moved that **HB 579 DO PASS BY SUBSTITUTE**; Stoner, 6th seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 2:15 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 2, 2010

The Senate Regulated Industries and Utilities Committee meeting was called to order at 11:35 a.m., in 450 State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Butler, 55th; Carter, 1st; Henson, 41st; Murphy, 27th, Ex-Officio; Seabaugh, 28th; and Williams, 19th.

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

The Chairman then stated there was only one bill on the agenda.

SB 432 (Hawkins, 49th): “Advanced Broadband Collocation Act”

This legislation finds it is the intent of the General Assembly to ensure efficient integration of facilities to provide broadband and reliable wireless communication services throughout this state and encourage the modification or collocation of wireless facilities on existing wireless structures instead of new wireless structures. Further, it is recognized that local governments have specific land use and zoning authority, but there exists a need to establish procedural standards to streamline modification of wireless facilities.

“Collocation” refers to the placement of new wireless facilities on previously approved constructed wireless support structures. This includes placement of accessory equipment and the existing equipment compound.

Applications for collocation or modification of wireless facilities will not be subject to issuance of additional zoning, land use or special permit approvals. This streamlines process application, applications for collocation and modifications that do not increase overall height or width of structure, increase dimensions of the equipment compound, exceed conditions of applications applied to the initial wireless facility or structure, and exceed applicable weight restrictions.

Local reviews of collocation applications will not include evaluation of technical or some characteristics and will not require radio frequency analyses or will not require to demonstrate justifications of collocate at that facility or structure; however, the local government may require certification so that the collocation will not interfere with emergency communications.

This bill creates O.C.G.A.36-66B-1, *et .seq.*

Hawkins, 49th, spoke to the bill

Also speaking in support of the bill were Marci Rubensohn, Georgia Municipal Authority; Todd Edwards, Association County Commissioners of Georgia; Kimberly Adams, Georgia Wireless Distributors and Jett Toney, Gwinnett County Board of Commissioners.

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

Henson, 41st, moved [SB 432](#) **DO PASS BY SUBSTITUTE**; Carter, 1st, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 11:40 a.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, 2010

The Senate Regulated Industries and Utilities Committee meeting was called to order at 9:15 a.m., in 450 State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Unterman, 45th, Vice-Chairman; Harbison, 15th, Secretary; Butler, 55th; Carter, 1st; Henson, 41st; Hill, 4th; Moody, 56th, Ex-Officio; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; Tolleson, 20th, Ex-Officio; and Williams, 19th.

Vice-Chairman Unterman stated the Chairman was on his way and was stuck in traffic and that she would preside until he arrived.

Vice-Chairman Unterman called on Tolleson, 20th, for invocation.

The Vice-Chairman then introduced committee members and support staff and welcomed guests.

SB 460 (Hill, 32nd): Georgia Public Works and Contractor Protection Act; clarify certain provisions

This legislation relates to employee eligibility verification. Public employers may not enter into physical performance contracts unless the contractor verifies employee eligibility through the federal work authorization program.

A new term is defined: "Physical performance of service," means work performed by contractor or subcontractor and all suppliers of labor, materials, machines, and equipment.

Affiants must have been using the federal authorization system for the previous six months and will only contract with subcontractors who affirm the same continuous previous use. Affidavits affirming the eligibility must be maintained by the public employer for five (5) years; persons knowingly or willfully making false statements will be guilty of falsifying a government document.

Contractors will be required to provide the public employer with the identity (including name, address, user identification number, and date of authorization to use the federal program) of all subcontractors hired to perform the obligations under the contract. This must be done within 5 business days of entering into a contract with subcontractors.

Public employers must submit compliance reports to the State Auditor by July 1st annually and will include the employer's federal employment identification numbers and date of authorization with the legal names, address, E-Verify user

number or proof of participation by any contractor or subcontractor; moreover, the date of the contract between contractor and subcontractor and public employer is also required. The State Auditor will conduct annual compliance audits on at least half of the reporting agencies and publish the results by September 20th annually.

The Labor Commissioner will conduct 100 random audits of public employers and contractors, or may conduct an audit due to probable cause, and must report findings to law enforcement authorities.

State agencies or local governments found in violation will be excluded from the list of qualified local governments until that government can show to the Commissioner of Community Affairs a correction of all deficiencies and is in compliance.

If the State Auditor finds two violations within a five-year period, then the public employer will only receive 90 percent of funding the following year after the second violation.

Public employers, contractors, and subcontractors in violation will be listed on the Open Georgia website. No public employee can be liable for negligently accepting a bid from a non-complying contractor or subcontractor.

Contractors and subcontractors found in violation will be prohibited from bidding or public contracting for 12 months. They will be subject to administrative fines and penalties if licenses by their respective licensing agencies.

Effective Date: December 31, 2010.

This bill amends O.C.G.A.13-10-90, 91.

Hill, 32nd, spoke to the bill.

Those that spoke in favor of the bill were: D. A. King, Dustin Inman Society; and Inger Eberhart, Dustin Inman Society

Chairman arrived at 9:40 a.m. and took his place to chair the committee.

There were several who spoke as neutral on the bill with concerns. Those included: Brock Timmons, Georgia Department of Labor; Mark Woodall, Association of General Contractors; Marci Rubensohn, Georgia Municipal Association; Mike McNabb, City of Smyrna; and David Moellering, Georgia Highway Contractors.

The discussion was lengthy by all parties and members as to the merits of the legislation, i.e. practical effects on workers and local governments, social security numbers being provided by large vendors to local governments.

There were several members who thought the bill should be tweaked a little and the author agreed to take the bill and make necessary changes and bring the bill back at a later date for a vote.

SB 415 (Mullis, 53rd): Public Utilities; regulation of private emergency warning point to multipoint

This legislation establishes jurisdiction by the Georgia Public Service Commission (PSC) over emergency warning point to multipoint systems. This is defined as a system owned or operated by private entities; individuals, partnerships, or associations which utilize codeable program receivers and radio broadcast data systems.

Further, the PSC will conduct a performance management audit of each emergency warning point to multisystem provider at least once every five years.

There will be no liability assigned to local governments, state agency or any other political subdivision for failure to deliver information over an emergency warning point to multipoint system.

This bill amends O.C.G.A. 46-1-1.

This bill creates O.C.G.A.46-2-22.1; 46-12-1, 2.

Mullis, 53rd, spoke to the bill.

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

Carter, 1st moved that **SB 415 DO PASS**; 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 10:40 a.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

OFFICE OF LIEUTENANT GOVERNOR
240 State Capitol
Atlanta, Georgia 30334

Casey Cagle
Lieutenant Governor

March 22, 2010

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

Dear Bob:

Pursuant to Senate Rule 2-3.2, please let this letter serve as official notice that Senator John Crosby, 13th, is hereby appointed to the Senate Committee on Regulated Industries and Utilities as an Ex-Officio Member.

This appointment is effective immediately and expires at the end of the day.

Please contact my office if you have any questions or concerns.

Sincerely,

/s/ Casey Cagle
Lieutenant Governor

OFFICE OF LIEUTENANT GOVERNOR

240 State Capitol
Atlanta, Georgia 30334

Casey Cagle
Lieutenant Governor

March 22, 2010

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

Dear Bob:

Pursuant to Senate Rule 2-3.2, please let this letter serve as official notice that Senator Judson Hill, 32nd, is hereby appointed to the Senate Committee on Regulated Industries and Utilities as an Ex-Officio Member.

This appointment is effective immediately and expires at the end of the day.

Please contact my office if you have any questions or concerns.

Sincerely,

/s/ Casey Cagle
Lieutenant Governor

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 22, 2010

The Senate Regulated Industries and Utilities Committee meeting was called to order at 10:45 a.m., in 123 State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Carter, 1st; Harbison, 15th, Secretary; Hill, 4th; Murphy, 27th, Ex-Officio; Tolleson, 20th, Ex-Officio; Crosby, 13th, Ex-Officio; and Hill, 32nd, Ex-Officio.

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

SB 460 (Hill, 32nd): Georgia Public Works and Contractor Protection Act; clarify certain provisions

This legislation relates to employee eligibility verification. Public employers may not enter into physical performance contracts unless the contractor verifies employee eligibility through the federal work authorization program.

A new term is defined: "Physical performance of service," which means work performed by contractor or subcontractor and all suppliers of labor, materials, machines, and equipment.

Affiants must have been using the federal authorization system for the previous six months and will only contract with subcontractors who affirm the same continuous previous use. Affidavits affirming the eligibility must be maintained by the public employer for five (5) years; persons knowingly or willfully making false statements will be guilty of falsifying a government document.

Contractors will be required to provide the public employer with the identity (including name, address, user identification number, and date of authorization to use the federal program) of all subcontractors hired to perform the obligations under the contract. This must be done within 5 business days of entering into a contract with subcontractors.

Public employers must submit compliance reports to the State Auditor by July 1st annually and will include the employer's federal employment identification numbers and date of authorization with the legal names, address, E-Verify user number or proof of participation by any contractor or subcontractor; moreover, the date of the contract between contractor and subcontractor and public employer is also required. The State Auditor will conduct annual compliance audits on at least half of the reporting agencies and publish the results by September 20th annually.

The Labor Commissioner will conduct 100 random audits of public employers and contractors, or may conduct an audit due to probable cause, and must report findings to law enforcement authorities.

State agencies or local governments found in violation will be excluded from the list of qualified local governments until that government can show to the Commissioner of Community Affairs a correction of all deficiencies and is in compliance.

If the State Auditor finds two violations within a five-year period, then the public employer will only receive 90 percent of funding the following year after the second violation.

Public employers, contractors, and subcontractors in violation will be listed on the Open Georgia website. No public employee can be liable for negligently accepting a bid from a non-complying contractor or subcontractor.

Contractors and subcontractors found in violation will be prohibited from bidding or public contracting for 12 months. They will be subject to administrative fines and penalties if licenses by their respective licensing agencies.

Effective Date: December 31, 2010.

This bill amends O.C.G.A.13-10-90, 91.

Shafer 48th, spoke to the bill.

There were several who spoke in support of the bill. Those included: Brock Timmons, Georgia Department of Labor; Mark Woodall, Association of General Contractors; Marci Rubensohn, Georgia Municipal Association; Mike McNabb, City of Smyrna; and David Moellering, Georgia Highway Contractors.

The discussion was lengthy by all parties and members as to the merits of the legislation, practical effects on workers and local governments, and social security numbers being provided by large vendors to local governments.

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

Hill, 32nd, moved that **SB 460 DO PASS BY SUBSTITUTE**; Crosby, 13th, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 11:05 a.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
April 1, 2010

The Senate Regulated Industries and Utilities Committee meeting was called to order at 9:10 a.m., in 450 State Capitol, by Vice-Chairman Renee Unterman, 45th. The following members were in attendance: Unterman, 45th, Vice-Chairman; Harbison, 15th, Secretary; Butler, 55th; Carter, 1st; Henson, 41st; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; Tolleson, 20th, Ex-Officio; and Williams, 19th.

The Vice-Chairman introduced committee members and support staff and welcomed guests. The Vice-Chairman also stated that the Chairman would not be in attendance and that she would preside over the committee meeting.

HB 863 (Rep. Dempsey, 13th): Charitable solicitations; accounting; revise certain provisions

Representative Dempsey, 13th, spoke to the bill.

This legislation strengthens requirements for box collection sites donations and persons who serve as paid solicitors.

This legislation adds a new definition for “collection receptacle” which means an unattended container for collecting goods but not money.

The definition for “paid solicitor” is revised to not include attorneys, investment counselors, accountants, or bankers who make incidental recommendations to make a charitable contribution; however, it broadens the definition to include a person who services a collection receptacle to benefit the charitable purpose. It will expressly not include a person who is paid to remove goods from a collection receptacle, nor will it include registered charitable organization or religious organizations operating a collection receptacle.

Relating to financial statements, the registered charitable organization must include a list of the names and addresses of those who provided the non-monetary donations received as a result of a paid solicitor and whether any consideration was received by the paid solicitor and how it was calculated.

Registration requirements will not apply to persons requesting donations for collection receptacles, nor does it apply to coin boxes.

New language requires collection receptacles operated by a nonprofit religious organization to have in boldface letters the name and contact information of the organization operating the receptacle and its registration status. If it is not owned by a nonprofit, then it must expressly state so, and if the items are to be sold then notice must be provided, as well.

This bill amends O.C.G.A. 43-17-2, 3, 8.

This bill creates O.C.G.A. 43-17-2 (4.2) 8.1.

Present to speak in support of the bill was Tom Bauer, Georgia Goodwill Association.

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

The only discussion was to make clear that this legislation did not include coin boxes.

Henson, 41st, moved that [HB 863](#) **DO PASS**; Carter, 1st, seconded the motion. The vote was unanimous.

Williams, 19th, and Harbison, 15th, and arrived at the meeting at 9:20 a.m.

Seabaugh, 28th, arrived at the meeting at 9:25 a.m.

[HB 1072](#) (Rep. Stephens, 164th): Motor vehicle franchise practices; voluntary releases; provisions

This legislation adds a new definition for “Line-make” which means a collection of models of motor vehicles by a manufacturer offered under a common brand name; however, multiple brands may constitute a single line-make when there is a common dealer agreement with the manufacturer who offers them to its authorized dealers.

Dealers may voluntarily enter into release agreements only if consideration is satisfied to resolve a specific claim between the franchiser and the dealer, but the franchise renewal itself cannot serve as the consideration. Waivers will only apply, too, if consideration is offered and accepted.

Regarding warranties, manufacturers cannot recover its costs from dealers which would include the increasing wholesale price of vehicles or surcharges levied for the sole purpose of recouping costs stemming from recalls; moreover, this does not prevent the increase of cost in the normal course of business.

Termination of franchise agreements for good cause in light of current and forecasted economic conditions, and the franchiser must repurchase new and undamaged vehicles of current and one year prior models even if said vehicles were acquired from another dealer of the same line-make in ordinary course of business. If termination results from the franchisor's bankruptcy or reorganization, the franchisor must pay the goodwill value of the dealership on the date of notice or 12 months prior—whichever is greater; moreover, the dealer must be reimbursed for facility upgrades made within two (2) years of termination.

Franchisers cannot coerce dealers to construct or renovate facilities or showrooms dedicated to a specific line-make if it unreasonably includes current and future forecast economic conditions; the franchiser will bear the burden of proof to show that demand for exclusivity is justified, but this will not apply when consideration is satisfied.

It will be prohibited for a franchiser to cancel a franchise because of a dealer's failure to meet reasonable performance goals in light of current and forecast economic conditions. Also, the franchiser cannot charge back or deduct from sums due to the dealer base on information obtained through other sources that relate to any transaction more than 12 months prior.

The franchiser cannot forbid the dealer from maintaining another line-make vehicle at the same or expanded facility. Further, franchisers cannot directly or indirectly condition an agreement on whether the dealer enters into a site control agreement (absent satisfaction of consideration). Additionally, the franchiser cannot charge back or withhold payment of the dealer sales vehicles which get exports unless the franchiser can prove the dealer had knowledge that the customer intended to export or resell the new vehicle. There will be a rebuttable presumption that the dealer had no knowledge if the vehicle is titled or registered in any other state.

This bill amends O.C.G.A. 10-1-623, 627, 651, 661, 662.

This bill creates O.C.G.A. 10-1-622, 641 (d).

Stephens, 164th, spoke to the bill.

Present to speak in support of the bill was Bill Morie, Georgia Automobile Dealers Association.

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

Tolleson, 20th, moved that [HB 1072](#) **DO PASS BY SUBSTITUTE**; Murphy, 27th, seconded. The vote was unanimous.

Williams, 19th, left meeting at 9:30 a.m.

Seabaugh, 28th, left meeting at 9:42 a.m.

Chairman, Shafer, 48th, arrived at the meeting at 9:45 a.m.

HB 788 (Rep. Knox, 24th): Animal protection; methods of euthanasia; provisions

This legislation prohibits use of gas chambers and intracardial injections in order to euthanize dogs and cats.

This applies to use of chambers using commercially bottled carbon monoxide or other lethal gas or any chamber which alters pressure to change levels of body oxygen or uses combustion engine exhaust for euthanasia purposes.

An exemption for counties with a population less than 25, 000 is deleted; therefore, animal shelters in all Georgia counties will be prohibited from using gas chambers or intracardial injection.

This bill amends O.C.G.A. 4-11-5.1.

Representative Knox, 24th, spoke to the bill.

Murphy, 27th, left the meeting at 10:00 a.m.

Those present to speak in support of the bill were: Will Mangham, DeKalb Animal Control; Rabbi Larry Schlesinger, Macon City Council; Linda Cordey, Liberty County Animal Control and Rebecca Guinn, Lifeline Animal Project.

Those present to speak against the bill were: Representative Gene Maddox, 172nd, a retired veterinarian on behalf of the American Veterinarian Medical Association and Gerry Yoder, Henry County Animal Control.

Lengthy discussion between the members of the committee and the people who spoke as to the intracardial injections and whether they are necessary. The committee felt it to be the best solution to keep the intracardial needle option in **HB 788**.

After discussion, the Vice-Chairman asked if there were any further questions or comments. There were none.

Unterman, 45th, moved that **HB 788 DO PASS BY SUBSTITUTE**; Carter, 1st, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 10:35 a.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

OFFICE OF LIEUTENANT GOVERNOR
240 State Capitol
Atlanta, Georgia 30334

Casey Cagle
Lieutenant Governor

April 12, 2010

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

Dear Bob:

Pursuant to Senate Rule 2-3.2, please let this letter serve as official notice that Senator Jim Butterworth, 50th, is hereby appointed to the Senate Committee on Regulated Industries and Utilities as an Ex-Officio Member.

This appointment is effective immediately and expires at the close of business.

Please contact my office if you have any questions or concerns.

Sincerely,

/s/ Casey Cagle
Lieutenant Governor

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
April 12, 2010

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; Unterman, 45th, Vice-Chairman; Harbison, 15th, Secretary; Butler, 55th; Butterworth, 50th, Ex-Officio; Carter, 1st; Henson, 41st; Murphy, 27th, Ex-Officio; Seabaugh, 28th; Stoner, 6th; and Tolleson, 20th, Ex-Officio.

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

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

[HB 1196](#) (Rep. England, 108th): Buildings; no code requires fire sprinklers in single-family dwelling; provide

This legislation prohibits any applicable residential and fire codes from requiring fire sprinklers in single-family or duplex dwellings.

This bill creates O.C.G.A. 8-2-4.

Representative England, 108th, spoke to the bill.

Those present to speak for the bill were as follows: Jason O'Rourke, Council for Quality Growth; Mark Woodall, Associated General Contractors; Suzanne Williams, Georgia Homebuilders Association.

Murphy, 27th, left meeting at 1:50 p.m.

Those present to speak against the bill were as follows: Jackie Gibbs, Marietta Fire Department; Mel Cosgrove, International Code Council; Ted Baggett, Georgia Municipal Association; Bob Hodge, Plumber and Mechanical Association; David Adams, Sandy Springs Fire Department; Ray Farmer, American Ins. Association; and Todd Edwards, ACCG.

After much discussion and debate about whether the legislature should be passing laws and mandating the city and local governments, Stoner, 6th, presented an amendment to **HB 1196**. Stoner's, 6th, amendment would require cities or counties to mandate fire sprinkler systems in homes more than 30 feet apart, more than 5,000 sq. ft. in size and have a garage underneath the house.

Unterman, 45th, was adamantly against setting parameters for the county and city governments because each county ranging from North Georgia to South Georgia was different and she did not feel the Legislature should be controlling the way the local governments opted to do their individual business.

At this time, the Chairman asked for a show of hands of who was in favor of the Stoner, 6th, amendment. Voting for the amendment were the following members: Harbison, 15th, Butler, 55th, Stoner, 6th, and Henson, 41st.

The Chairman then asked for a show of hands of who was not in favor of the Stoner, 6th, amendment. Voting against the amendment were the following members: Unterman, 45th, Tolleson, 20th, Carter, 1st, Seabaugh, 28th, and Butterworth, 50th.

The Chairman announced that the amendment had failed on a vote of 4 in favor and 5 not in favor.

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

Carter, 1st, moved that **HB 1196 DO PASS**; Harbison, 15th, seconded. The vote was 7-2. Stoner, 6th and Butler, 55th, voted nay.

Tolleson, 20th, left the meeting at 2:25 p.m.

Butterworth, 50th, left the meeting at 2:25 p.m.

HB 1233 (Rep. Lunsford, 110th): Georgia Public Service Commission; costs charged to involved utility; provisions

This legislation authorizes the Georgia Public Service commission (PSC) to charge utilities for the cost of expert testimony when that respective utility initiates proceedings before the PSC.

The maximum amount of charges per case annually are \$200,000; however, charges for utility rate cases, generation constructing monitoring, integrated resource planning and generation certification cases cannot exceed \$600,000 per case annually.

The maximum fee is set to the Consumer Price Index (CPI) and will be adjusted annually by the PSC.

These charges will not apply to Tier 1 local exchange companies under alternative regulation or to certified competing local exchange carriers.

This bill creates O.C.G.A. 46-2-33.

Representative Lunsford, 110th, spoke to the bill.

Butler, 55th, left the meeting at 2:40 p.m.

Harbison, 15th, left the meeting at 2:45 p.m.

Those present to speak for the bill were as follows: Doug Everett, Public Service Commission; Will Phillips, AARP; and Roy Bowen, GTMA

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

Unterman, 45th, moved that [HB 1233](#) **DO PASS**; Carter, 1st, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 2:50 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
April 20, 2010

The Senate Regulated Industries and Utilities Committee meeting was called to order at 11:10 a.m., in 450 State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Unterman, 45th, Vice-Chairman; Harbison, 15th, Secretary; Butler, 55th; Carter, 1st; Hill, 4th; Moody, 56th, Ex-Officio; Murphy, 27th, Ex-Officio; Tolleson, 20th, Ex-Officio; and Williams, 19th.

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

HB 1050 (Rep. Benton, 31st): Real estate appraisers, appraisal management companies; add regulations

This legislation includes real estate appraisal management companies and services under the purview of the Georgia Real Estate Appraisers Board (Board).

A management company is defined as a third-party intermediary between appraisers and consumers where appraisers may serve as independent contractors. It does not include lawyers acting on behalf of clients, appraisal firms, government agencies, or persons acting independently to contract with an appraiser who cannot complete or who must cosign an appraisal report.

The management company must apply for registration with the Board and supply specific information regarding the principals, applicable registered agent, certification policies, and corporate status of that company. It must also provide certification that it can verify appraiser licensure, ability to review the work of its appraisers, and irrevocable consent of process. The Board will publish the list of registered management companies. The Board may require the company to provide proof of financial responsibility via bonds, cash, or by escrow/trust. The controlling person of the management company must hold a certified appraiser classification and maintain specific records relating to fees. Appraisers must be geographically competent and work within the scope of practice. Non-licenses appraisers cannot be retained for work by management companies.

Upon findings of violations by appraisal management companies the Board may refuse to grant or renew applications or registrations, suspend or revoke registrations, impose fines up to \$1000 for each violation or up to \$5000 for multiple violations within a single disciplinary proceeding.

Representative Benton, 31st, spoke to the bill.

Keith Hatcher, Georgia Realtors Association, spoke in support of the bill.

There was discussion as to whether a new board would be established to oversee this new law. The answer being no, this legislation would just include real estate appraisal management companies and services to be under the Georgia Real Estate Appraisers Board.

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

Murphy, 27th, moved that [HB 1050](#) **DO PASS BY SUBSTITUTE**; Carter, 1st, seconded. The vote was unanimous.

[HB 853](#) (Rep. Drenner, 86th): Tanning Facilities Regulation Act; enact

This legislation adds new requirements to the operation of tanning facilities. Definitions are added for “Fitzpatrick scale” which refers to skin types and applicable burning times and “tanning booth” and “tanning device.”

Language is added to the required notice warning of sunbathing for pregnant women. Tanning customers must initialize and consent to the written warnings; example warning statements will be provided by the Department of Community Health (DCH). The tanning facility must retain these records for three years after the customer’s last tanning session at that facility.

New language requires tanning facility operator licenses to be issued by DCH. Applicants must provide the type and model number of tanning equipment, suppliers of that equipment, and a copy of safety procedures for the respective tanning facility. An annual license fee will cost \$25 per facility plus \$15 per devise.

Tanning facilities must be operated by persons 18 or older. Tanning equipment must have emergency intercoms or buzzers and shutoff buttons. If injuries occur, the operator must send a report to DCH within five (5) working days, and DCH must send reports to the US FDA.

Tanning facilities cannot advertise that tanning is free from risk or use thereof will result in health benefits. DCH will have access to facilities during open hours and will have the right to suspend licenses for noncompliance. Local boards of health may inspect facilities on behalf of DCH and levy an annual inspection fee. Any applicable or existing operational variances for facilities will not be permitted nor grandfathered.

This bill would amend O.C.G.A. 31-38-1, 4, 8, 11 and 12.

This bill would create O.C.G.A. 31-38-4.1, 4.2, 9, 9.1.

Representative Drenner, 86th, spoke to the bill.

Dr. Mark Holzberg, Dermatologist, Newnan, Georgia, spoke in support of the bill.

After lots of discussion with the members about the intent of this bill since another bill had failed in the House already, it was thought that this was a watered down version of that bill, which Hill, 4th, said was like a “down payment” on what he felt were regulations to come on tanning bed facilities. He along with other members said they had constituents in their areas that had not had a chance to see the bill or comment on it.

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

Moody, 56th, moved that [HB 853](#) **DO PASS BY SUBSTITUTE**; Butler, 55th, seconded. The bill failed with a vote of 4 in favor of the bill and 5 voting against the bill. Voting yea were Senators Harbison, Butler, Moody, and Seabaugh. Voting nay were Senators Carter, Hill of the 4th, Murphy, Unterman, and Williams.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 12:20 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

September 2, 2010

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 2010 legislative session, I am returning [SB 16](#), [SB 28](#), [SB 147](#), [SB 192](#), [SB 247](#), [SB 248](#), [SB 272](#), [SB 441](#), [SB 447](#), [SB 535](#), [SR 705](#), [SR 736](#) and [SR 1248](#). I am also returning [HB 115](#), [HB 158](#), [HB 568](#) and [HB 853](#).

Sincerely,

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

