

SENATE REGULATED INDUSTRIES AND UTILITIES MEMBER ROSTER FOR 2011

David Shafer, 48th, Chairman
P.O. Box 880
Duluth, GA 30096

Rick Jeffares, 17th
300 Lester Mill Road, Ste. 200-E
Locust Grove, GA 30248

Renee Unterman, 45th, Vice-Chairman
P.O. Box 508
Buford, GA 30518

Mitch Seabaugh, 28th (Ex Officio)
P.O. Box 504
Sharpsburg, GA 30277

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

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

Buddy Carter, 1st
406 Purple Finch Drive
Pooler, GA 31322

Frank Ginn, 47th
P.O. Box 1136
Danielsville, GA 30633

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

Jack Hill, 4th
P.O. Box 486
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George Hooks, 14th
P.O. Box 928
Americus, GA 31709

SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE

RULES
2011—2012 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 27, 2011

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; Henson, 41st; Hill, 4th; Ginn, 47th; Carter, 1st; Jeffares, 17th; Hooks, 14th; and Seabaugh, 28th, Ex-Officio.

The Chairman welcomed everyone to the first meeting in 2011 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. Unterman, 45th, moved that the rules for the 2011-2012 legislative term, DO PASS; Butler, 55th, seconded the motion. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 2:20 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, 15th, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 3, 2011

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; Henson, 41st; Ginn, 47th; Jeffares, 17th; Seabaugh, 28th, Ex-Officio; and Hooks, 14th;

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

The Chairman then stated that the only bill on today's agenda would be **SB 32**.

SB 32 (Shafer, 48th): Public Service Commission: Exempting certain local exchange companies from procedures regarding the issuance of debt

Current law requires companies under the jurisdiction of the Public Service Commission (PSC) to obtain approval from the PSC before issuing stocks, bonds, notes or other debt payable more than 12 months after the date issuance.

This bill exempts local exchange companies (telecommunications companies authorized to provide local exchange service) from PSC approval before issuing stocks, bonds, notes or other evidences of debt as part of a debt transaction that is an interstate transaction, evidenced by:

1. The local exchange company is a wholly-owned subsidiary of a parent company headquartered in a foreign jurisdiction;
2. The debt transaction is between the parent company, the primary obligor, and a financial institution licensed or authorized by any state or federal agency to enter into such transaction; and
3. The local exchange company is issuing the debt to provide collateral to the lending or financial institution in order to accommodate the debt transaction of a parent company or other entity.

SB 32 amends O.C.G.A 46-2-28.

Shafer, 48th, presented the bill.

The following spoke in support of **SB 32**: Public Service Commissioner Stan Wise and Carolyn Ridley of Time Warner.

The Chairman asked if there were any questions.

Henson, 41st, asked if the Public Service Commissioner would have to do checks and if this would save them time. Public Service Commissioner Stan Wise answered yes. That it would exempt types of companies authorized to provide local exchange service from the PSC.

Hooks, 14th, moved that **SB 32 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 2:20 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, 15th, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 3, 2011

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; Harbison, 15th, Secretary; Henson, 41st; Ginn, 47th; Carter, 1st; Hooks, 14th; and Jeffares, 17th.

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

The chairman then stated that there were 3 bills on the agenda: **SB 143**, **SB 108**, and **SB 150**.

Carter, 1st, left the meeting before **SB 143** was presented and did not return to the meeting for any of the votes.

SB 143 (Henson, 41st): Massage Therapy Practice; applicant for a license shall provide information

This legislation amends provisions relating to the licensure of massage therapists by deleting duplicative requirements regarding age, character, education, applicable national tests, and hours and years of necessary practice that were (and still are) required before 2007. No actual requirements fully deleted from Georgia Code.

New language requires applicants to have satisfactory fingerprint record checks to be conducted by the Georgia Crime Information Center and the FBI and other criminal background checks. Applicants are liable for any applicable fees associated with these requirements.

Further, a new code section regarding license by endorsement requires that an applicant possess satisfactory fingerprint results and mirrors other new language presented in this legislation.

SB 143 amends O.C.G.A. 43-24A-8 and creates O.C.G.A. 43-24A-13

Henson, 41st spoke to the bill.

Michael O'Sullivan from the Secretary of State's Office spoke in support of **SB 143**.

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

Ginn, 47th, moved that [**SB 143**](#) **DO PASS**; Harbison 15th, seconded. The vote was unanimous.

[**SB 108**](#) (Shafer, 48th): **Public Utilities; universal service fund; provisions**

This legislation amends existing language regarding the natural gas universal service fund (USF). Specifically, the USF receives revenue from several sources, and this legislation adds to these sources proceeds from sale or lease of facilities that are financed by the fund itself.

The new subsection language prohibits any electing distribution company (regulated providers) which receives funding from the USF to sell or lease facilities for less than the higher of the net book value or fair market value with prior approval from the Public Service Commission.

SB 108 amends O.C.G.A. 46-4-161 and creates O.C.G.A. 46-4-161 (h)

Shafer, 48th spoke to the bill.

There was debate whether gross value is better than net or fair market value when facilities are sold to affiliates. The USF is financially healthy.

Chuck Eaton, PSC, and Tony Wacker, Utilities Examiner with the PSC spoke in support of the bill and stated that there was no opposition from members of the Public Service Commission.

David Weaver, Director of Regulatory Affairs for Atlanta Gas and Light spoke in support of the bill.

Karen Pope of Clean Energy spoke in support of the bill.

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

Henson, 41st, moved that [**SB 108**](#) **DO PASS BY SUBSTITUTE**; Jeffares, 17th seconded. The vote was unanimous.

SB 150 (Ramsey, 43rd): Alcoholic Beverages; sale of distilled spirits; public golf courses

This legislation amends existing law which currently authorizes the sale of malt beverages by the drink on public golf courses; new language further authorizes sale of distilled spirits by the drink on public golf courses; new language further authorizes additional sale of wine and distilled spirits by the drink on public golf courses subject to whether the facility has a retail consumption license.

SB 150 amends O.C.G.A. 3-8-2

Ramsey, 43rd, spoke to the bill.

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

Henson, 41st, moved that **SB 150 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 3:10 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, 15th, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 10, 2011

The Senate Regulated Industries and Utilities Committee meeting was called to order at 3:15 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; Henson, 41st; Ginn, 47th; Carter, 1st; Hooks, 14th; Jeffares, 17th, Seabaugh, 28th (Ex-Officio); and Butler, 55th.

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

The Chairman then stated that there were 4 bills on the agenda: **SB 250, SB 222, SB 114, and SB 78.**

SB 250 (Shafer, 48th): Professions/Businesses; prohibition against licensees; unfair trade practices

This legislation revises language regarding licensed brokers. It deletes provisions regarding undisclosed commissions and other exchanges for consideration relating to real estate transaction. New language that falls under an unfair trade practice failure to disclose any of the following:

1. Receipt of a fee or other valuable item made on behalf of a principal for which it is a reimbursement;
2. Payment of commission to another broker for referral; or
3. Receipt of anything of value for referral or any service.

Further language is deleted regarding failure to cause or preventing disclosure of these fees or valuable considerations.

The failure to obtain written agreement for referral to a licensed broker is added, but deletes language regarding estimates of consideration.

SB 250 amends O.C.G.A. 43-40-25

John Barbour, Georgia Association of Realtors spoke to the bill.

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

Unterman, 45th, moved that **SB 250 DO PASS BY SUBSTITUTE**; Henson, 41st, seconded. The vote was unanimous.

Carter, 1st, arrived at the meeting at 3:30 p.m.
Jeffares, 17th, arrived at the meeting at 3:37 p.m.
Ginn, 47th, arrived at the meeting at 3:50 p.m.
Seabaugh, 28th, arrived at the meeting at 3:55 p.m.

SB 222 (Staton, 18th): Alcoholic Beverages; authorize wine tastings; certain conditions

This legislation authorizes retail dealers to offer wine tastings on their respective premises without violating consumption on premises prohibitions. The wine tasting cannot occur for more than six (6) hours with no more than six (6) wines offered limited to two (2) ounces of a single wine and eight (8) ounces per customer.

Further, only eight (8) customers may be served at a time within an area clearly marked and within ten (10) feet of the point of wine service with a sign prohibiting service to persons less than 21 years-of-age.

An accurate accounting of the wine consumed must be maintained.

No dealer can conduct more than 48 wine tastings per year with no more than five (5) per week.

The retail dealer is liable for compliance.

SB 222 amends O.C.G.A. 3-3-26

Staton, 18th, spoke to the bill.

Skin Edge, Total Wine and More, and Richard Matthews, Classic Wines, both spoke in support of **SB 222**

Stony McGill, Georgia Alcohol Dealers Association, Inc., and Marcia Rubensohn, Georgia Municipal Association, both spoke against **SB 222**. Ms. Rubensohn voiced that the GMA had several concerns about the bill.

Tim Mitchell, Georgia Department of Revenue, spoke to the bill. He advised that the Revenue Department had no opinion for or against the bill.

Jeffares, 17th left the meeting at 4:10 p.m.

There was much discussion among the Senate committee members.

At the end of the discussion, the Chairman asked the committee their favor.

Unterman, 45th, made a motion to table **SB 222**. Harbison, 15th, seconded. The vote was unanimous except for Carter, 1st and Seabaugh, 28th, voted no.

SB 222 WAS TABLED.

SB 114 (Grant, 25th): Distilled Spirits; issuance of a manufacturer's/distiller's license

This legislation authorizes the Revenue Commissioner to issue a license for distilling to fruit growers where either package or by-the-drink sales are already approved by the applicable local government.

Further, the Revenue Commissioner may offer a distilled manufacturing license where the distilled spirit is derived from products other than Georgia-grown perishable fruit. Manufacturing will be permitted in local government jurisdictions that do not allow for liquor sales and the products must be stored in an approved warehouse. License-holders cannot offer sale in dry counties or cities or to any person not holding a wholesale or retail license.

Promotional tours may be available, but tastings are not permitted.

SB 114 amends O.C.G.A. 3-4-24

SB 114 creates O.C.G.A. 3-4-24.1

Grant, 25th spoke to the bill.

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

Ginn, 47th, moved that **SB 114 DO PASS BY SUBSTITUTE**; Butler, 55th, seconded. The vote was unanimous.

SB 78 (Butler, 55th): Georgia Athletic and Entertainment Commission, definitions; Georgia Boxing

This legislation deletes a list of governing entities which regulate boxing, wrestling or martial arts, but adds to the definition of "amateur" status mixed martial arts and that the participant receives no prize within compensation, yet compensation does not include a trophy or belt.

Further, these limits will not apply to boxing, kickboxing or martial art (specifically excluding mixed martial arts) with certain safety requirements including negative tests results for hepatitis B and C and HIV.

The Georgia Boxing Association is added to the list of approved amateur governing entities.

SB 78 amends O.C.G.A. 43-4B-1 and 2

Butler, 55th, spoke to the bill.

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

Henson, 41st, moved that **SB 78 DO PASS BY SUBSTITUTE**; Unterman, 45th 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 Ed Harbison, 15th, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 23, 2011

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; Henson, 41st; Ginn, 47th; Jeffares, 17th; and Hooks, 14th;

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

The Chairman then stated that there were 3 bills on the agenda; **HB 256**, **HB 116**, and **HB 280**.

HB 256 (Willard, 49th): **9-1-1 system; regulation of charges on prepaid wireless services; provisions**

This legislation adds a subsection to O.C.G.A. § 46-5-121 to explain that the intent of the legislature regarding 9-1-1 charges and prepaid wireless services is to move the collection of existing charges to the retail point of sale.

The bill also adds a new code section, O.C.G.A. § 46-5-134.2, which outlines the regulations regarding 9-1-1 charges on prepaid wireless services. The legislation allows counties and municipalities that operate a 9-1-1 answering system to impose a 75 cent 9-1-1 charge for each retail transaction. For these transactions, the seller would collect the amount from the consumer and the charge would be stated on the receipt or told to the consumer by other means. Additionally, sellers can deduct and keep 3 percent of the charges that are collected.

The counties or municipalities that operate a 9-1-1 answering system and impose the 9-1-1 charges would be able to receive a certain amount of the funds. These funds would be deposited in a separate fund called the Emergency Telephone System Fund¹ and would be maintained by the local government.

Further, sellers of prepaid wireless services could not be liable for damages that result from the 9-1-1- services.

HB 256 amends O.C.G.A. 46-5-134.2 and creates O.C.G.A. 46-5-121 (e).

¹ The Emergency Telephone System Fund is the subject of [House Bill 280](#).

Willard, 49th, spoke to the bill.

Debra Nesbitt, ACCG and Greg Whitaker with 911 services, spoke in support of the bill.

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

Harbison, 15th, moved that **HB 256 DO PASS**; Unterman, 45th, seconded. The vote was unanimous.

HB 116 (Parsons, 42nd): Public Service Commission: exempting certain local exchange companies from procedures regarding the issuance of debt

This legislation mirrors Senate Bill 32 which has already passed out of the Senate.

Current law requires companies under the jurisdiction of the Public Service Commission (PSC) to obtain approval from the PSC before issuing stocks, bonds, notes, or other debt payable more than 12 months after the date of issuance.

This bill exempts local exchange companies (telecommunications companies authorized to provide local exchange service) from PSC approval before issuing stocks, bonds, notes, or other evidences of debt as part of a debt transaction that is an interstate transaction, evidenced by:

1. The telecom company is a wholly-owned subsidiary of a parent company headquartered in a foreign jurisdiction;
2. The debt transaction is between the parent company, the primary obligor, and a financial institution licensed or authorized by any state or federal agency to enter into such transaction; and
3. The local exchange company is issuing the debt to provide collateral to the lending or financial institution in order to accommodate the debt transaction of a parent company or other entity.

HB 116 amends O.C.G.A. 46-2-28

Parsons, 42nd, spoke to the bill.

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

Ginn, 47th, moved that **HB 116 DO PASS BY SUBSTITUTE**; Henson, 41st, seconded. The vote was unanimous.

Seabaugh, 28th, entered the meeting at 2:20 p.m.

HB 280 (Harbin, 118th): Emergency Telephone System fund; additional uses for moneys; provide

This legislation amends the Georgia Emergency Telephone Number 9-1-1 Service Act of 1977 by expanding the permitted uses of the fund revenue including cost recovery. This includes actual costs associated with employees and related benefits regardless whether the benefits stem from third-party providers, self-funding risk programs, or group programs. "Employee benefits" is specifically defined to include traditional and post-employment benefits. Further, costs include training new employees and automatic vehicle location systems.

Additionally, monies from the Emergency Telephone System Fund may be used for: insurance for operation and maintenance of the 9-1-1 system on behalf of the local government or its employees; the costs of insurance include premiums, unit fees, and broker fees; it may be used for mobile communications vehicles and equipment if used and designated as a backup 9-1-1 system center; further, indirect costs associated with support of the 9-1-1 center as specified by an indirect cost allocation plan approved by the local government; mobile public safety voice and data equipment or towers. The aforementioned uses are accepted if: 1) the local government provides enhanced 9-1-1 service; 2) revenues from emergency or wireless charges at the end of a fiscal year exceed the cost of providing enhanced 9-1-1 service and includes a 10 percent reserve amount of the previous year's expenditures; and 3) funds are proportionately distributed via population pursuant to applicable local intergovernmental agreements providing the emergency 9-1-1 service.

HB 280 amends O.C.G.A. 46-5-122 and 134

Harbin, 118th spoke to the bill.

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

Henson, 41st, moved **HB 280 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 2:35 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, 15th, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 31, 2011

The Senate Regulated Industries and Utilities Committee meeting was called to order at 6:05 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; Henson, 41st; Ginn, 47th; Carter, 1st; Hooks, 14th; and Butler, 55th.

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 374**.

HB 374 (Mitchell, 88th): Cosmetologists; examinations/applications for registration; change provisions

This bill adds language regarding written and practical exams for cosmetologists, requiring applicants to pass a written and practical exam within 24 months after obtaining the required amount of credit hours on or after July 1, 2011. The State Board of Cosmetology must provide applicants who fail either part with a statement explaining in what areas the applicant was deficient. Additionally, continuing education requirements could be satisfied by attending six or more hours of a cosmetology hair show.

Regarding the regulation of schools and teachers, schools must provide transcripts to students when they graduate or withdraw, and records of students must be kept for a minimum of five years. Also, those wishing to become cosmetology teachers must pass a written and practical exam if it is required.

For apprentices, certificates of registration will be effective for four years and will not be renewed except in certain circumstances. Apprentices who want to obtain a certificate of registration must pass a written and practical exam.

HB 374 amends O.C.G.A. 43-10-9, 10, 12, and 14

Michael O'Sullivan, Director of Legislative Affairs, Secretary of State, spoke to the bill.

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

Unterman, 45th, moved that [**HB 374 DO PASS BY SUBSTITUTE**](#); Henson, 41st, seconded. All members present voted in favor of the bill except Ginn, 47th and Harbison, 15th, who voted No.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 6:30 p.m.

Respectfully submitted:

/s/ Senator Ed Harbison, 15th, Committee Secretary

/s/ Anna E. Boggs, Recording Secretary

June 17, 2011

Honorable Bob Ewing
State Capitol
Atlanta, GA 30334

Dear Mr. Ewing:

Included with minutes of the Senate Regulated Industries and Utilities Committee meetings for the 2011 legislative session, I am returning [SB 124](#), [SB 179](#), [SB 204](#), [SB 222](#), [SR 326](#) and [SR 393](#). I am also returning [HB 332](#).

Sincerely,

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