

SENATE REGULATED INDUSTRIES AND UTILITIES
MEMBER ROSTER FOR 2012

David Shafer, 48th, Chairman
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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
February 2, 2012

The Senate Regulated Industries and Utilities Committee meeting was called to order at 3:00 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; Butler, 55th; Henson, 41st; Hill, 4th; Ginn, 47th; Carter, 1st; Jeffares, 17th; Hooks, 14th; Ligon, 3rd; Loudermilk, 52nd; and McKoon, 29th.

The Chairman welcomed everyone to the first meeting in 2012 of the Senate Regulated Industries and Utilities Committee. He introduced the members of the committee and also introduced the Committee support staff.

The Chairman then stated that there were 2 bills on the agenda: **SB 321** and **SB 313**. The Chairman also stated that this meeting was only a hearing for **SB 321** and **SB 313**. He then stated anyone who would like to speak in support of or against either bill to make sure they had signed the sign-in sheet in order to be called.

SB 321 (Unterman, 45th): Regulated Metals; Certificates of Title: Cancellation—Scrap Vehicles/Parts

- Revisits this issue for the third time in five years regarding secondary metals thefts—especially copper—and how they are handled by recyclers;
- Prohibits cash payments for purchases;
- Checks and electronic fund transfers for personal payment may be held for 14 days;
- Vouchers are an option, but expire after six months;
- Permits will be required for fixed site recycling centers;
- An electronic database will be created to maintain records about regulated metals sellers and purchasers;
- Law enforcement will have access to the database;
- Local government jurisdiction will not be superseded;
- Statements affirming valid ownership of vehicles will be requirement for scrap transactions;
- Transaction records of scrap vehicles must be maintained and provided to the State of Georgia within two days of the transaction.

Georgia continues to be plagued by metal thefts across the state. The Georgia Legislature has twice recently addressed this escalating problem. **SB 203** was enacted in 2007 which added beer kegs to the list and **SB 82** was enacted in 2009 which focused on strengthening the laws and adding new restrictions.

SB 321 amends O.C.G.A. 10-1-350 through 359.1; 40-3-36 and creates O.C.G.A.10-7-357.1 and 357.2; 16-8-22.

Unterman, 45th, spoke to the bill.

The primary point of debate was whether Georgia can regulate the use of cash as legal tender for private transactions. There was also debate about whether to require title for vehicles up to 20 years old (current law is 12).

The following spoke in support of **SB 321**:

City of Atlanta Police

Gwinnett County Police

Oconee County Sheriff

GEMC

Georgia Transmission Corp

Georgia Farm Bureau

Georgia Poultry Association

ACCG

GMA

AT&T

Georgia Automobile Dealers

CSX Railroad

Norfolk Southern

Georgia Independent Automobile Dealers

The following spoke in opposition to **SB 321**:

Georgia Recyclers' Association

After hearing all of the testimony, the Chairman proceeded to the next bill on the meeting agenda, **SB 313**, and reminded the members of the committee and audience that **SB 313** would also be a hearing only.

SB 313 (Rogers, 21st): "Broadband Investment Equity Act"

The intent of the legislation is to ensure fair, competitive and transparent competition between public and private communication service providers (e.g., wireless, internet and cable services). Because the two may operate alongside each other and that public providers regulate private ones, the broad aim of the bill is to prevent public carriers from using their political power to affect outcomes in the private marketplace.

SB 313 would create 36-90-1 et seq.

Rogers, 21st, spoke to the bill.

The following spoke in support of **SB 313**:

Widener University

Georgia Chamber of Commerce

AT&T

Sprint

Comcast

Verizon

Former Mayor of Marietta, Honorable Bill Dunaway

C.W.A.

The following spoke in opposition to **SB 313**:

Keith Brady, City of Newnan

Tim Martin, Stephen County Development Authority

Don Cope, Dalton Utilities

Lanier Dunn, City of Elberton

Lamar Greesor, City of Cartersville

Bruce Abraham, North Georgia Network

Max Beverly, City of Thomasville

David Little, City of Monroe

James Woods, City Manager, City of Hogansville

Brad Day, Banks County

After hearing all of the testimony, the Chairman asked if everyone present who wanted to speak to either bill on the meeting agenda and had not had the opportunity to please let him know. No one responded. He also asked if any of the members would like to make any comment. No one responded.

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 David Shafer, 48th, Committee Chairman

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 9, 2012

The Senate Regulated Industries and Utilities Committee meeting was called to order at 3:00 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; Butler, 55th; Henson, 41st; Hill, 4th; Ginn, 47th; Carter, 1st; Jeffares, 17th; Hooks, 14th; Ligon, 3rd; Loudermilk, 52nd; and McKoon, 29th.

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

The Chairman then stated that there was only 1 bill on the agenda, **SB 321**, and that there would be no testimony for or against the bill since a hearing had been held at the last meeting.

SB 321 (Unterman, 45th): Regulated Metals; Certificates of Title: Cancellation—Scrap Vehicles/Parts

- Revisits this issue for the third time in five years regarding secondary metals thefts—especially copper—and how they are handled by recyclers;
- Prohibits cash payments for purchases;
- Checks and electronic fund transfers for personal payment may be held for 14 days;
- Vouchers are an option, but expire after six months;
- Permits will be required for fixed site recycling centers;
- An electronic database will be created to maintain records about regulated metals sellers and purchasers;
- Law enforcement will have access to the database;
- Local government jurisdiction will not be superseded;
- Statements affirming valid ownership of vehicles will be requirement for scrap transactions;
- Transaction records of scrap vehicles must be maintained and provided to the State of Georgia within two days of the transaction.

Georgia continues to be plagued by metal thefts across the state. The Georgia Legislature has twice recently addressed this escalating problem; **SB 203** was enacted in 2007 which added beer kegs to the list and **SB 82** was enacted in 2009 which focused on strengthening the laws and adding new restrictions.

SB 321 amends O.C.G.A. 10-1-350 through 359.1; 40-3-36 and creates O.C.G.A.10-7-357.1 and 357.2; 16-8-22.

Unterman, 45th, spoke to the bill.

The primary point of debate was whether Georgia can regulate the use of cash as legal tender for private transactions. There was also debate about whether to title for vehicles up to 20 years old (current law is 12).

Two amendments failed: the first by Loudermilk, 52nd, to strike fingerprint language; the second by Ligon, 3rd, to strike the 20 year old vehicle requirement for titles. One non-controversial amendment by Butler, 55th, passed.

The Chairman asked if there was any discussion. There was none.

Carter, 1st, moved that [**SB 321 DO PASS BY SUBSTITUTE**](#); Hooks, 14th, seconded. The vote was 9-2 (Ligon, 3rd, and Loudermilk 52nd, voted nay).

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 3:40 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
February 16, 2012

The Senate Regulated Industries and Utilities Committee meeting was called to order at 3:00 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; Butler, 55th; Hill, 4th; Ginn, 47th; Carter, 1st; Jeffares, 17th; Hooks, 14th; Ligon, 3rd; and McKoon, 29th.

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

To begin, the Chairman passed out a copy of [SB 445 \(Hamrick, 30th\)](#). A bill to be entitled an Act to amend the O.C.G.A., so as to create within the office of the Secretary of State the position of director of professional licensing; to provide for powers, duties, and responsibilities; to provide that the director shall implement rules and regulations relating to certain regulated professions and businesses; to provide that the director shall test, license, and discipline persons licensed pursuant to such title; to create the Georgia Board of Licensing and Regulation; to provide that such board shall promulgate rules and regulations governing certain regulated business and professions; to provide that such board shall hear administrative appeals; to transfer certain powers and duties of licensing boards and commissions to the director of professional licensing and the Georgia Board of Licensing and Regulation; to amend various titles of the O.C.G.A. so as to correct cross-references and to conform those provisions to the duties of the director and the Georgia Board of Licensing and Regulation; and for other purposes.

SB 445 was about 900 pages, so the Chairman wanted each member to have a copy of **SB 445** on CD so they could review the bill before it was presented later on in a meeting of the Senate Regulated Industries and Utilities Committee.

The Chairman then stated that there was only 1 bill on the agenda: **SB 408**.

[SB 408 \(Jeffares, 17th\)](#): “Georgia Utility Facility Protection Act”: Call Before You Dig

SUMMARY

- Redefines “excavating” to specifically exclude replacement of traffic devices within 18 inches in radius and 30 inches in depth from original placement.

ANALYSIS

This legislation amends existing language regarding the Georgia Utility Facility Protection Act (GUFPA) which was originally enacted by the Georgia Legislature in 2000 under House Bill 1290.

GUFPA provides for the protection of the buried utility facility infrastructure within the State of Georgia. That protection is provided by requiring excavators to call for a facility location prior to excavating or blasting and requiring the facility owner/operator to locate their facilities upon request.

Violations of the GUFPA are subject to a civil penalty of up to \$10,000.

Revisions are made to the term “excavating” by reorganizing and specifically excluding the replacement of existing traffic devices that are within 18 inches from the previous location and less than 30 inches in depth from the existing grade (previously 18 inches in depth).

“Normal farming activities” continue to be excluded.

SB 408 amends O.C.G.A. 25-9-3

Jeffares, 17th, spoke to the bill.

The following people spoke in support of **SB 408**:

Forrest Fields, Gwinnett Senior Assistant County Attorney
Todd Edwards, ACCG

The following people spoke in opposition to **SB 408**:

Rick Lonn, Georgia Utility Coordinate Council
Bill DeFoor, Municipal Gas Authority of Georgia

The following spoke on a neutral note to **SB 408**:

Tom Bond, Public Service Commission

There was a lot of discussion on both sides of the issue regarding **SB 408**. The Chairman decided it would be best for the bill to be put in a subcommittee so the issues of both sides could be dealt with and maybe a resolution could be obtained.

Jeffares, 17th, moved that [SB 408](#) be put in a subcommittee; Unterman, 45th, seconded. All members present voted for the bill to be put in subcommittee except Ginn, 47th, who voted nay.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 4:45 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 21, 2012

The Senate Regulated Industries and Utilities Committee meeting was called to order at 3:00 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; Hill, 4th; Ginn, 47th; Carter, 1st; Jeffares, 17th; Hooks, 14th; Loudermilk, 52nd; and McKoon, 29th.

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

The Chairman then stated that there was only one bill on the agenda, SB 445. He also stated that this meeting was going to be a hearing only and that the committee members would not be voting on the bill at this time.

SB 445 (Hamrick, 30th): A BILL to be entitled an Act to amend the O.C.G.A., so as to create within the office of the Secretary of State the position of director of professional licensing; to provide for powers, duties, and responsibilities; to provide that the director shall implement rules and regulations relating to certain regulated professions and businesses; to provide that the director shall test, license, and discipline persons licensed pursuant to such title; to create the Georgia Board of Licensing and Regulation; to provide that such board shall promulgate rules and regulations governing certain regulated business and professions; to provide that such board shall hear administrative appeals; to transfer certain powers and duties of licensing boards and commissions to the director of professional licensing and the Georgia Board of Licensing and Regulation; to amend various titles of the O.C.G.A. so as to correct cross-references and to conform those provisions to the duties of the director and the Georgia Board of Licensing and Regulation; and for other purposes.

Hamrick, 30th, spoke to the bill.

The following spoke in opposition to the bill:

Aubrey Villines, Georgia Chiropractic Association
Debbie Hatmaker, Georgia Nurses Association
Jennifer Moore, NASW of Georgia
Bill Prather, Georgia Board of Pharmacy
Kathy Mann, Georgia Board of Nursing
Tom Leslie, American Council of Engineering Companies, Georgia
Josh Lewbill, Survey and Mapping Society of Georgia
Cynthia Stein, Board of Cosmetology
Gregg Hudspeth, Andrew Kohr and Becky Kirk, Georgia Board of Landscape Architects
Anne K. Smith, AIA Georgia and Georgia Architects
Dr. Bill Buchanan, Georgia Psychological Association
Tom Bauer, Georgia Occupational Therapy Association
David Kirk, AIA Southwest Georgia

Michael Johnson, Greenline Architecture
Don Cook, Georgia Society of CPA's
Gale Macke, Georgia LPCA
Taylor Manley and James Gallocci, SCAD-AIA's

The consensus of the people speaking against the bill was that improvements had been made to each and every licensing board and they were unclear as to the why the total restructuring of the licensing boards was needed at this time.

All who spoke disagreed that the authority for adopting rules for licensing decisions and for disciplinary actions should be removed from the 43 Boards and vested instead in the Division staff (state employees who currently support the Boards) and in a seven-person "Super Board" made up of consumers appointed by the Governor.

There was conversation between committee members and different Board members who spoke mostly to clarify things that were being said as to why this would be a negative bill for Georgia.

There was only one board member attending the meeting who spoke in support of **SB 445**.

Dave Cyr, Parrish Construction Company, Perry, Georgia.

The Secretary of State, Brian Kemp, came and gave a closing statement to the committee members expressing his support of [SB 445](#).

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 5:30 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 23, 2012

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; Unterman, 45th, Vice-Chairman; Butler, 55th; Hill, 4th; Ginn, 47th; Henson, 41st; Carter, 1st; Jeffares, 17th; Hooks, 14th; Loudermilk, 52nd, and McKoon, 29th.

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

The Chairman then stated that there were 3 bills on the agenda: **SB 421**, **SB 459** and **SR 994**.

SB 421 (Loudermilk, 52nd): This legislation authorizes persons or entities licensed by the Secretary of State's office to receive motor vehicle registration information and/or certificates of title.

SB 421 amends O.C.G.A. 40-2-130 and 43-3-23.

Loudermilk, 52nd, spoke to the bill.

There was no one in attendance to speak in support or in opposition to the bill.

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

Ginn, 47th, moved that **SB 421** **DO PASS**. Unterman, 45th, seconded. The vote was 7-1 (McKoon, 29th, voted nay).

SR 994 (McKoon, 29th): A RESOLUTION creating the Senate Broadband Availability Study Committee; and for other purposes.

McKoon, 29th, spoke to the resolution.

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

Hooks, 14th, moved that **SR 994 DO PASS BY SUBSTITUTE**. Ginn, 47th, seconded. The vote was unanimous.

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

SB 459 (Shafer, 48th): This legislation authorizes the Public Service Commission (PSC) to allow consumers to not use electric smart meters. Electric Utilities; consumers may elect not to use smart meters; Public Service Commission may create/regulate a surcharge for consumers who elect not to use smart meters. **Substitute LC 36 2124S Carter, 1st.**

SB 459 amends O.C.G.A. 46-3-8 (i)

Carter, 1st, spoke to the bill.

Those in attendance who spoke in support of the bill were as follows:

Stephen E. O'Day, Smith, Gambrell and Russell
Clark Howard, Consumer Reporter
Sylvia Minton, MAGE Solar

Those in attendance who spoke in opposition to the bill were as follows:

Keith Bass, Electric Cities
Kyle Leech, Georgia Power
Ronnie Noble, Georgia Power

The discussion with members of the committee and those speaking on behalf or against the bill was mostly about whether you could opt out and what would be the consequences and whether or not the smart meter is safe for the consumers.

After much discussion, the Chairman asked if the committee was ready to vote on **SB 459**.

Ginn, 47th, made a motion to **TABLE SB 459**, and Unterman, 45th, seconded. The vote was 6-2 (Carter, 1st, and Henson, 41st, voted nay).

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 6:00 p.m.

Respectfully submitted:

/s/ Senator David Shafer, 48th, Committee Chairman

/s/ Anna E. Boggs, Recording Secretary

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
February 27, 2012

The Senate Regulated Industries and Utilities Committee meeting was called to order at 5:00 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; Hill, 4th; Ginn, 47th; Carter, 1st; Jeffares, 17th; Hooks, 14th; Loudermilk, 52nd; Ligon, 3rd; and McKoon, 29th.

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

The Chairman then stated that there were 3 bills on the agenda: **SB 483**, **SB 453** and **SB 459**.

SB 483 (Mullis, 53rd): Public Service Commission Chairperson. This legislation specifies the term of the PSC Chairperson, and how the chairperson is selected. The chairperson will be chosen by a majority of the PSC members. The term of office will be for 2 years. Any 3 members may call for a chairperson election at any time, but only twice per calendar year. A member can only serve as chairperson for 2 consecutive terms.

SB 483 amends O.C.G.A. 46-2-5.

Mullis, 53rd, spoke to the bill.

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

Hooks, 14th, moved that **SB 483 DO PASS BY SUBSTITUTE**. Ginn, 47th, seconded. The vote was 9-1 (Ligon, 3rd, voted nay).

SB 453 (Carter, 1st): The "Georgia Pain Management Clinic Act"; this bill provides for the licensure of physicians who own, operate and distribute controlled substances at a "pain management clinic."

SUMMARY

- Provides for the definition and licensure of "pain management clinics";
- Establishes two-year term of license;
- Determines required training for physicians, physician assistants and nurses at clinics;
- Describes the obligations and powers of the Georgia Composite Medical Board in licensing pain management clinics; and
- Establishes terms by which the Board may deny, suspend or revoke licenses.

ANALYSIS

This bill provides for the licensure of physicians who own, operate and distribute controlled substances at a “pain management clinic.” A “pain management clinic” is defined as a medical practice that advertises for the relief of pain or as a clinic that treats at least 50% of its patients for chronic, non-terminal pain by use of Schedule II or III controlled substances (§ 43-34-282).

Under the amendment, pain management clinics would be required 1) to renew their licenses every two years; 2) to be owned by physicians practicing in the state of Georgia; and 3) to be staffed while open to the public by a physician, a physician assistant authorized to prescribe controlled substances, or an advanced practice registered nurse authorized to prescribe controlled substances (§ 43-34-283).

Further, the Georgia Composite Medical Board (or “Board”) would be authorized to deny, suspend or revoke license upon finding the licensee or physician has: 1) furnished false or fraudulent information in applying; 2) been convicted of a state or federal law related to any controlled substance; 3) had his or her federal registration to prescribe controlled substances suspended or revoked; or 4) violated the provisions of §43-34, §16-13, §26-4 et seq. (§ 43-34-284). Physicians convicted of a drug felony would be prohibited from owning a pain management clinic or owning a share in a clinic (§ 43-34-283).

Under this bill, the Board may investigate any applicant for a license and may enter agreements with other states to exchange information concerning the licensure of any clinic (§ 43-34-283). Further, the Board would require immediate notification if the clinic closes, or changes ownership, location or management; if it changes physicians; if drugs or devices at the clinic are stolen or lost; if any known state or federal drug-law conviction of any employee of the clinic is discovered; or if any event in which records required by the state or federal government are destroyed, such as disaster, accident, theft destruction or other loss (§ 43-34 285).

SB 453 amends O.C.G.A. 43-34-5.

SB 453 creates O.C.G.A. 43-34-280 through 288.

Carter, 1st, spoke to the bill.

There was little discussion regarding how much discretion to provide to the Medical Composite Board.

Attorney General Sam Olens spoke in support of the bill.

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

Ginn, 47th, moved that **SB 453** **DO PASS BY SUBSTITUTE**, and Jeffares, 17th, seconded. The vote was unanimous.

SB 459 (Shafer, 48th): This legislation authorizes the Public Service Commission (PSC) to allow consumers to not use electric smart meters. Electric Utilities; consumers may elect not to use smart meters; Public Service Commission may create/regulate a surcharge for consumers who elect not to use smart meters

SB 459 amends O.C.G.A. 46-3-8 (i)

Shafer, 48th and Carter, 1st, spoke to the bill.

The Chairman reminded the committee that the bill had been presented in the last meeting and was tabled.

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

Ginn, 47th, moved that **SB 459 DO PASS**, and Jeffares, 17th, seconded. The vote was unanimous.

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

MINUTES OF THE
SENATE REGULATED INDUSTRIES
AND UTILITIES COMMITTEE MEETING
March 14, 2012

The Senate Regulated Industries and Utilities Committee meeting was called to order at 3:00 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; Hill, 4th; Ginn, 47th; Carter, 1st; Jeffares, 17th; Hooks, 14th; Loudermilk, 52nd; Ligon, 3rd; and McKoon, 29th.

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

The Chairman then stated that there were 5 bills on the agenda: **HB 472, HB 769, HB 880, HB 1115 and HB 1132.**

HB 472 (Smith, 131st): Under this bill, sales of barrels of beer or malted beverages to wholesale dealers and retail consumption dealers would not be counted toward the gross sales of the brewpub (3-1-2).

The bill would raise the limit of beer manufactured on premises to 10,000 barrels in a calendar year from 5,000 barrels (3-5-36(3)). In addition, the bill would permit the brewpub to sell up to 5,000 barrels a year to licensed wholesale and retail consumption dealers (3-5-36(2)(C)).

There are currently twelve (12) brewpubs in Georgia. They are located in the following counties:

- Athens-Clarke
- Bibb
- Chatham
- Columbus-Muscogee
- Fulton
- Lumpkin

Brewpubs are defined as eating establishments that manufacture or brew beer or malt beverages. As "eating establishments," brewpubs must derive at least 50 percent of their gross food and beverage sales from prepared meals or food.

HB 472 amends O.C.G.A. 3-1-2 and 3-5-36

Smith, 131st, spoke to the bill.

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

Ginn, 47th, moved that **HB 472 DO PASS**, McKoon, 29th, seconded. The vote was unanimous.

HB 769 (Geisinger, 48th): A BILL to be entitled an Act to amend Chapter 10 of Title 46 of the Official Code of Georgia Annotated, relating to the consumers' utility counsel division, so as to provide that, until such time as the division is appropriately funded, it shall not be necessary to file copies of filings with the Public Service Commission with the division; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The amendment to O.C.G.A. 46-10-5 would no longer require the consumers' utility counsel division to provide filings to the Public Service Commission until the division is funded by an Appropriations Act.

HB 769 would amend O.C.G.A. 46-10-5 (c)

Geisinger, 48th, spoke to the bill.

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

Ginn, 47th, moved that **HB 769 DO PASS**, Hooks, 14th, seconded. The vote was unanimous.

HB 880 (Powell, 29th): This bill regulates the Georgia Real Estate Appraisers Board and Georgia Real Estate Commission. In general, this bill clarifies language concerning how appraisers and brokers are licensed and disciplined, as well as making other pertinent changes.

Procedures of disciplinary hearings for appraisers are refined. Much of the language of when and how the Board may revoke an appraiser's classification remains; however, this bill strikes language that admits evidence of prior disciplinary hearings when an appraiser re-applies for a classification (43-39A-14).

Further, the bill creates "letters of findings," an alternative disciplinary measure. They would give notice to appraisers charged with "alleged violations" of state code or standards of professional conduct (43-39A-18.1). Letters of findings are confidential, not subject to subpoena in a civil action and unavailable for public review (43-39A-18.1). "Letters of findings" would perform the same function for real estate brokers when their alleged violations "appear to have done no harm to **a third party or to the public**" (**43-39A -25.2**).

In addition to disciplinary reforms, the bill would raise the maximum liability of the Real Estate Commission to \$25,000 from \$15,000 for any single act or transaction by its licensees that results in court-ordered compensation. The maximum liability of the Commission for any single licensee would be raised to \$75,000 from \$45,000 (43-40-22).

HB 880 defines "appraisal management company" to exclude "relocation company" (43-39-2).

Currently, a broker must maintain a license actively for two years before being permitted to take a real estate examination. The new law would require a broker maintain a license three of the five years immediately preceding the examination (43-40-8).

HB 880 amends O.C.G.A. 43-39A-2

Powell, 29th, spoke to the bill.

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

Hooks, 14th, moved that **HB 880 DO PASS**, Ginn, 47th, seconded. The vote was unanimous.

HB 1132 (Dickey, 136th): Fair Business Practices Act of 1975; oversight by administrator of certain telemarketing practices; provide

HB 1132 amends O.C.G.A. 10-1-393.13

Dickey, 136th spoke to the bill.

The Chairman asked if there were any questions.

The Chairman asked if there were any further questions. There were not.

Hooks, 14th, moved that **HB 1132 DO PASS**, Ginn, 47th, seconded. The vote was unanimous.

HB 1115 (Dudgeon, 24th): A BILL to be entitled an Act to amend Article 1 of Chapter 4 of Title 14 and Title 46 of the Official Code of Georgia Annotated, relating to general provisions applicable to Secretary of State corporations and public utilities and public transportation, respectively, so as to revise and update certain provisions relating to telecommunications; to remove telegraph companies from the jurisdiction of the Public Service Commission; to eliminate certain provisions relating to telegraph service; to amend various other titles of the Official Code of Georgia Annotated, so as to revise cross-references for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

This legislation deletes references to the regulation of and other requirements relating to telegraph services in Georgia.

Carrier of last resort obligations and purview by the PSC for AT&T (elects alternative regulation and does not receive sums from the Universal Access Fund) are severed.

HB 1115 amends O.C.G.A. 14-4-2; 36-42-2; 46-2-20; 46-2-23; 46-5-1, 2, 26, 41 and 46

HB 1115 deletes O.C.G.A. 46-2-22; 46-5-140 through 147

Dudgeon, 24th, spoke to the bill.

AT&T had a representative present supporting **HB 1115**.

Compsouth and AARP were represented in opposition to **HB 1115**.

PSC was represented as neutral to **HB 1115**.

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

Ginn, 47th, moved that [HB 1115](#) **DO PASS**, Loudermilk, 52nd, seconded. The vote was unanimous.

There being no further business, the meeting of the Senate Regulated Industries and Utilities Committee was adjourned at 4:45 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 20, 2012

The Senate Regulated Industries and Utilities Committee meeting was called to order at 3:00 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; Hill, 4th; Ginn, 47th; Carter, 1st; Jeffares, 17th; Hooks, 14th; Loudermilk, 52nd; Ligon, 3rd; and McKoon, 29th.

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

The Chairman then stated that there were 4 bills on the agenda: **HB 687, HB 872, HB 933 and HB 1049.**

HB 687 (Taylor, 79th): A BILL to be entitled an Act to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, so as to require persons and companies licensed to provide alarm monitoring services to utilize alarm verification in order to preserve valuable municipal and county law enforcement resources; to provide for exceptions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

This legislation would require alarm monitoring companies to make two “reasonable attempts” at contacting the monitored site or owner of the site before dispatching local law enforcement.

HB 687 amends O.C.G.A. 35-1-9.

Taylor, 79th, spoke to the bill.

There was limited discussion as to whether this restricts local control.

Georgia Association of Chiefs of Police and State Farm Association were represented at the meeting in support of **HB 687.**

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

Carter, 1st, moved that **HB 687 DO PASS BY SUBSTITUTE**, McKoon, 29th, seconded. The vote was unanimous.

[HB 933](#) (Rogers, 26th): A BILL to be entitled an Act to amend Code Section 10-14-7 of the Official Code of Georgia Annotated, relating to preneed escrow accounts, so as provide for the release of funds from an escrow account when a monument is placed into a bonded memorial storage program; to provide for related matters; to repeal conflicting laws; and for other purposes.

This legislation authorizes preneed funeral funds and new biocremation processes.

HB 933 amends O.C.G.A. 10-14-3, 3.1, 5, 7, 14, 18; 43-18-1, 46, 50.

HB 933 creates O.C.G.A 10-14-5.1 and 7.1.

Rogers, 26th, spoke to the bill.

The Secretary of State's office and Georgia Funeral Directors Association was represented in support of the bill.

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

Ginn, 47th, moved that **[HB 933](#) DO PASS BY SUBSTITUTE**, Hooks, 14th, seconded. The vote was unanimous.

[HB 872](#) (Shaw, 176th): A BILL to be entitled an Act to amend Article 14 of Chapter 1 of Title 10 of the O.C.G.A., relating to secondary metals recyclers, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to amend Code Section 40-3-36 of the O.C.G.A., relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts, subject to a contingency; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Revisits this issue for the third time in five years regarding secondary metals thefts—especially copper—and how they are handled by recyclers.

HB 872 amends O.C.G.A. 10-1-350 through 359.1; 40-3-36.

HB 872 creates O.C.G.A. 10-7-357.1 and 357.2; 16-8-22.

Unterman, 45th, spoke to the bill.

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

Unterman, 45th, moved **[HB 872](#) DO PASS BY SUBSTITUTE**, Carter, 1st, seconded. The vote was unanimous.

HB 1049 (Willard, 49th): A BILL to be entitled an Act to amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," so as to change its applicability and requirements; to change certain definitions; to correct certain cross-references; to require that Voice over Internet Protocol service suppliers register certain information with the director of emergency management; to require that such information be updated; to provide for notices of delinquency to be sent by the director under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Redefines the "prepaid wireless service" as it pertains to 911 fees in order to close a loophole for prepaid calling plans so that you only pay a 75 cent 911 fee rather than the \$1.50 fee.

HB 1049 amends O.C.G.A. 46-5-122, 124.1, 134, 134.2

Willard, 49th, spoke to the bill.

There was lengthy discussion about whether it is fair for customers who purchase several calling plans per month should pay more than \$1.50. Existing 911 fees do not adequately fund their local emergency services.

The following people spoke in support of **HB 1049**:

Debra Nesbit, ACCG
Greg Whitaker, 911 Director's Association
Rusi Patel, GMA

The following person spoke in opposition to **HB 1049**:

Chris Miller, Metro PCS

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

Carter, 1st, moved that **HB 1049 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 6:00 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 22, 2012

The Senate Regulated Industries and Utilities Committee meeting was called to order at 3:00 p.m., in 450 State Capitol, by Chairman David Shafer, 48th. The following members were in attendance: Senators Shafer, 48th, Chairman; Butler, 55th; Hill, 4th; Ginn, 47th; Carter, 1st; Jeffares, 17th; Hooks, 14th; McKoon, 29th, Ex-Officio; and Ex-Officio for the day, Grant, 25th.

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

The Chairman then stated that there were 5 bills on the agenda: **HB 332, HB 374, HB 520, HB 1065, and HB 1066.**

HB 374 (Mitchell, 88th): A BILL to be entitled an Act to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to change certain provisions relating to examinations and applications for certificates of registration; to provide for a credential's evaluation for an educational program to be submitted to the State Board of Cosmetology under certain circumstances; to change certain provisions relating to continuing education requirements; to change certain provisions relating to maintenance of student records; to change certain provisions relating to regulation and permits for schools, teachers, and instructors; to change certain provisions related to registration and examination of apprentices; to provide for related matters; to repeal conflicting laws; and for other purposes.

It requires cosmologist applicants to pass a written and practical exam within 24 months of obtaining the required credit hours. It also requires schools and teachers to provide transcripts to students upon graduation or withdrawal – and to keep the records for 5 years.

Mitchell, 88th, spoke to the bill.

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

Ginn, 47th, moved that **HB 374 DO PASS BY SUBSTITUTE**, Butler, 55th, seconded. The vote was unanimous.

HB 332 (Parsons, 42nd): A BILL to be entitled an Act to amend Code Section 46-5-167 of the Official Code of Georgia Annotated, relating to the Universal Access Fund, so as to eliminate unnecessary regulation by revising certain provisions related to such fund; to provide for an effective date, to repeal conflicting laws; and for other purposes.

HB 332 amends O.C.G.A. 46-5-167

Parsons, 42nd, spoke to the bill.

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

Carter, 1st, moved that [HB 332 DO PASS BY SUBSTITUTE](#), Ginn, 47th, seconded. The vote was unanimous.

[HB 520 \(Parsons, 42nd\)](#): A BILL to be entitled an Act to amend Code Section 46-3-56 of the Official Code of Georgia Annotated, relating to requirements to purchase energy from a customer generator and safety standards and regulations, so as to change the amount of energy an electric service provider is required to purchase from an eligible customer generator; to provide for related matters; to repeal conflicting laws; and for other purposes.

Increases the amount of energy an electric service provider is required to purchase from an eligible customer generator.

HB 520 amends O.C.G.A. 46-3-56.

Parsons, 42nd, spoke to the bill.

There was some discussion regarding the interpretation of the kilowatt hours.

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

Butler, 55th, moved that [HB 520 DO PASS](#), Jeffares, 17th, seconded. The vote was 5-1 (Grant, 25th, acting as ex-officio, voted nay).

[HB 1065 \(Williams, 4th\)](#): A BILL to be entitled an Act to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change certain provisions relating to tax payment and reporting by licensees; to provide a date by which taxes must be paid for distilled spirits sold by the package or disposed of by wholesale dealers; to provide for electronic record keeping; to declare certain distilled spirits to be contraband; to change certain provisions relating to authorization of the levy of tax on the sale of distilled spirits by the package and imposition of tax by both counties and municipalities; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Changes how records are to be kept at licensing locations, manufacturers, importers, wholesale and retail dealers – alcohol etc., original or photo copy of the license for 3 years. Invoices must be kept at the licensed location. And wherever other records are kept, must be made available upon a 2 day notice. Committee sub says local authorities must also be allowed to view records.

HB 1065 amends O.C.G.A. Title 3.

Shafer, 48th, and Howard Tyler of Department of Revenue spoke to the bill.

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

Hooks, 14th, moved that [HB 1065 DO PASS BY SUBSTITUTE](#), Carter, 1st, seconded. The vote was unanimous.

HB 1066 (Williams, 4th): A BILL to be entitled an Act to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change certain provisions relating to alcoholic beverage licenses; to provide for staggered renewal dates for certain licenses; to revise certain provisions relating to sales of alcoholic beverages near churches, school buildings, and other sites to declare certain distilled spirits to be contraband if not acquired from certain licensees; to establish an annual occupational license tax upon special event applicants; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Addresses DOR licensing issues – creates a special event us permit – for the sale of alcoholic beverages at certain events which would otherwise require a retailers license.

HB 1066 amends O.C.G.A. Title 3.

Shafer, 48th, and Howard Tyler of Department of Revenue spoke to the bill.

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

Hooks, 14th, moved that **HB 1066 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 4:45 p.m.

Respectfully submitted:

/s/ Senator David Shafer, 48th, Committee Chairman

/s/ Anna E. Boggs, Recording Secretary

Senator Tommie Williams
District 19
321 State Capitol
Atlanta, GA 30334

Committees:
Appropriations
Education and Youth
Health and Human Services
Reapportionment and Redistricting
Rules

The State Senate
Atlanta, Georgia 30334
PRESIDENT PRO TEMPORE

March 22, 2012

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

Dear Bob:

In accordance with Senate Rules, the Committee on Assignments has appointed Senator Johnny Grant to serve as Ex-Officio member for the Senate Regulated Industries and Utilities Committee. This appointment shall expire upon the adjournment of the committee meeting. Please feel free to contact me if you have any questions or concerns on this matter.

Sincerely,

/s/ Tommie Williams
Senate President Pro Tempore

July 24, 2012

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 2012 legislative session, I am returning [SB 78](#), [SB 124](#), [SB 179](#), [SB 204](#), [SB 222](#), [SB 250](#), [SB 313](#), [SB 408](#), [SB 445](#), [SB 454](#), [SB 512](#), [SB 539](#), [SR 326](#), [SR 393](#) and [SR 1253](#).

Sincerely,

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