



Summary of general statutes enacted
at the 2009 session of the general assembly of Georgia

Summary of General Statutes Enacted at 2009 Session	2
2009 Clayton County Water Authority Rate Adjustment	3
The National Archives at Atlanta “Documented Rights”	3
After Much Prayer And Consideration...	4

I am pleased to present to you the **Summary of General Statutes Enacted at the 2009 Session** of the General Assembly of Georgia. This represents one of the services which the Legislative Services Committee and the Office of Legislative Counsel perform for the legislative branch of government. This document contains a summary of the general statutes of state-wide application which were enacted at the 2009 regular session of the General Assembly of Georgia. It is intended to be used as a convenient reference for persons desiring to know which laws were enacted or desiring to ascertain the main features of each Act without the necessity of reading the Act in its entirety. Acts may be readily located in the Georgia Laws by Act number. COPIES OF THIS SUMMARY AND LEGISLATION MAY ALSO BE OBTAINED ELECTRONICALLY FROM THE INTERNET WEB SITE OF THE GENERAL ASSEMBLY: www.legis.ga.gov . I plan to provide you with at least 10 ACTS per newsletter until the list is exhausted.

TITLE 1 GENERAL PROVISIONS

Act 8; SB 46

This Act makes extensive editorial amendments to the Office Code Of Georgia Annotated to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions and reenacts the statutory portion of the Code as so amended.

Effective April 14, 2009.

Act 59; SB 27

This Act designates the month of April of every year as "Confederate History and Heritage Month" in Georgia. The Act also designates the Ralph Mark Gilbert Civil Rights Museum as an official Georgia historical civil rights museum. The Act enacts O.C.G.A. Sections 1-4-20 and 50-3-85.

Effective July 1, 2009.

TITLE 2 AGRICULTURE

Act 99; HB 529

This Act preempts certain local ordinances relating to the production of agricultural or farm products. The Act also limits the liability under certain conditions of certain landowners who permit persons to hunt or fish on their property or allow persons on such property for agritourism. The Act enacts O.C.G.A. Sections 2-1-6 and 51-1-53.

Effective May 1, 2009.

Act 100; SB 152

This Act amends certain provisions relating to the administrative authority of the Commissioner of Agriculture, hearings, penalties, final decisions, and judicial review. The Act also authorizes the Commissioner of Agriculture to create, register, license, promote, and protect a trademark for use in connection with the general promotion of all agricultural commodities grown within this state.

The Act also provides for an Agricultural Commodity Commission for Ornamental Plants. The Act amends O.C.G.A. Sections 2-2-9.1, 2-2-10, and 2-8-13 and enacts O.C.G.A. Section 2-8-5.

Effective May 1, 2009.

(Continued on page 2)

TITLE 2 AGRICULTURE

Act 97; SB 43

This Act amends certain provisions providing for the assessment for suppression and eradication programs and conditions of assessments relating to boll weevil eradication. The Act also provides for definitions and penalties. The Act amends O.C.G.A. Sections 2-7-152, 2-7-156, and 2-7-158.

Effective July 1, 2009.

TITLE 5 APPEAL AND ERROR

Act 124; HB 324

This Act provides that no appeal shall be heard in the state until costs of the tribunal appealed from have been paid. The Act amends O.C.G.A. Section 5-3-22.

Effective July 1, 2009.

Act 122; HB 283

This Act increases the filing fees for civil cases in the Supreme Court of Georgia and the Court of Appeals to \$300.00. The Act also lifts the fee cap to be charged to applicants for admission to the bar by examination. The Act amends O.C.G.A. Sections 5-6-4 and 15-19-2. The change to O.C.G.A. Title 5 is effective on July 1, 2009, and the change to O.C.G.A.

Title 15 is **Effective May 4, 2009.**

TITLE 6 AVIATION

Act 240; SB 85

This Act enacts the "Georgia Aviation Authority Act" and establishes the Georgia Aviation Authority for purposes of acquiring, operating, maintaining, housing, and disposing of all state aviation assets and providing aviation services and oversight of state aircraft and aviation operations. The Act repeals provisions governing aviation operations conducted by the Department of Transportation pursuant to the "Air Transportation Act." The Act enacts O.C.G.A. Sections 6-5-1 through 6-5-10, amends O.C.G.A. Section 32-2-2, and repeals O.C.G.A. Sections 50-19-20 through 50-19-26.

Effective July 1, 2009.

TITLE 7 BANKING AND FINANCE

Act 31; HB 141

This Act updates definitions, provides for penalties for failure of financial institutions to provide information requested by the Department of Banking and Finance, and includes bank holding companies in the definition of financial institutions. The Act also provides for payment of dividends by Subchapter S banks, changes the amount of par value, and provides certain investigative powers to the department. The Act further provides immunity to the department for proper disclosure of certain information, updates the records required to be maintained by a licensee, and prohibits the employment of persons who have a final cease and desist order entered against them. The Act amends O.C.G.A. Sections 7-1-4, 7-1-68, 7-1-91, 7-1-243, 7-1-285, 7-1-460, 7-1-651, 7-1-684.1, 7-1-685, 7-1-686, 7-1-687.1, 7-1-692, 7-1-703, 7-1-704, and 10-1-393 and enacts O.C.G.A. Sections 7-1-689.2, 7-1-707.2, and 7-1-707.3.

Effective July 1, 2009.

Act 66; HB 312

This Act incorporates provisions of the federal S.A.F.E. Mortgage Licensing Act of 2008, a part of the Housing and Economic Recovery Act of 2008, Public Law 110-289, into the Official Code of Georgia Annotated. The Act amends O.C.G.A. Sections 7-1-1000 through 7-1-1003.5, 7-1-1004, and 7-1-1005 through 7-1-1021; enacts O.C.G.A. Sections 7-1-1001.1, 7-1-1003.6, 7-1-1003.7, and 7-1-1004.1 through 7-1-1004.3; and repeals O.C.G.A. Section 7-1-1003.4. **Effective July 1, 2009.**

2009 CCWA Rate Adjustment

What are the old rates/new rates?

Residential Rates:

Water Usage	Current Rate (per thousand gallons)	New Rate (per thousand gallons)
0 - 3,000	\$4.32	\$4.32
4,000 - 7,000	\$4.54	\$4.81
8,000 - 20,000	\$5.40	\$5.72
20,001 or more	\$6.48	\$6.87
Sewer Usage	Current Rate (per thousand gallons)	New Rate (per thousand gallons)
0 - 3,000	\$4.46	\$4.46
More than 3,000	\$4.68	\$5.05

Non-Residential Rates (commercial, industrial, multi-family, etc.):

- Adjust water rates by 6% for all usage (current rate = \$4.54; new rate = \$4.81)
- Adjust sewer rates by 8% for all usage (current rate = \$4.68; new rate = \$5.05)

New minimum bill amounts by meter size – water & sewer

Meter Size	Current Minimum Use	Current Minimum Bill	New Minimum Use	New Minimum Bill
○ 5/8"	3,000	\$27.66	3,000	\$29.58
○ 3/4"	4,000	\$36.88	4,000	\$39.44
○ 1"	8,000	\$73.76	6,000	\$59.16
○ 1.5"	25,000	\$230.50	20,000	\$197.20
○ 2"	56,000	\$516.32	45,000	\$443.70
○ 3"	111,000	\$1,023.74	89,000	\$877.54
○ 4"	167,000	\$1,539.74	134,000	\$1,321.24
○ 6"	222,000	\$2,046.84	178,000	\$1,755.08
○ 8"	333,000	\$3,070.26	266,000	\$2,622.76
○ 10"	444,000	\$4,093.68	355,000	\$3,500.30

The National Archives at Atlanta “Documented Rights”:

Celebrating the 75th (1934-2009) Anniversary of the National Archives June 13, 2009 through February 23, 2010. “Documented Rights” features more than 80 documents, images, photographs, and sound recordings that exemplify the depth of records in the National Archives chronicling the evolution of human and civil rights in the United States. From a slave manifest dated 1844 to the five cases that comprised the 1954 Brown v. Board of Education decision, the exhibit

gives voice to those who fought for or championed personal rights and freedoms. Each of the exhibit’s five historic theaters features a signature personality and thematic song intended to evoke the memories, longings, and challenges of the times. **FREE ADMISSION** Tuesday - Saturday, 8:30 a.m to 5:00 p.m. 5780 Jonesboro Rd, Morrow. For more information (770) 968-2100 www.archives.gov/southeast

HHS RESCINDS MEDICAID REGULATIONS

Department of Health and Human Services (HHS) Secretary Kathleen Sebelius today announced that the administration will rescind all or part of three Medicaid regulations that were previously issued and delay the enforcement of a fourth regulation.

Each of these rules, in whole or in part, had been subject to congressional moratoria set to expire on July 1, 2009. “These regulations, if left in place would have potentially adverse consequences for Medicaid beneficiaries, some of our nation’s

most vulnerable people,” said Secretary Sebelius.

“By rescinding these rules, we can expect that children will continue receiving services through their schools, beneficiaries will be able to

HHS RESCINDS MEDICAID REGULATIONS cont.

access all available case management resources to help them better manage their health care, and outpatient hospital and clinic services can continue to be covered in the most efficient manner.” “The actions we are taking today are necessary to ensure that the states have the flexibility they need to fully serve Medicaid-eligible individuals,” said Secretary Sebelius.

The Centers for Medicare & Medicaid Services (CMS) and HHS today are:

- Rescinding a final rule, published December 28, 2007, that would have eliminated reimbursement for school-based administrative costs and costs of transportation to and from schools. The rescission reflects concern that the rule could limit the Medicaid administrative outreach activities of schools, and that the overall budgetary

impact on schools could potentially impact their ability to offer Medicaid services to students.

- Rescinding a rule, published November 7, 2008, that would have limited the outpatient hospital and clinic service benefit for Medicaid beneficiaries to the scope of services recognized as an outpatient hospital service under Medicare. This rule was rescinded because CMS became aware that coverage beyond that scope could not be easily moved to other benefit categories, resulting in great impact than previously anticipated.
- Rescinding provisions of an interim final rule published December 4, 2007, which would have restricted beneficiary access to case management services. These provisions appeared to, in practice, restrict beneficiary access to needed

covered case management services, and limit state flexibility in determining efficient and effective delivery systems for case management services.

- Delaying until June 30, 2010, the enforcement of portions of a regulation that clarified limitations on health care related tax programs so that CMS could determine whether states need additional clarification or guidance. CMS may also further review the potential impact of the regulation, and give additional consideration to alternative approaches.

Dear Friends,

After much prayer, consideration, encouragement and speculation, I have decided to seek election to the Georgia State Senate representing the 44th District of Georgia. I filed documentation with the State on July 1st authorizing me to form a campaign and receive campaign contributions.

I have thoroughly enjoyed serving the constituency of House District 76 and look forward to continuing to serve the District since 100% of the 76th House District is within the boundaries of the 44th Senate District.

I believe I am now called to serve with increased responsibility in regards to jurisdiction and population. I ask for your continued support and prayers as I endeavor to continue my service to the Clayton County and Henry County communities, the Southern Crescent and the great State of Georgia.

“Serving Proudly; Making A Difference”



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NEXT ISSUE: MORE SUMMARY OF GENERAL STATUTES ENACTED AT THE 2009 SESSION