

Senate Bill 154

By: Senators Murphy of the 27th, Pearson of the 51st, Johnson of the 1st, Rogers of the 21st, Shafer of the 48th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 30 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable only to municipal corporations, so as to provide that municipal
3 corporations and newly incorporated municipalities enter into certain agreements with solid
4 waste collection firms providing services for the territory annexed or incorporated; to provide
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 30 of Title 36 of the Official Code of Georgia Annotated, relating to general
9 provisions applicable only to municipal corporations, is amended by adding a new Code
10 Section to read as follows:

11 "36-30-14.

12 (a) For the purposes of this Code section:

13 (1) 'Displacement' or 'displace' shall mean any action by a municipality which prohibits
14 or has the effect of prohibiting a firm from providing all or a portion of the collections
15 services for solid waste or recovered materials or both which the firm is providing at the
16 time of final approval of the action which would result in the displacement of the firm.

17 (2) 'Economic loss' shall mean a sum equal to 36 times the average gross monthly
18 revenue for the three months prior to the passage of the resolution or any other act
19 communicating a governing entity's intent to displace the firm, collected or due the firm
20 for residential, commercial, and industrial collection service in the territory where the
21 displacement is to occur.

22 (3) 'Firm' shall mean a private solid waste collection firm.

23 (4) 'Franchise agreement' shall mean the right and privilege to provide solid waste
24 collection services granted to a firm by a governing entity responsible for providing solid
25 waste collection in the territory to be annexed or incorporated or where a displacement
26 is to occur.

1 (5) 'Local Act' shall mean a local Act passed by the General Assembly granting an
2 original charter creating a municipal corporation pursuant to Chapter 31 of this title.

3 (6) 'Municipal corporation' or 'municipality' shall mean:

4 (A) A municipal corporation pursuant to Article 4 of Chapter 36 of this title; or

5 (B) A municipal corporation newly incorporated pursuant to Chapter 31 of this title.

6 (7) 'Resolution' shall mean a resolution required pursuant to Article 4 of Chapter 36 of
7 this title as a condition to a municipal corporation annexing any territory.

8 (8) 'Referendum' shall mean a referendum required ratifying a resolution pursuant to
9 Article 4 of Chapter 36 of this title.

10 (b) Prior to a firm receiving any benefit pursuant to subsection (d) of this Code section, the
11 firm must first establish that:

12 (1) At least 30 days prior to the date of adoption of a resolution by a municipal
13 corporation or other act by a governing entity communicating the municipal corporation's
14 or governing entity's intent to displace the firm, it is providing solid waste collection
15 services pursuant to a franchise agreement or contract with the entity responsible for
16 providing solid waste collection services in the displacement area;

17 (2) On the date of a referendum, the effective date of the local Act, or effective date of
18 any other displacement action, the firm is providing solid waste collection services in the
19 territory where the displacement is to occur; and

20 (3) As a result of annexation, incorporation, or some other displacement action the firm's
21 franchise or contract with a county for solid waste collection will terminate services in
22 the territory where displacement is to occur.

23 (c) A municipal corporation or any other government entity displacing a firm shall provide
24 public notice of its intent to take an action which will displace a firm by publishing notice
25 of such intent in at least one newspaper of general circulation in the displacement territory
26 120 days prior to the first vote on the resolution by the municipal corporation or the first
27 vote on an action by another governing entity that would result in the displacement of the
28 firm. Any notice pursuant to this subsection shall specify the territory or territories in
29 which the firm is to be displaced.

30 (d) Within six months of any notice given pursuant to subsection (c) of this Code Section,
31 the municipal corporation or other government entity displacing the firm may proceed with
32 other measures to provide collection services for solid waste collection or recovered
33 materials, or both, provided, however, that the municipal corporation either:

34 (1) Provides four years' notice which shall run from the date of final approval of the
35 resolution or other displacing action; or

36 (2) Pays the firm's economic loss, with one-third to be paid within 30 days of the
37 termination and the balance to be paid in 12 equal monthly installments during the

1 succeeding 12 months. Any remaining economic loss payment is forfeited if the firm
2 terminates service to customers in the annexed territory or the area where the
3 displacement occurred.

4 Nothing in this subsection shall impede the municipal corporation or other government
5 entity displacing the firm and the firm from negotiating a settlement satisfactory to both
6 parties."

7 **SECTION 2.**

8 This Act shall become effective upon its approval by the Governor or upon its becoming law
9 without such approval.

10 **SECTION 3.**

11 All laws and parts of laws in conflict with this Act are repealed.