

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

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 30 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable only to municipal corporations, so as to provide definitions; to provide that municipal corporations and newly incorporated municipalities shall provide certain notice to solid waste collection firms prior to displacing such firms from providing services to the municipal corporations and newly incorporated municipalities; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"36-30-14.

(a) For the purposes of this Code section:

(1) 'Agreement' shall mean any subscription agreement or franchise agreement for solid waste collection services.

(2) 'Displacement' or 'displace' shall mean any action by a municipality or a governing entity responsible for providing solid waste collection which prohibits or has the effect of prohibiting a firm from providing all or a portion of the collections services for solid waste or recovered materials or both which the firm is providing at the time of final approval of the action which would result in the displacement of the firm, with the exception of an action taken by a municipality, a governing entity responsible for solid waste collection, or a private entity subject to a subscription agreement displacing a firm subsequent to material breach of the service agreement by such firm.

(3) 'Displacement territory' shall mean the territory for which a firm is providing solid waste collection services at the time of displacement.

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

(5) 'Franchise agreement' shall mean the right and privilege to provide solid waste collection services granted to a firm by a governing entity responsible for providing solid waste collection in the displacement territory.

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

(7) 'Municipal corporation' or 'municipality' shall mean:

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

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

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

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

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

(1) At least 30 days prior to the date of adoption of a resolution by a municipal corporation or other act by a governing entity communicating the municipal corporation's or governing entity's intent to displace the firm, the firm is providing solid waste collection services pursuant to an agreement or contract with the municipality or government entity responsible for providing solid waste collection services in the displacement territory;

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

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

(c) The municipal corporation or government entity displacing the firm may proceed with other measures to provide collection services for solid waste collection or recovered materials, or both, provided, however, that the municipal corporation or government entity allows the firm to continue to provide solid waste collection services in a displacement area for a period of 30 months, or a period equal to the term remaining on the firm's original contract with the municipality or government entity to provide solid waste collection services in the displacement territory, whichever is less. Nothing in this subsection shall impede the municipal corporation or other government entity displacing the firm and the firm from negotiating a settlement satisfactory to both parties."

SECTION 2.

1

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

SECTION 3.

4

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