

House Bill 688

By: Representative Holt of the 112th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
2 public transportation, so as to provide for jurisdiction of the Georgia Public Service
3 Commission; to provide that a subsidiary corporation of an electric membership corporation
4 exercising the power of eminent domain shall submit a plan to the local governing authority;
5 to provide for the approval or rejection of such submission; to provide for binding arbitration;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
10 transportation, is amended by adding a new Code section to read as follows:

11 "46-2-60.

12 The commission shall have the authority and the duty to arbitrate and rule on any dispute
13 arising between a local governing authority and a subsidiary company of an electric
14 membership corporation pursuant to Code Section 46-3-201."

15 **SECTION 2.**

16 Said title is further amended by revising paragraph (9) of subsection (b) of Code Section
17 46-3-201, relating to the existence of electric membership corporations under articles of
18 incorporation, duration of corporations, and powers of corporations generally, as follows:

19 "(9) To acquire, own, hold, use, exercise, and, to the extent permitted by law, sell,
20 mortgage, pledge, hypothecate, and in any manner dispose of franchises, rights,
21 privileges, licenses, rights of way, and easements necessary, useful, or appropriate. Any
22 such electric membership corporation shall have the right to acquire rights of way,
23 easements, and all interests in realty necessary and appropriate to effectuate the purposes
24 of such electric membership corporation by condemnation under the same procedure and
25 terms as provided by Title 22, subsection (e) of this Code section, and any other law of

26 this state which provides a method or procedure for the condemnation of property for
27 public purposes by all persons or corporations having the privilege of exercising the right
28 of eminent domain;"

29 **SECTION 3.**

30 Said Code section of said title is further amended by adding a new subsection to read as
31 follows:

32 "(e)(1) As used in this subsection, the term 'subsidiary corporation' means a corporation
33 owned or controlled by one or more electric membership corporations that derives the
34 right to obtain rights of way and easements from paragraph (9) of subsection (b) of this
35 Code section.

36 (2) Each subsidiary corporation exercising the power of eminent domain shall submit a
37 map showing the proposed right of way or easement to the governing authority of the
38 political subdivision in which such property is located. The local governing authority
39 shall either approve or reject the proposal within three months of such submission.
40 Failure of the local governing authority to take action on the proposal by the expiration
41 of three months shall be deemed to be approval. If the local governing authority and the
42 subsidiary corporation cannot agree on a right of way or easement, the matter shall be
43 submitted to binding arbitration to the Public Service Commission as authorized by Code
44 Section 46-2-60. The decision of the commission shall be final."

45 **SECTION 4.**

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