

House Bill 789

By: Representatives Kidd of the 145th and Epps of the 144th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to counties only, so as authorize the power to grant franchises
3 to or make contracts with certain utility systems and to charge certain fees as a result of such
4 franchise agreements or contracts; to provide for a definition; to provide for procedures,
5 conditions, and limitations; to provide for an effective date; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to general
10 provisions applicable to counties only, is amended by adding a new Code section to read as
11 follows:

12 "36-1-27.

13 (a) As used in this Code section, the term 'utility system' means railroads; street railways;
transportation companies; companies providing electricity, light, power, heat, gas,
steam-heat, water, telephone, or wireless service; or other public utilities. Such term shall
not include cable and video services regulated pursuant to either Chapter 18 or Chapter 76
of this title.

18 (b)(1) In addition to other powers which it may have, the governing authority of any
county shall have the power to grant franchises to or make contracts with a utility system
within the territorial limits of the county for the use and occupancy of the streets of the
county or for the purpose of rendering utility system services, upon such conditions and
for such time as the governing authority of the county may deem wise and subject to the
Constitution and the general laws of this state. In connection with the granting of such
franchise or making of such contract, the governing authority of the county is authorized
to charge a franchise fee to any such utility system for the right to operate within the
unincorporated area of the county.

(2) The amount of any franchise fees for any utility system shall be determined under the same general law terms, conditions, and requirements that would otherwise be applicable to a municipality and such utility system.

(3) The amount of fees collected from customers of a utility system as a result of franchise agreements or contracts authorized by this Code section shall be itemized on bills or invoices transmitted to customers for utility system services. The requirements of this paragraph shall not apply to fees that are included in the system-wide charges or base rates of a utility system subject to a franchise agreement or contract.

(c) Notwithstanding any other provision of law, a county shall neither grant a franchise nor charge or collect a franchise fee for the operation of a utility system within the corporate limits of any municipality except by agreement with the municipality and a municipality shall neither grant a franchise nor charge or collect a franchise fee for the operation of a utility system or any other entity within the unincorporated area of a county except by agreement with the county."

SECTION 2.

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

SECTION 3.

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