

House Bill 789

By: Representatives Kidd of the 145<sup>th</sup> and Epps of the 144<sup>th</sup>

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;  
14 transportation companies; companies providing electricity, light, power, heat, gas,  
15 steam-heat, water, telephone, or wireless service; or other public utilities. Such term shall  
16 not include cable and video services regulated pursuant to either Chapter 18 or Chapter 76  
17 of this title.

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

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

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

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

41 **SECTION 2.**

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

44 **SECTION 3.**

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