

House Bill 438

By: Representatives Anderson of the 10th, Williamson of the 112th, Parsons of the 44th,
Frazier of the 126th, Jones of the 25th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding public utilities and public transportation, so as to prohibit
3 governmental entities from adopting any policy that prohibits the connection or reconnection
4 of any utility service or sales of certain fuels based upon the appliance to be used by a
5 customer; to provide for related matters; to provide for an effective date; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general
10 provisions regarding public utilities and public transportation, is amended by revising Code
11 Section 46-1-6, relating to governmental entities prohibited from restricting utility service
12 connection or sale of fuels based on type and the ability to choose utility service, as follows:
13 "46-1-6.

14 (a) As used in this Code section, the term:

15 (1) 'Governmental entity' means any:

- 16 (A) Municipality, public corporation, political subdivision, instrumentality, body
17 politic, authority, district, consolidated government, county, or any board, commission,
18 agency, department, or board of any such entity;
- 19 (B) State board, commission, agency, department, or board; or
20 (C) Other form of government.
- 21 (2) 'Policy' means an ordinance, resolution, regulation, code, or any other requirement
22 imposed by a governmental entity.
- 23 (b) No governmental entity of this state shall adopt any policy that restricts or prohibits,
24 or has the effect of restricting or prohibiting, based on the type or source of energy or fuel
25 to be delivered or the appliance to be used:
- 26 (1) The connection or reconnection of a customer to an electric utility, gas company, or
27 natural, manufactured, or liquefied petroleum gas service;
- 28 (2) Sales of liquefied petroleum gas, including, but not limited to, directly to a consumer
29 by a retail establishment; or
30 (3) Sales of other liquefied petroleum products.
- 31 (c) Nothing in this Code section shall limit the ability of a governmental entity to choose
32 utility services for properties owned by such governmental entity."

33 **SECTION 2.**

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

36 **SECTION 3.**

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