

HOUSE BILL 3975

By Sargent

AN ACT to amend Chapter 79 of the Acts of 1903; as amended by Chapter 126 of the Private Acts of 1967; Chapter 114 of the Private Acts of 2006; and any other acts amendatory thereto, relative to charter of the City of Franklin.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 79 of the Acts of 1903, as amended by Chapter 126 of the Private Acts of 1967, Chapter 114 of the Private Acts of 2006, and any other acts amendatory thereto, is amended in Article II, Section 1 by deleting Subsection 9 in its entirety and by substituting instead the following:

(9) Grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the city and those therein, and this authorization shall apply to both residential and commercial service and shall be authorized regardless of zone. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the city itself. Franchises may be granted for the period of thirty (30) years or less, but no longer. The Council may prescribe in each grant of a franchise, the rate, fares, charges, and regulations that may be made by the grantee of the franchise. The Council may also impose upon the grantee of any franchise a reasonable franchise fee for the use of the city's rights-of-way, and the franchisee is authorized to pass the costs of such fee on to its customers within the City of Franklin. Any franchise fee shall be calculated by any legal means in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as said

corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened. This act shall not alter in any fashion any existing franchise agreement in place as of the date of enactment of this act between the city and any provider of telecommunications services or information services.

## SECTION 2.

(a) This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Franklin within sixty (60) days of its signing by the governor of this state, or unless it is approved by a majority of the number of qualified voters of the City of Franklin voting in an election on the question of whether or not the act should be approved. The local legislative body, in its discretion, shall determine which of the preceding methods of local approval shall be used.

(b) If the local legislative body chooses the method of local approval that requires the vote of the legislative body, then the approval or nonapproval of this act shall be proclaimed by the presiding officer of the legislative body of the City of Franklin and certified to the secretary of state.

(c) If the local legislative body chooses the method of local approval that requires a referendum, then the local legislative body shall determine whether such referendum shall be part of the next regularly scheduled election or if a special election shall be called. The ballots shall have printed on them a summary of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon ratification as provided in Section 2.