

House Bill 1525 (AM)

By: Representative Royal of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding the General Assembly, Chapter 3 of Title 1 of the Official Code
3 of Georgia Annotated, relating to laws and statutes, and Chapter 36 of Title 36 of the Official
4 Code of Georgia Annotated, relating to annexation, so as to change procedures and
5 enactment requirements regarding local bills; to change certain limitations with respect to
6 effective dates of local bills; to change certain provisions regarding notice; to provide for
7 related matters; to provide an effective date; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general
12 provisions regarding the General Assembly, is amended by striking Code Section 28-1-14,
13 relating to notice of intention to introduce local bills, and Code Section 28-1-14.1, relating
14 to local bills proposing annexation by municipalities, and inserting in their place the
15 following:

16 "28-1-14.

17 (a) No local bill shall become law unless notice of the intention to introduce such bill shall
18 have been advertised in the newspaper in which the sheriff's advertisements for the locality
19 affected are published one time before the bill is introduced. Such advertisement must be
20 not more than 60 days prior to the convening date of the session at which the bill is
21 introduced. After the advertisement has been published the bill may be introduced at any
22 time during that session unless the advertisement is published during the session, in which
23 event the bill may not be introduced before Monday of the calendar week following the
24 week in which the advertisement is published. ~~A copy of the notice as it was advertised~~
25 ~~and an affidavit stating that the notice has been published as provided by this Code section~~

1 ~~shall be attached to the bill and shall become a part of the bill. Such affidavit shall be made~~
2 ~~by the author of the bill.~~

3 (b)(1) No local bill amending the charter of a municipality or the enabling Act of the
4 governing authority of a county or a consolidated government shall become law unless a
5 copy of the notice of the intention to introduce local legislation required by subsection (a)
6 of this Code section is mailed, transmitted by facsimile, or otherwise provided to the
7 governing authority of any county, municipality, or consolidated government referred to
8 in the bill during the calendar week in which such notice is published as provided in
9 subsection (a) of this Code section or during the seven days immediately following the date
10 of publication of such notice. A single notice sent by United States mail, postage prepaid,
11 addressed to the governing authority of the county, municipality, or consolidated
12 government at the official address of such governing authority shall satisfy the requirement
13 of this subsection. If such notice is mailed, the notice requirement of this subsection shall
14 be presumed to have been met by depositing the copy of the required notice in the United
15 States mail. For purposes of this subsection, the copy of the notice provided to such
16 governing authority may consist of an actual or photostatic copy of the published notice or
17 a typed restatement of the contents of such notice.

18 ~~(2) An affidavit stating that such notice has been provided as required by this subsection~~
19 ~~shall be attached to the bill and shall become a part of the bill. Such affidavit shall be~~
20 ~~made by the author of the bill.~~

21 ~~(3) The notice requirement of this subsection shall not apply to a local bill:~~

22 ~~(A) Which has been requested by resolution or other written notification of the~~
23 ~~governing authority of the affected county, municipality, or consolidated government.~~

24 ~~A copy of such resolution or other written notification shall be attached to the bill and~~
25 ~~shall become a part of the bill;~~

26 ~~(B) Proposing an annexation which is subject to the notice requirements of Code~~
27 ~~Section 36-36-6; or~~

28 ~~(C) Affecting any local school system.~~

29 ~~(4) Any local Act which, prior to February 19, 1997, was in violation of the requirements~~
30 ~~of the subsection shall not be invalid.~~

31 (c) A copy of the notice as it was advertised and an affidavit stating that the notice has
32 been published as provided by this Code section and that the notice requirements of this
33 Code section have been met shall be attached to the bill and shall become a part of the bill.
34 Such affidavit shall be made by the author of the bill.

1 28-1-14.1.

2 ~~A copy of any local bill which proposes to annex unincorporated land to a municipality~~
3 ~~shall be provided to the governing authority of the county within which the area proposed~~
4 ~~to be annexed is located at the time the notice required by Code Section 28-1-14 is~~
5 ~~published; otherwise such annexation shall be void; provided, however, any such bill shall~~
6 ~~be subject to amendment during the legislative process without affecting its validity~~
7 Reserved."

8 SECTION 2.

9 Chapter 3 of Title 1 of the Official Code of Georgia Annotated, relating to laws and statutes,
10 is amended by striking Code Section 1-3-4, relating to effective dates of legislative Acts, and
11 Code Section 1-3-4.1, relating to effective dates of certain local Acts, and inserting in their
12 place the following:

13 "1-3-4.

14 (a) Unless a different effective date is specified in an Act:

15 (1) Any Act which is approved by the Governor or which becomes law without his
16 approval on or after the first day of January and prior to the first day of July of a calendar
17 year shall become effective on the first day of July; and

18 (2) Any Act which is approved by the Governor or which becomes law without his
19 approval on or after the first day of July and prior to the first day of January of the
20 immediately succeeding calendar year shall become effective on the first day of January.

21 (b) Subsection (a) of this Code section shall not apply to local legislation or to resolutions
22 intended to have the effect of law. Such local legislation and resolutions intended to have
23 the effect of law become effective immediately upon approval by the Governor or upon
24 their becoming law without his approval, unless a different effective date is specified in the
25 Act or resolution.

26 ~~(c) Subsection (a) of this Code section shall not apply to those general legislative Acts~~
27 ~~provided for in Code Section 1-3-4.1.~~

28 1-3-4.1.

29 ~~(a) It is the intent and purpose of this Code section to recognize that an effective budget~~
30 ~~process is essential to the proper functioning of county and municipal governments in~~
31 ~~Georgia and, furthermore, to recognize that Acts of the General Assembly should not~~
32 ~~disrupt that process by requiring counties and municipalities to incur additional expenses~~
33 ~~in the middle of a budget year.~~

~~(b) No Act of any of the types specified in this subsection shall be effective until the first day of January following passage of the Act. This requirement shall apply with respect to any Act which:~~

~~(1) Requires that a county or municipality create one or more new personnel positions the cost of which will be paid from county or municipal funds;~~

~~(2) Requires an increase in the salary, employment benefits, or other compensation of one or more personnel positions the cost of which will be paid from county or municipal funds; or~~

~~(3) Requires any capital expenditure which will be paid from county or municipal funds.~~

~~(c) This Code section shall not apply with respect to Acts affecting local school systems.~~

~~(d) This Code section shall not apply with respect to a local Act when passage of the Act with an earlier effective date has been requested by the governing authority of the affected county or municipality and such request is evidenced by attachment of the request to the Act as provided for in paragraph (3) of subsection (b) of Code Section 28-1-14.~~

~~(e) Any local Act which contains a stated effective date in violation of the requirements of this Code section as presently or formerly amended shall not be invalid. Any local Act becoming law before or after February 19, 1997, which local Act contains an effective date in violation of the requirements of this Code section as presently amended, shall become effective on the first day of January following its enactment. Any local Act becoming law prior to February 19, 1997, which local Act at the time of its becoming law contained an effective date in violation of the former requirements of this Code section but not in violation of the current requirements of this Code section, shall become effective on the later of the effective date specified in such Act or February 19, 1997. Notwithstanding the provisions of O.C.G.A. § 1-3-4, no general Act which provides for an increase in compensation to one or more of the county officials listed in Article IX, Section I, Paragraph III or Chapter 10 of Title 15 of the Official Code of Georgia Annotated shall be effective until the first day of January following passage of the Act.~~

SECTION 3.

Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation, is amended by striking Code Section 36-36-6, relating to notice regarding proposed annexation, and inserting in its place a new Code Section 36-36-6 to read as follows:

"36-36-6.

Upon accepting an application for annexation pursuant to Code Section 36-36-21 or a petition for annexation pursuant to Code Section 36-36-32, or upon adopting a resolution calling for an annexation referendum pursuant to Code Section 36-36-57, the governing authority of the annexing municipality shall within five business days give written notice

1 of the proposed annexation to the governing authority of the county wherein the area
2 proposed for annexation is located. Such notice shall include a map or other description of
3 the site proposed to be annexed sufficient to identify the area. ~~Where the proposed~~
4 ~~annexation is to be effected by a local Act of the General Assembly, a copy of the proposed~~
5 ~~legislation shall in accordance with Code Section 28-1-14.1 be provided to the governing~~
6 ~~authority of the county wherein the proposed annexation is located at the same time the~~
7 ~~notice of intent required by state law is published."~~

8 **SECTION 4.**

9 Said chapter is further amended by striking subsection (b) of Code Section 36-36-16, relating
10 to certain annexation procedures, and inserting in its place a new subsection (b) to read as
11 follows:

12 "(b) ~~The author of such legislation shall provide notice to the governing authority of the~~
13 ~~county as required by Code Section 36-36-6.~~ Such bill may include a requirement for
14 referendum approval of the annexation under such terms and conditions as specified in
15 such local law; provided, however, if the number of residents in the area to be annexed
16 exceeds 3 percent of the population of the municipal corporation or 500 people, whichever
17 is less, as determined by the most recent United States decennial census, referendum
18 approval shall be required in the area to be annexed. The cost of holding the referendum
19 required by this article shall be paid from funds of the municipality proposing the
20 annexation."

21 **SECTION 5.**

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

24 **SECTION 6.**

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