

**WITHDRAWN**

1 Senator Paul of the 40<sup>th</sup> offered the following amendment:

2 Amend HB115 by inserting "to amend Chapter 31 of Title 36 of the Official Code of Georgia  
3 Annotated, relating to incorporation of municipalities, so as to provide for the creation of  
4 municipal charter commissions; to provide for definitions; to provide for petitions and  
5 validation thereof; to provide for composition, organization, meetings, expenses, duties, and  
6 powers of commissions; to provide for reports and special elections relating thereto; to  
7 provide for amendments of charters and applicability of laws relating thereto; to provide for  
8 exemptions; to retain existing incorporation methods;" on line 4 of page 1 before "and for  
9 other purposes."

10 By renumbering Section 1 as Section 1A.

11 By inserting between "BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 GEORGIA:" and "Section 1A" the following:

13 **"SECTION 1.**

14 Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation  
15 of municipalities, is amended by adding a new Code Section 36-31-6 to read as follows:

16 '36-31-6.

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

18 (1) "Affected county" means the county that includes all the area of a petitioning district.

19 (2) "Commission" means a municipal charter commission created by this Code section.

20 (3) "House district" means the geographical area contained in any House of  
21 Representatives district under Code Section 28-2-1.

22 (4) "Petitioning district" means a House district which is wholly contained in a single  
23 county and includes only unincorporated areas of that county and the electors of which  
24 have submitted a petition for the creation of a commission which has been determined to  
25 be valid under this Code section.

26 (5) "Senate district" means the geographical area contained in any Senate district under  
27 Code Section 28-2-2.

28 (b) The electors of a House district which is wholly contained in a single county and  
29 includes only unincorporated areas of that county may initiate the creation of a municipal  
30 charter commission for that House district by filing a petition with the election  
31 superintendent of that county. Such petition must contain the signatures of electors of such

1 district equal to at least 20 percent of the number of electors who were registered and  
2 eligible to vote in the last general election in that House district. No signature shall be  
3 counted unless it was signed within 180 days of the date the petition is submitted for  
4 verification. The election superintendent shall determine the validity of such petition  
5 within 60 days after the petition is submitted for verification. If the election superintendent  
6 finds the petition to be valid, the election superintendent shall notify the governing  
7 authority of the affected county, the members of the General Assembly whose House  
8 district or Senate district contains any part of the petitioning district and the members of  
9 the House of Representatives any part of whose House district abuts such petitioning  
10 district and is located in the affected county. In the event the election superintendent finds  
11 the petition is not valid, the superintendent shall cause to be published in explicit detail the  
12 reasons why such petition is not valid; provided that, in any proceeding in which the  
13 validity of the petition is at issue, the tribunal considering such issue shall not be limited  
14 by such reasons. Such publication shall be in the official organ of the county in the week  
15 immediately following the date on which such petition is declared to be not valid.

16 (c) Upon receiving notification that a petition has been determined to be valid, a charter  
17 commission shall be constituted with the following members:

18 (1) The member of the House of Representatives who represents the petitioning district  
19 shall be a member of the commission and shall appoint two additional commission  
20 members who reside in the petitioning district;

21 (2) Each member of the House of Representatives any part of whose House district is  
22 located in the affected county and which House district abuts the petitioning district shall  
23 be a member of the commission and shall each appoint two commission members who  
24 reside in the affected county and in the House district of the appointing member;

25 (3) Each member of the Senate any part of whose Senate district is located in the affected  
26 county and which Senate district includes all or any part of the petitioning district shall  
27 be a member of the commission and shall each appoint two commission members who  
28 reside in that county and in the Senate district of the appointing member; and

29 (4) Three members shall be appointed by the governing authority of the affected county,  
30 two of which shall reside in the petitioning district.

31 (d) The member of the House of Representatives from the petitioning district shall serve  
32 as chairperson and the Senator any part of whose Senate district is located in the affected  
33 county and whose Senate district includes the largest portion of the petitioning district shall  
34 serve as vice chairperson. The commission shall meet upon the call of the chairperson.  
35 Members of the commission shall receive no per diem, allowances, or expenses. The Carl  
36 Vinson Institute of Government of the University of Georgia may provide staff support for  
37 the commission, the costs of which shall be borne by the affected county.

1 (e) A majority of the commission shall constitute a quorum and shall be authorized to  
2 transact the business of the commission. The commission may establish such bylaws as  
3 necessary for its operation. The affirmative vote of a majority of the members of the  
4 commission shall be required to approve any official action, including, but not limited to,  
5 adoption of the commission's bylaws or reports. The commission shall study all issues  
6 necessary to determine the feasibility of incorporating a municipality within the petitioning  
7 district, including, but not limited to, the tax base, service delivery system, sources of  
8 services, likely impact of such municipality upon its residents and other governments  
9 within the affected county, and other such matters. The corporate limits of any such  
10 municipality may not extend beyond the boundaries of any House district which abuts the  
11 petitioning district or beyond the boundaries of the affected county and shall not include  
12 any area located within the corporate limits of another municipality. The commission shall  
13 issue a preliminary report of its recommendations within 180 days after its first meeting,  
14 shall hold at least three public hearings within 60 days after it issues that report, and shall  
15 issue its final report within 60 days after the last public hearing.

16 (f) If incorporation is recommended by the commission in its final report, the commission  
17 shall include a proposed charter as a part of the final report. The commission shall notify  
18 the election superintendent of the affected county and provide the election superintendent  
19 with a certified copy of the final report within 15 days after issuance thereof. The election  
20 superintendent shall call a special election to approve or disapprove the municipal  
21 incorporation which shall be held in accordance with Chapter 2 of Title 21. The only  
22 electors eligible to vote in such special election shall be those registered electors who  
23 reside within the boundaries of the municipality recommended by the commission. The  
24 expenses of such election shall be borne by the affected county.

25 (g) If an incorporation recommendation is approved in the special election under this Code  
26 section, the municipal charter for the municipality contained in the report shall become  
27 effective as a charter at the time specified in the report but no sooner than 180 days after  
28 such approval. Such charter shall be subject to all general laws of this state relating to  
29 municipalities, except Code Section 36-31-2, and the boundary for the municipality shall  
30 be subject to the conditions established by this Code section. The charter shall be filed  
31 with the Secretary of State who shall provide for the publication and distribution thereof.

32 (h) A municipality incorporated under this Code section shall be subject to all general laws  
33 relating to municipalities, except Code Section 36-31-2, and the charter thereof may be  
34 amended by local Act of the General Assembly or by home rule action by the municipality  
35 subject to the Constitution and general laws of this state. The method of incorporating a  
36 municipality under this Code section shall be in addition to any other method for  
37 incorporating a municipality now authorized."