

House Bill 443

By: Representatives Royal of the 164th, Shanahan of the 10th and Jamieson of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding annexation of territory, so as to change certain
3 provisions regarding the reporting of annexations to the Department of Community Affairs;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
8 general provisions regarding annexation of territory, is amended by striking Code Section
9 36-36-3, and inserting in lieu thereof the following:

10 "36-36-3.

11 (a) The clerk, city attorney, or other person designated by the governing authority of any
12 municipality annexing property shall file a report identifying any property annexed with
13 the Department of Community Affairs and with the county governing authority of the
14 county in which the property being annexed is located. Such reports shall be filed, at a
15 minimum, not more than 30 days following the last day of the quarter in which the
16 annexation becomes effective but may be filed more frequently. Each report shall include
17 the following:

18 (1) The legal authority under which the annexation was accomplished, which shall be the
19 ordinance or resolution number for any annexation effected pursuant to Article 2, 3, 4,
20 or 6 of this chapter or the Act number if effected by local Act of the General Assembly;
21 and

22 (2) ~~A map and a complete survey by a registered surveyor, containing no fewer than four~~
23 ~~surveyed map registration points and recorded with the Georgia Coordinate System of~~
24 ~~1985, showing the boundaries of the area being annexed and the existing boundaries of~~
25 ~~the annexing municipality between the points at which these boundaries close, if~~
26 ~~applicable. The accuracy of the surveyed map shall meet the requirements set forth in the~~

1 ~~Rules and Regulations of the State of Georgia, Section 180-7-01 Technical Standards for~~
 2 ~~Property Surveys. The map demarcation of the map registration points should be well~~
 3 ~~distributed along, within, or near the boundary of the annexed area. This map and survey~~
 4 ~~must also meet the requirements set forth in Code Section 15-6-67 for filing maps or plats~~
 5 ~~relating to real estate with the clerk of superior court. The enactment date and effective~~
 6 ~~date of the annexation ordinance, resolution, or local Act of the General Assembly; and~~
 7 ~~(3) A letter from the governing authority of any municipality annexing property stating~~
 8 ~~their intent to add the annexed area to maps provided by the United States Bureau of the~~
 9 ~~Census during their next regularly scheduled boundary and annexation survey of the~~
 10 ~~municipality and stating that the survey and map will be completed as instructed and~~
 11 ~~returned to the United States Bureau of the Census.~~

12 (b) The submission of a report required under subsection (a) of this Code section shall be
 13 made in writing and may also be made in electronic format, at the discretion of the
 14 submitting municipality.

15 (c)(1) The Department of Community Affairs shall notify the clerk, city attorney, or
 16 other person designated by the governing authority of the annexing municipality within
 17 30 days after receipt of a report submitted under subsection (a) of this Code section if it
 18 determines the submission to be incomplete. The annexing municipality shall file a
 19 corrected report with the department and the county governing authority where the
 20 annexed property is located within 45 days from the date of the notice of any deficiency.

21 (2) No annexed area shall be added to the state map until such report has been properly
 22 submitted to the Department of Community Affairs. The Department of Community
 23 Affairs shall not provide a certification of annexation to the United States Census Bureau
 24 unless the governing authority of the annexing municipality has filed a completed report
 25 as required under subsection (a) of this Code section.

26 (3) Compliance with the requirements of this Code section shall be construed to be
 27 merely ancillary to and not an integral part of the annexation procedure such that an
 28 annexation shall, if otherwise authorized by law, become effective even though required
 29 filings under this Code section are temporarily delayed ~~or omitted~~.

30 (d) The Department of Community Affairs ~~shall, upon request,~~ may provide technical
 31 assistance to any municipality with respect to the requirements of subsection (a) of this
 32 Code section.

33 (e) The Department of Community Affairs shall maintain the annexation reports submitted
 34 to it pursuant to this Code section for two years. Annexation reports shall be subject to
 35 disclosure and inspection under Article 4 of Chapter 18 of Title 50 while maintained in the
 36 possession of the Department of Community Affairs. Two years after receipt of an
 37 annexation report from a municipality, the Department of Community Affairs shall transfer

1 possession of such report to the Department of Archives and History for permanent
2 retention.

3 (f) The clerk, city attorney, or other person designated by the governing authority of any
4 municipality annexing property shall also file a copy of the transmittal letter to the United
5 States Department of Justice seeking preclearance, without the attachments to such letter,
6 with the Department of Community Affairs and with the governing authority of the county
7 in which the property being annexed is located. This subsection shall apply so long as a
8 filing with the United States Department of Justice is required.

9 (g) The governing authority of any municipality annexing property shall add all annexed
10 areas to maps provided by the United States Census Bureau during the next regularly
11 scheduled boundary and annexation survey of the municipality, complete the survey and
12 map as instructed, and return them to the United States Census Bureau within the time
13 frame requested."

14 **SECTION 2.**

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