

House Bill 1031

By: Representatives Buckner of the 82nd, Dodson of the 84th, Post 1, and Barnes of the 84th,
Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to
2 annexation, so as to change the effective date of certain annexations; to change provisions
3 relating to declaratory judgment actions involving annexations under the 60 percent method;
4 to provide for related matters; to provide for an effective date and applicability; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation, is
9 amended by striking Code Section 36-36-2, relating to the effective date of annexations, and
10 inserting in lieu thereof the following:

11 "36-36-2.

12 (a) Except as provided in subsection (c) of this Code section, all annexation other than by
13 local Act shall become effective for all purposes other than for ad valorem tax purposes on
14 December 31 of the year during which such annexation occurred and for all other purposes
15 shall become effective on the first day of the month following the month during which the
16 thirty-first day after the requirements of Article 2, 3, or 4 of this chapter, whichever is
17 applicable, have been met, unless a petition for declaratory judgment is brought pursuant
18 to Code Section 36-36-39. If a petition for declaratory judgment is brought pursuant to
19 Code Section 36-36-39, then the annexation shall not become effective until ten days after
20 the court in which the petition is filed enters a judgment upholding the validity of the
21 application and annexing ordinance or after the court or the petitioner dismisses the
22 declaratory judgment action. For ad valorem tax purposes, the annexation shall be deemed
23 effective on December 31 of the year during which such annexation became effective as
24 set forth in this subsection. This provision shall not prohibit the trial court or appellate
25 court from entering an order staying the effective date of the annexation.

1 (b) Except as provided in subsection (c) of this Code section, annexation by local Act shall
 2 become effective for ad valorem tax purposes on December 31 of the year in which such
 3 local Act is approved by the Governor or becomes law without such approval and for all
 4 other purposes shall become effective at the time such local Act becomes effective or such
 5 later date as provided in such local Act.

6 (c) Where an independent school system exists within the boundaries of a municipality,
 7 other effective dates may be established by the municipality solely for the purpose of
 8 determining school enrollment."

9 SECTION 2.

10 Said chapter is further amended by striking Code Section 36-36-39, relating to declaratory
 11 judgment actions to determine the validity of annexations, and inserting in lieu thereof the
 12 following:

13 "36-36-39.

14 (a) Within 30 days of the effective date of the ordinance annexing land to the municipal
 15 corporation, (1) any resident elector of the area so annexed or of the municipal corporation,
 16 (2) or any property owner of such area or of the municipal corporation, or (3) the county
 17 in which the property being annexed is located may bring a petition for declaratory
 18 judgment, in the superior court of the county of the legal situs of the annexing municipal
 19 corporation, to determine the validity, in accordance with this article, of the application and
 20 the municipal corporation's action thereon. Whenever such a petition is filed, the municipal
 21 governing body shall file with the court the record of their official actions in regard to such
 22 application and a certified copy of the annexing ordinance.

23 (b) The judgment of the court on any such petition may declare the annexation ordinance
 24 null and void upon a finding that the application and the municipal corporation's action
 25 thereon are not in substantial compliance with this article. Upon a finding that procedural
 26 defects or defects in the plan for service to the annexed area exist, the court, where
 27 possible, shall frame a judgment to perfect such defect and uphold the ordinance.

28 (c) Actions provided for in this Code section shall be in accordance with Chapter 4 of Title
 29 9.

30 (d) Any aggrieved party may obtain a review of a final judgment under this Code section
 31 as is provided by law in other cases."

32 SECTION 3.

33 This Act shall become effective upon July 1, 2003, and shall apply with respect to annexation
 34 ordinances adopted on or after that date.

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SECTION 4.

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