

**ADOPTED**

1 Senators Hill of the 32nd, Moody of the 56th and Shafer of the 48th offered the following  
2 amendment:

3 Amend the Senate State and Local Government Operations Committee substitute to HB 36  
4 by inserting before the semicolon on line 3 of page 1 the following:  
5 "for a certain period of time".

6 By inserting between Sections 1 and 2 a new Section 1.1 to read as follows:

**"SECTION 1.1.**

8 Said Chapter 31 of Title 36 is further amended by striking Code Section 36-31-3, relating to  
9 population standards for incorporation, and inserting in its place a new Code section to read  
10 as follows:

11 '36-31-3.

12 (a) To be eligible for original incorporation as a municipal corporation, the minimum  
13 population standards of the area embraced within the proposed municipal boundary shall  
14 be as follows:

15 (1) A total resident population of at least 200 persons; and

16 (2) An average resident population of at least 200 persons per square mile for the total  
17 area.

18 (b) No local Act granting a municipal charter shall be enacted wherein any part of the  
19 proposed corporate boundary is less than three miles' distance from the corporate boundary  
20 of any existing municipal corporation in this state; provided, however, that, if the residents  
21 of a certain geographical area within three miles of an existing municipal corporation have  
22 been denied annexation to the municipal corporation by the people of the municipal  
23 corporation, the residents of such geographical area shall be entitled to incorporate a new  
24 municipal corporation at any time within 12 months after such denial, and a local Act  
25 granting a municipal charter may be enacted; provided, further, that the population of the  
26 area proposed to be incorporated must exceed the population of the existing municipal  
27 corporation, and a certificate from the governing authority of the existing municipal  
28 corporation or from the judge of the superior court of the county, evidencing the denial of  
29 annexation and the population figures, must accompany the certificate of incorporation  
30 required by this chapter."

1 By striking Section 6 and inserting in its place a new Section 6 to read as follows:

2 **"SECTION 6.**

3 (a) Except as otherwise provided in this Act, this Act shall become effective upon its  
4 approval by the Governor or upon its becoming law without such approval and shall apply  
5 with respect to any local Act enacted at the 2005 regular session of the General Assembly  
6 or any future session.

7 (b) Section 1.1 of this Act, amending Code Section 36-31-3, shall become effective  
8 December 31, 2007, and shall apply with respect to any local Act enacted after that date."