

The House Committee on Governmental Affairs offers the following substitute to HB 428:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated,  
2 relating to annexation pursuant to resolution and referendum, so as to provide that resolutions  
3 for annexation under the resolution and referendum method shall specify in detail the  
4 anticipated benefits of the annexation of the proposed area for the residents of the  
5 municipality and the residents of the area proposed to be annexed; to provide definitions; to  
6 provide for the annexation of certain unincorporated peninsulas under certain circumstances;  
7 to provide for the requirements of such annexations; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 4 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to  
12 annexation pursuant to resolution and referendum, is amended by revising subsection (a) of  
13 Code Section 36-36-57, relating to adoption of annexation resolution by municipal  
14 corporation; contents of resolutions; approval, availability, and distribution of report relating  
15 to extension of services; and conduct of public hearing, as follows:

16 "(a) Any municipal governing body desiring to annex territory pursuant to this article shall  
17 first pass a resolution stating the intent of the municipal corporation to consider annexation.  
18 The resolution shall describe the boundaries of the area under consideration, ~~and~~ fix a date  
19 for a public hearing on the question of annexation, ~~and provide in detail the anticipated~~  
20 costs and benefits of the annexation of the proposed area for the residents of the  
21 municipality and the residents of the area proposed to be annexed. The date for the public  
22 hearing shall be not less than 30 days and not more than 60 days following passage of the  
23 resolution. The notice of the public hearing shall (1) fix the date, hour, and place of a  
24 public hearing, (2) describe clearly the boundaries of the area under consideration, and (3)  
25 state that the report required in Code Section 36-36-56 will be available at the office of the

26 municipal clerk at least 14 days prior to the date of the public hearing. The notice shall be  
 27 given by publication in a newspaper having general circulation in the municipality once a  
 28 week for three successive weeks prior to the date of the hearing. The date of the last  
 29 publication shall be not more than seven days preceding the date of public hearing. If there  
 30 is no such newspaper, the municipal corporation shall post the notice in at least three public  
 31 places within the municipality and in at least three public places in the area to be annexed  
 32 for 30 days prior to the date of the public hearing."

### 33 SECTION 2.

34 Said article is further amended by adding a new Code section to read as follows:

35 "36-36-62.

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

37 (1) 'Contiguous' shall have the same meaning as 'contiguous area' as provided in Code  
 38 Section 36-36-52.

39 (2) 'Unincorporated peninsula' means an unincorporated area with a total land area of  
 40 less than 15 square miles that has more than 75 percent of its aggregate external boundary  
 41 contiguous to:

42 (A) One or more municipalities, regardless of whether one or more of such  
 43 municipalities are located within the same county as the unincorporated area;

44 (B) One or more counties other than the county in which the unincorporated area is  
 45 located; or

46 (C) Any combination of subparagraphs (A) and (B) of this paragraph.

47 (b) Within five years of the incorporation of a new municipality that results in creating an  
 48 unincorporated peninsula contiguous to its boundaries, any neighboring municipality that  
 49 is contiguous to and within the same county as the unincorporated peninsula may annex all  
 50 or any portion of the territory comprising the unincorporated peninsula using the procedure  
 51 set forth in this article. Such annexed territory shall satisfy all standards and requirements  
 52 set forth in Code Section 36-36-54, except paragraph (4) of subsection (b) of such Code  
 53 section, which shall not apply.

54 (c) If, during the five-year period set forth in subsection (b) of this Code section, a  
 55 municipality annexes a portion of an unincorporated peninsula using any of the methods  
 56 set forth in this chapter, the remaining territory of the unincorporated peninsula shall  
 57 remain eligible for annexation pursuant to this Code section by any contiguous  
 58 municipality within the same county for the duration of the remainder of such five-year  
 59 period."

60

**SECTION 3.**

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