

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 style="text-align:center">**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."

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SECTION 3.

61 All laws and parts of laws in conflict with this Act are repealed.