

The Senate Committee on State and Local Governmental Operations offers the following substitute to HB 432:

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 of territory by municipal corporations, so as to provide that local Acts providing
3 for the deannexation of property from a municipality and the annexation of the same property
4 to another municipality which are effective on the same date do not create a prohibited
5 unincorporated island; to provide for effective date of municipal annexations under certain
6 circumstances; to provide for related matters; to provide for an effective date and
7 applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

9 Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of
10 territory by municipal corporations, is amended by revising Code Section 36-36-4, relating
11 to creation of unincorporated islands prohibited and authorization to provide services or
12 functions, by adding a new subsection to read as follows:

13 "(c) The prohibition contained in subsection (a) of this Code section shall not apply to a
14 local Act providing for deannexation of territory from a municipality that would create an
15 unincorporated island where another local Act annexing the same territory into another
16 municipality takes effect on the same date as the local Act providing for deannexation of
17 such territory."
18

SECTION 2.

19 Said chapter is further amended by revising Code Section 36-36-21, relating to annexation
20 upon application of all land owners, filing of identification of annexed property with
21 Department of Community Affairs and county governing authority, and effect of annexation,
22 as follows:
23

24 "36-36-21.
 25 Authority is granted to the governing bodies of the several municipal corporations of this
 26 state to annex to the existing corporate limits thereof unincorporated areas contiguous to
 27 the existing corporate limits at the time of such annexation, in accordance with the
 28 procedures provided in this article and in Article 1 of this chapter, upon the written and
 29 signed applications of all of the owners of all of the land, except the owners of any public
 30 street, road, highway, or right of way, proposed to be annexed, containing a complete
 31 description of the lands to be annexed. Lands to be annexed at any one time shall be
 32 treated as one body, regardless of the number of owners, and all parts shall be considered
 33 as adjoining the limits of the municipal corporation when any one part of the entire body
 34 abuts such limits. When such application is acted upon by the municipal authorities and
 35 the land is, by ordinance, annexed to the municipal corporation, an identification of the
 36 property so annexed shall be filed with the Department of Community Affairs and with the
 37 governing authority of the county in which the property is located in accordance with Code
 38 Section 36-36-3. Such ordinance shall be effective, except for ad valorem tax purposes as
 39 provided by general law, and such land shall be annexed on the effective date stated in such
 40 ordinance, notwithstanding the pendency of any annexation referendum to be conducted
 41 pursuant to a local Act of the General Assembly relating to all or any part of the land
 42 annexed by such ordinance, unless otherwise provided by such local Act, and such local
 43 Act shall be deemed amended by its terms to exclude such land. When so annexed, such
 44 lands shall constitute a part of the lands within the corporate limits of the municipal
 45 corporation as completely and fully as if the limits had been marked and defined by local
 46 Act of the General Assembly. Except as provided in subsection (c) of Code
 47 Section 36-36-20, nothing in this article shall be construed to authorize annexation of the
 48 length of any public right of way except to the extent that such right of way adjoins private
 49 property otherwise annexed by the municipal corporation."

50 **SECTION 3.**

51 This Act shall become effective upon its approval by the Governor or upon its becoming law
 52 without such approval and Section 2 shall apply to any annexation application under Code
 53 Section 36-36-21 submitted on or after July 1, 2013.

54 **SECTION 4.**

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