

The House Committee on Governmental Affairs offers the following substitute to HB 521:

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, so as to provide for equal reporting requirements for annexations and
3 deannexations; to revise procedures related to the deannexation of certain properties; to
4 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
5 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 of
9 territory, is amended by revising Code Section 36-36-3, relating to report identifying annexed
10 property, maps and surveys, technical assistance to municipalities, and preclearance, as
11 follows:

12 "36-36-3.

13 (a) The clerk, city attorney, or other person designated by the governing authority of any
14 municipality annexing or deannexing property shall file a report identifying any property
15 annexed or deannexed with the Department of Community Affairs, the Legislative and
16 Congressional Reapportionment Office of the General Assembly, and with the county

H. B. 521 (SUB)

17 governing authority of the county in which the property being annexed or deannexed is
18 located. Such reports shall be filed, at a minimum, not more than 30 days following the
19 last day of the quarter in which the annexation or deannexation becomes effective but may
20 be filed more frequently. Each report shall include the following:

21 (1) The legal authority under which the annexation or deannexation was accomplished,
22 which shall be the ordinance or resolution number for any annexation or deannexation
23 effected pursuant to Article 2, 3, 4, ~~or~~ 6, or 8 of this chapter or the Act number if effected
24 by local Act of the General Assembly;

25 (2) The name of the county in which the property being annexed or deannexed is located;
26 the total acreage annexed or deannexed; the enactment date and effective date of the
27 annexation or deannexation ordinance, resolution, or local Act of the General Assembly;

28 (3) A letter from the governing authority of any municipality annexing or deannexing
29 property stating its intent to add the annexed area to, or remove the deannexed area from,
30 maps provided by the United States Bureau of the Census during their next regularly
31 scheduled boundary and annexation survey of the municipality and stating that the survey
32 and map will be completed as instructed and returned to the United States Bureau of the
33 Census;

34 (4) A list identifying roadways, bridges, and rights of way on state routes that are
35 annexed or deannexed and, if necessary, the total mileage annexed or deannexed; and

36 (5) A digital shapefile of the annexed or deannexed area.

37 (b) The submission of a report required under subsection (a) of this Code section shall be
38 made in writing and in electronic format to the Department of Community Affairs, the
39 Legislative and Congressional Reapportionment Office of the General Assembly, and to
40 others as required by the submitting municipality.

41 (c)(1) The Department of Community Affairs shall notify the clerk, city attorney, or
42 other person designated by the governing authority of the annexing or deannexing
43 municipality within 30 days after receipt of a report submitted under subsection (a) of this

44 Code section if it determines the submission to be incomplete. The Legislative and
45 Congressional Reapportionment Office of the General Assembly shall notify the clerk,
46 city attorney, or other person designated by the governing authority of the annexing or
47 deannexing municipality within 60 days after receipt of a report submitted under
48 subsection (a) of this Code section if it determines the submission to be incomplete. The
49 annexing or deannexing municipality shall file a corrected report with the department,
50 Legislative and Congressional Reapportionment Office of the General Assembly, and the
51 county governing authority where the annexed or deannexed property is located within
52 45 days from the date of the notice of any deficiency.

53 (2) No annexed or deannexed area shall be added to or removed from the state map until
54 such report has been properly submitted to the Department of Community Affairs and the
55 Legislative and Congressional Reapportionment Office of the General Assembly. The
56 Department of Community Affairs shall not provide a certification of annexation or
57 deannexation to the United States Census Bureau unless the governing authority of the
58 annexing or deannexing municipality has filed a completed report as required under
59 subsection (a) of this Code section.

60 (3) Compliance with the requirements of this Code section shall be construed to be
61 merely ancillary to and not an integral part of the annexation or deannexation procedure
62 such that an annexation or deannexation shall, if otherwise authorized by law, become
63 effective even though required filings under this Code section are temporarily delayed.

64 (d) The Department of Community Affairs may provide technical assistance to any
65 municipality with respect to the requirements of subsection (a) of this Code section.

66 (e) The Department of Community Affairs shall maintain the annexation and deannexation
67 reports submitted to it pursuant to this Code section for two years. Annexation Such
68 reports shall be subject to disclosure and inspection under Article 4 of Chapter 18 of Title
69 50 while maintained in the possession of the Department of Community Affairs. Two
70 years after receipt of an annexation or deannexation report from a municipality, the

71 Department of Community Affairs shall transfer possession of such report to the Division
72 of Archives and History for permanent retention.

73 (f) In the event that any municipality annexing or deannexing property cannot produce the
74 digital shapefile required by paragraph (5) of subsection (a) of this Code section by
75 utilizing its own geographic information system, the regional commission established
76 pursuant to Article 2 of Chapter 8 of Title 50 for the county that includes such municipality
77 shall assist such municipality in producing and providing such digital shapefile.

78 (g) The governing authority of any municipality annexing or deannexing property shall
79 add all annexed areas to, and remove all deannexed areas from, maps provided by the
80 United States Census Bureau during the next regularly scheduled boundary and annexation
81 survey of the municipality, complete the survey and map as instructed, and return them to
82 the United States Census Bureau within the time frame requested."

83 **SECTION 2.**

84 Said chapter is further amended in Code Section 36-36-131, relating to application for
85 deannexation, scope, filing of notification of deannexation, and reannexation, by revising
86 subsection (a) as follows:

87 "(a) Authority is granted to the governing authority of any municipality to deannex an area
88 or areas of the existing corporate limits thereof, in accordance with the procedures provided
89 in this article and in Article 1 of this chapter, upon the written and signed applications of
90 all of the owners of all of the land, except the owners of any public street, road, highway,
91 or right of way, proposed to be deannexed, containing a complete description of the lands
92 to be deannexed; provided, however, that no more than ten parcels of property may be
93 deannexed in one action and only upon the adoption of a resolution by the governing
94 authority of the county in which such property is located consenting to such deannexation.
95 If the governing authority of the county consents to the deannexation and the deannexation
96 conforms with the requirements of this article, the governing authority of the municipal

97 corporation shall approve such deannexation unless it finds that the deannexation would
98 be detrimental to the health, safety, and welfare of the residents and property owners of the
99 area to be deannexed or to the area remaining within the municipality. If the county is the
100 owner of all parcels proposed for deannexation and the governing authority of the county
101 consents, the governing authority of the municipal corporation shall approve such
102 deannexation within 90 days of the date of the filing of a deannexation application unless
103 it finds that the deannexation would be detrimental to the health, safety, and welfare of the
104 residents and property owners of the area to be deannexed or to the area remaining within
105 the municipality."

106 **SECTION 3.**

107 This Act shall become effective upon its approval by the Governor or upon its becoming law
108 without such approval.

109 **SECTION 4.**

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