

The Senate Committee on State and Local Governmental Operations - General offered 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 provide that certain such annexations are contingent upon approval of the
4 county in which the subject property is located; to revise procedures related to the
5 deannexation of certain properties; to provide for related matters; to provide for an effective
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of
10 territory, is amended by revising Code Section 36-36-3, relating to report identifying annexed
11 property, maps and surveys, technical assistance to municipalities, and preclearance, as
12 follows:

13 "36-36-3.

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

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

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

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

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

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

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

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

42 (c)(1) The Department of Community Affairs shall notify the clerk, city attorney, or
43 other person designated by the governing authority of the annexing or deannexing

44 municipality within 30 days after receipt of a report submitted under subsection (a) of this
45 Code section if it determines the submission to be incomplete. The Legislative and
46 Congressional Reapportionment Office of the General Assembly shall notify the clerk,
47 city attorney, or other person designated by the governing authority of the annexing or
48 deannexing municipality within 60 days after receipt of a report submitted under
49 subsection (a) of this Code section if it determines the submission to be incomplete. The
50 annexing or deannexing municipality shall file a corrected report with the department,
51 Legislative and Congressional Reapportionment Office of the General Assembly, and the
52 county governing authority where the annexed or deannexed property is located within
53 45 days from the date of the notice of any deficiency.

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

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

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

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

71 years after receipt of an annexation or deannexation report from a municipality, the
72 Department of Community Affairs shall transfer possession of such report to the Division
73 of Archives and History for permanent retention.

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

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

84

SECTION 2.

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

89 "36-36-21.

90 (a) Authority is granted to the governing bodies of the several municipal corporations of
91 this state to annex to the existing corporate limits thereof unincorporated areas contiguous
92 to the existing corporate limits at the time of such annexation, in accordance with the
93 procedures provided in this article and in Article 1 of this chapter, upon the written and
94 signed applications of all of the owners of all of the land, except the owners of any public
95 street, road, highway, or right of way, proposed to be annexed, containing a complete
96 description of the lands to be annexed. Lands to be annexed at any one time shall be

97 treated as one body, regardless of the number of owners, and all parts shall be considered
98 as adjoining the limits of the municipal corporation when any one part of the entire body
99 abuts such limits. When such application is acted upon by the municipal authorities and
100 the land is, by ordinance, annexed to the municipal corporation, an identification of the
101 property so annexed shall be filed with the Department of Community Affairs and with the
102 governing authority of the county in which the property is located in accordance with Code
103 Section 36-36-3. When so annexed, such lands shall constitute a part of the lands within
104 the corporate limits of the municipal corporation as completely and fully as if the limits had
105 been marked and defined by local Act of the General Assembly. Except as provided in
106 subsection (c) of Code Section 36-36-20, nothing in this article shall be construed to
107 authorize annexation of the length of any public right of way except to the extent that such
108 right of way adjoins private property otherwise annexed by the municipal corporation.

109 (b) Notwithstanding any other provisions of this chapter to the contrary, in any county in
110 which an airport is owned or operated either by such county or a local authority and such
111 airport is adjacent to 9,000 acres or more of property currently or formerly owned by a
112 municipality that has no incorporated territory within such county, any proposed
113 annexation pursuant to this article is contingent upon the adoption of a resolution by the
114 governing authority of such county consenting to such annexation.

115 (c) Notwithstanding any other provisions of this chapter to the contrary, in any county in
116 which a municipality is located both in such county and in a massively municipalized
117 county as provided for in Code Section 36-62-4.1, any proposed annexation pursuant to this
118 article by any municipality located within such county that also has two city
119 councilmembers elected from the city at large as well as at least two councilmembers
120 elected from districts or wards is contingent upon the adoption of a resolution by the
121 governing authority of such county consenting to such annexation; provided, however, that
122 this subsection shall not apply to any municipality located in a county where a tax is levied
123 for purposes of a metropolitan area system of public transportation, as authorized by the

124 amendment to the Constitution set out at Georgia Laws, 1964, page 1008, the continuation
125 of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution, and
126 the laws enacted pursuant to such constitutional amendment.
127 (d) Notwithstanding any other provisions of this chapter to the contrary, in any county
128 with an unincorporated county seat where the county government owns and operates
129 utilities offering broadband services that directly support institutions and infrastructure
130 including, but not limited to, county, local school system, or municipal government
131 buildings, traffic signals, water and sewer infrastructure, 911 services, law enforcement,
132 fire departments, and emergency management, and where such county abuts a military
133 garrison of over 5,000 or more active duty personnel, any proposed annexation pursuant
134 to this article by any municipality located within such county is contingent upon the
135 adoption of a resolution by the governing authority of such county consenting to such
136 annexation."

137

SECTION 3.

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

141 "(a) Authority is granted to the governing authority of any municipality to deannex an area
142 or areas of the existing corporate limits thereof, in accordance with the procedures provided
143 in this article and in Article 1 of this chapter, upon the written and signed applications of
144 all of the owners of all of the land, except the owners of any public street, road, highway,
145 or right of way, proposed to be deannexed, containing a complete description of the lands
146 to be deannexed; provided, however, that no more than ten parcels of property may be
147 deannexed in one action and only upon the adoption of a resolution by the governing
148 authority of the county in which such property is located consenting to such deannexation.
149 If the governing authority of the county consents to the deannexation and the deannexation

150 conforms with the requirements of this article, the governing authority of the municipal
151 corporation shall approve such deannexation unless it finds that the deannexation would
152 be detrimental to the health, safety, and welfare of the residents and property owners of the
153 area to be deannexed or to the area remaining within the municipality. If the county is the
154 owner of all parcels proposed for deannexation and the governing authority of the county
155 consents, the governing authority of the municipal corporation shall approve such
156 deannexation within 90 days of the date of the filing of a deannexation application unless
157 it finds that the deannexation would be detrimental to the health, safety, and welfare of the
158 residents and property owners of the area to be deannexed or to the area remaining within
159 the municipality."

160 **SECTION 4.**

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

163 **SECTION 5.**

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