

House Bill 1385 (AS PASSED HOUSE AND SENATE)

By: Representatives Anderson of the 10th, Taylor of the 173rd, Rich of the 97th, Gaines of the 117th, Lumsden of the 12th, and others

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 revise annexation reporting requirements to require the
3 provision of reports to the Legislative and Congressional Reapportionment Office of the
4 General Assembly; to require the submission of a digital shapefile with such reports; to
5 provide for regional commissions to assist certain municipalities in the production of such
6 digital files; to provide for related matters; 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, and technical assistance to municipalities, as follows:

12 "36-36-3.

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

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

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

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

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

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

34 (5) A digital shapefile of the annexed area.

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

40 (c)(1) The Department of Community Affairs shall notify the clerk, city attorney, or
41 other person designated by the governing authority of the annexing municipality within
42 30 days after receipt of a report submitted under subsection (a) of this Code section if it
43 determines the submission to be incomplete. The Legislative and Congressional

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

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

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

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

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

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

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

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SECTION 2.

81 Said Chapter is further amended by revising Code Section 36-36-59, relating to filing of
82 identification of annexed territory with Department of Community Affairs and county
83 governing authority, as follows:

84 "36-36-59.

85 Whenever the limits of a municipal corporation are enlarged in accordance with this article,
86 it shall be the duty of the clerk, city attorney, or other person designated by the governing
87 authority of the municipal corporation to cause an identification of the annexed territory
88 to be filed with the Department of Community Affairs, the Legislative and Congressional
89 Reapportionment Office of the General Assembly, and with the governing authority of the
90 county in which the property is located in accordance with Code Section 36-36-3."

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SECTION 3.

92 Said Chapter is further amended in Code Section 36-36-92, relating to annexation of
93 unincorporated islands, procedures, and provision of municipal services, by revising
94 subsection (b) as follows:

95 "(b) Annexation of unincorporated islands as authorized in subsection (a) of this Code
96 section shall be accomplished by ordinance at a regular meeting of the municipal governing
97 authority within 30 days after written notice of intent to annex such property is mailed to
98 the owner of such property at the last known address for such owner as it appears on the
99 ad valorem tax records of the county in which such property is located. After the adoption
100 of the annexation ordinance, an identification of the property annexed shall be filed with
101 the Department of Community Affairs, the Legislative and Congressional Reapportionment
102 Office of the General Assembly, and with the governing authority of the county in which
103 the property is located, in accordance with Code Section 36-36-3."

104 **SECTION 4.**

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