

\_\_\_\_\_ 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:

**SECTION 1.**

10 Article 4 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to  
 11 annexation pursuant to resolution and referendum, is amended by revising subsection (a) of  
 12 Code Section 36-36-57, relating to adoption of annexation resolution by municipal  
 13 corporation; contents of resolutions; approval, availability, and distribution of report relating  
 14 to extension of services; and conduct of public hearing, as follows:  
 15

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 benefits of the annexation of the proposed area for the residents of the municipality and the  
 21 residents of the area proposed to be annexed. The date for the public hearing shall be not  
 22 less than 30 days and not more than 60 days following passage of the resolution. The  
 23 notice of the public hearing shall (1) fix the date, hour, and place of a public hearing, (2)  
 24 describe clearly the boundaries of the area under consideration, and (3) state that the report  
 25 required in Code Section 36-36-56 will be available at the office of the municipal clerk at

26 least 14 days prior to the date of the public hearing. The notice shall be given by  
 27 publication in a newspaper having general circulation in the municipality once a week for  
 28 three successive weeks prior to the date of the hearing. The date of the last publication  
 29 shall be not more than seven days preceding the date of public hearing. If there is no such  
 30 newspaper, the municipal corporation shall post the notice in at least three public places  
 31 within the municipality and in at least three public places in the area to be annexed for 30  
 32 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 provided in Code Section 36-36-20.

38 (2) 'Unincorporated peninsula' means an unincorporated area with a total land area of  
 39 less than 15 square miles that has more than 75 percent of its aggregate external boundary  
 40 contiguous to:

41 (A) One or more municipalities, regardless of whether one or more of such  
 42 municipalities are located within the same county as the unincorporated area;

43 (B) One or more counties other than the county in which the unincorporated area is  
 44 located; or

45 (C) Any combination of subparagraphs (A) and (B) of this paragraph.

46 (b) Within five years of the incorporation of a new municipality that results in creating an  
 47 unincorporated peninsula contiguous to its boundaries, any neighboring municipality that  
 48 is contiguous to and within the same county as the unincorporated peninsula may annex all  
 49 or any portion of the territory comprising the unincorporated peninsula using the procedure  
 50 set forth in this article. Such annexed territory shall satisfy all standards and requirements  
 51 set forth in Code Section 36-36-54, except paragraph (4) of subsection (b) of such Code  
 52 section, which shall not apply.

53 (c) If, during the five-year period set forth in subsection (b) of this Code section, a  
 54 municipality annexes a portion of an unincorporated peninsula using any of the methods  
 55 set forth in this chapter, the remaining territory of the unincorporated peninsula shall  
 56 remain eligible for annexation pursuant to this Code section by any contiguous  
 57 municipality within the same county for the duration of the remainder of such five-year  
 58 period."

### 59 SECTION 3.

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