07- R -0412

A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION OPPOSING HOUSE BILL 306, WHICH RELATES TO ANNEXATION OF TERRITORY, NOW BEING CONSIDERED BY THE GEORGIA STATE LEGISLATURE; AND FOR OTHER PURPOSES.

WHEREAS, House Bill 306, which is attached hereto as Exhibit A, has been introduced in the Georgia State House of Representatives; and

WHEREAS, House Bill 306 prohibits a municipality from annexing territory proposed for inclusion in a new municipal corporation.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES that the 2007 Georgia General Assembly is urged to oppose House Bill 306.

BE IT FINALLY RESOLVED, that the Municipal Clerk is hereby directed to forward copies of this Resolution to the Governor, Lieutenant Governor, and all members of the 2007 Georgia General Assembly.

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House Bill 306

By: Representatives Fludd of the 66th, Beasley-Teague of the 65th, and Bruce of the 64th

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating t incorporation of municipal corporations, so as to provide that at a point in time in the proce of legislative consideration of a new incorporation, other municipal corporations shall b prohibited from annexing territory proposed for inclusion in a new municipal corporation; t provide for the defeasance of annexations of territory proposed for inclusion in a ne municipal corporation when such annexations took place after a point in time; to provide f related matters; to provide for an effective date and applicability; to repeal conflicting law and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 31 of Title 36 of the Official Code of Georgia Annotated, relating to incorporation municipal corporations, is amended by adding a new Code section to read as follows:

"36-31-13.

(a) The General Assembly finds and determines that:

(1) In the legislative process of the creation of a new municipal corporation, order procedure requires that there be a date certain for determination of the boundaries of th new municipal corporation; and

(2) In order for that objective to be accomplished, other municipal corporations must b prohibited at some point in time from annexing territory proposed for inclusion in proposed new municipal corporation.

(b) As used in this Code section, the term:

(1) 'Charter' means a local Act of the General Assembly creating or proposing the creatio of a new municipal corporation.

(2) 'New municipal corporation' means a new municipal corporation of this state created b or proposed to be created by a charter.

(3) 'Pending charter' means a charter which has been enacted by the General Assembly an which may or may not become fully effective pending the outcome of one or mo conditions.

(c) When a pending charter has not yet become fully effective because of a pendin referendum election, pending submission under the federal Voting Rights Act of 1965, a amended, or other pending conditions precedent:

(1) No other municipal corporation may annex any part of the territory described in th charter as included or proposed for inclusion within the new municipal corporation. Th prohibition shall be dissolved if the creation or continued existence of the proposed ne municipal corporation under the charter definitively ceases to be possible because of defe at a referendum election, definitive final failure to secure approval under the federal Votin Rights Act of 1965, as amended, or definitive failure of any other condition specified in th charter; and

(2) Any annexation by any other municipal corporation of any part of the territor described in the pending charter as included or proposed for inclusion within the ne municipal corporation, which annexation took effect on or after the opening day of th session at which the charter was introduced, shall be defeased and any such territory s annexed shall by operation of law be deannexed from the annexing municipal corporatio as of the date on which the Governor approves the charter or the date on which the chart becomes law without the Governor's approval. For purposes of this paragraph a annexation shall be considered as having taken effect on the date of the last action of th governing authority of the annexing municipal corporation necessary to complete th annexation."

SECTION 2.

It is the specific intent of the General Assembly that the provisions of this Act apply not onl prospectively but also concurrently and retroactively with respect to a pending charter enacte at the 2007 or any earlier session of the General Assembly as follows:

(1) With respect to a pending charter enacted at the 2007 session, this Act shall prohib future annexations and shall defease any annexation that is defeasible by the terms of th Act with respect to any such annexations which took effect on or after the opening day the 2007 session, as provided by the terms of Code Section 36-31-13 as enacted by th Act;

(2) With respect to a pending charter enacted prior to the 2007 session, this Act sha prohibit future annexations and shall defease any annexation that is defeasible by the term

November 1, 2006, notwithstanding the fact that the terms of Code Section 36-31-13 a enacted by this Act would defease annexations which took effect on or after an earlier date

SECTION 3.

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

SECTION 4.

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

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