

EXHIBIT 1**A BILL TO BE ENTITLED****AN ACT**

To amend Article 5 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated so as to enact legislation requiring approval of a proposed annexation by the governing authority of any county in this state where a sales tax for purposes of a metropolitan area system of public transportation as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment is being levied, and to require a referendum for the creation of new cities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated is amended by inserting a new Code Section 36-36-70 to read as follows:

“36-36-70. Annexations and incorporations after January 1, 2018.

- (a) The provisions of this Code section shall only apply to those counties of this state where a sales tax for purposes of a metropolitan area system of public transportation as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment is being levied.
- (b) After January 1, 2018, the government of no municipality of this state may annex to the existing corporate limits of such municipality any unincorporated area in a county as defined above in Section 36-36-70(a) without first obtaining the approval of the governing authority of the county in which such unincorporated area is situated. Such approval must be obtained by an official act of the governing authority of the county and must be duly recorded upon the minutes of such body. The owner of any real property situated in such county shall have the right to enjoin any municipality which has not obtained the required approval of the governing authority of the county from exercising any municipal powers, functions, or duties over the unincorporated area improperly sought to be annexed to the existing corporate limits by an action for injunction filed in the superior court of the county in which the territory proposed for annexation is situated.
- (c) For incorporations occurring after January 1, 2018, whereby voters in the proposed incorporated area vote upon incorporation, persons registered to vote for members of the General Assembly residing, on the date of the adoption of the applicable charter, in the unincorporated area of a county as defined above in Section 36-36-70(a) shall also vote in the referendum. If a majority of those voting vote in favor of incorporation, the area shall become a part of the corporate limits of the municipality, but not otherwise.”