



SENATE BILL 79: Leland Annexation Moratorium.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2023-2024 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 17, 2023
Introduced by:	Sen. Rabon	Prepared by:	Erika Churchill
Analysis of:	PCS to First Edition S79-CSST-14		Staff Attorney

OVERVIEW: *The proposed committee substitute (PCS) for Senate Bill 79 would suspend the Town of Leland's authority to modify its own corporate boundaries through annexation.*

CURRENT LAW: Section 1 of Article VII of the North Carolina Constitution provides that the General Assembly is empowered to "provide for the organization and government and the fixing of boundaries of counties, cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by this Constitution, may give such powers and duties to counties, cities and towns, and other governmental subdivisions as it may deem advisable." Pursuant to this Section, the General Assembly enacted Article 4A of Chapter 160A of the General Statutes which establishes a statutory procedure for a municipality to expand its corporate boundaries through voluntary and involuntary annexation. The General Assembly may also legislatively annex property into the corporate boundaries by local act. Only the General Assembly may decrease the corporate boundaries, commonly referred to as deannexation, which is also done by local act.

BILL ANALYSIS: The PCS would suspend the authority of the Town of Leland to expand its own corporate boundaries through annexation of territory. If an annexation was in progress as of March 1, 2023, the Town of Leland could continue that annexation to its culmination.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: S.L. 2022-26 limited the authority of the Town of Leland to annex noncontiguous (satellite) property by:

- Reducing from three miles to one and one-half miles, the maximum distance the proposed satellite corporate limits can be from Leland's primary corporate limits.
- Removing Leland's exemption from the requirement that the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed 10% of the area within the primary corporate limits of the annexing city.
- Requiring the annexation petition to contain a statement from the owner that the owner's petition for annexation is not based upon any representation by Leland that a public enterprise service available outside Leland's corporate limits would be withheld from the owner's property without the petition for annexation.

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