

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

1

HOUSE BILL 32

Short Title: Suspend Involuntary Annexations. (Public)

Sponsors: Representatives Brown; Blackwood, Boylan, Cleveland, Dollar, Faison, Folwell, Hurley, Langdon, McGee, and Pate.

Referred to: Rules, Calendar, and Operations of the House.

January 30, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO SUSPEND INVOLUNTARY ANNEXATIONS AND TO ESTABLISH
3 A BLUE RIBBON COMMISSION TO STUDY INVOLUNTARY
4 ANNEXATIONS.

5 Whereas, involuntary annexations under Parts 2 and 3 of Article 4A of
6 Chapter 160A of the General Statutes have increased in recent years; and

7 Whereas, many citizens object to being annexed into a municipality without
8 their consent; and

9 Whereas, the process of involuntary annexations has led to several
10 contentious lawsuits in this State; and

11 Whereas, the fairness of involuntary annexations is a legitimate concern that
12 should be addressed by the General Assembly; Now, therefore,
13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** No municipality shall take steps to annex any property under
15 Part 2 or 3 of Article 4A of Chapter 160A of the General Statutes, no annexation under
16 either of those parts that has commenced (evidenced by the passing of a resolution
17 under G.S. 160A-37(a) or G.S. 160A-49(a)) but has not become effective shall take
18 effect, and the General Assembly shall not adopt any local act annexing any property
19 that would have been involuntarily annexed by a municipality until the commission
20 established in Section 2 of this act has submitted a final report of its findings and
21 recommendations to the 2009 General Assembly, and the General Assembly has acted
22 upon those findings and recommendations.

23 **SECTION 2.(a)** Commission Established. – There is established in the
24 General Assembly a Blue Ribbon Commission to Study Involuntary Annexations in
25 North Carolina.

26 **SECTION 2.(b)** Membership. – The Commission shall be composed of 10
27 members as follows:

1 (1) Five members of the House of Representatives, representing all
2 political parties, appointed by the Speaker of the House of
3 Representatives.

4 (2) Five members of the Senate, representing all political parties,
5 appointed by the President Pro Tempore of the Senate.

6 **SECTION 2.(c) Duties of Commission.** – The Commission shall study the
7 following matters related to involuntary annexations in the State:

8 (1) The procedures authorized for involuntary annexations under Parts 2
9 and 3 of Article 4A of Chapter 160A of the General Statutes.

10 (2) The adequacy of those procedures to protect the rights of property
11 owners.

12 (3) The opportunity for property owners to object to involuntary
13 annexation and the adequacy of remedies available to them.

14 **SECTION 2.(d) Vacancies.** – Any vacancy on the Commission shall be
15 filled by the appointing authority.

16 **SECTION 2.(e) Cochairs.** – Cochairs of the Commission shall be designated
17 by the Speaker of the House of Representatives and the President Pro Tempore of the
18 Senate from among their respective appointees. The Commission shall meet upon the
19 call of the chairs. A majority of the Commission shall constitute a quorum.

20 **SECTION 2.(f) Expenses of Members.** – Members of the Commission shall
21 receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
22 138-5, or 138-6, as appropriate.

23 **SECTION 2.(g) Staff.** – Adequate staff shall be provided to the Commission
24 by the Legislative Services Office.

25 **SECTION 2.(h) Consultants.** – The Commission may hire consultants to
26 assist with the study. Before expending any funds for a consultant, the Commission
27 shall report to the Joint Legislative Commission on Governmental Operations on the
28 consultant selected, the work products to be provided by the consultant, and the cost of
29 the contract, including an itemization of the cost components.

30 **SECTION 2.(i) Cooperation.** – The Commission may call upon any
31 department, agency, institution, or officer of the State or any political subdivision
32 thereof for facilities, data, or other assistance.

33 **SECTION 2.(j) Meetings During Legislative Session.** – The Commission
34 may meet during a regular or extra session of the General Assembly, subject to approval
35 of the Speaker of the House of Representatives and the President Pro Tempore of the
36 Senate.

37 **SECTION 2.(k) Meeting Location.** – The Commission shall meet at various
38 locations around the State in order to promote greater public participation in its
39 deliberations. The Legislative Services Commission shall grant adequate meeting space
40 to the Commission in the State Legislative Building or the Legislative Office Building.

41 **SECTION 2.(l) Report.** – The Commission shall make an interim report of
42 its findings and recommendations to the 2008 Regular Session of the 2007 General
43 Assembly and shall make a final report of its findings and recommendations to the 2009
44 General Assembly. Upon the filing of its final report, the Commission shall terminate.

1 **SECTION 2.(m)** Funding. – The Commission may apply for, receive, and
2 accept grants of non-State funds or other contributions as appropriate to assist in the
3 performance of its duties.

4 **SECTION 2.(n)** Appropriation. – Of the funds appropriated to the General
5 Assembly, the Legislative Services Commission shall allocate sufficient funds for the
6 expenses of the Commission.

7 **SECTION 3.** This act is effective when it becomes law.