

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 617

Short Title: Jury Trial on Annexation.

(Public)

Sponsors: Senators Ballantine; Carrington, Shaw, Ledbetter, McKoy, Clark, Foxx, Forrester, Webster, and Carpenter.

Referred to: Judiciary II/Election Laws

April 10, 1995

A BILL TO BE ENTITLED
AN ACT TO EXTEND THE RIGHT OF TRIAL BY JURY TO ANNEXATION
ACTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-38(f) reads as rewritten:

"(f) The court shall fix the date for review of annexation proceedings under this Chapter, which review date shall preferably be within 30 days following the last day for receiving petitions to the end that review shall be expeditious and without unnecessary delays. ~~The review shall be conducted by the court without a jury.~~ The petitioner and the city whose annexation ordinance is under review have the right to a jury trial as provided under G.S. 1A-1, the Rules of Civil Procedure. The court may hear oral arguments and receive written briefs, and may take evidence intended to show either

- (1) That the statutory procedure was not followed or
- (2) That the provisions of G.S. 160A-35 were not met, or
- (3) That the provisions of G.S. 160A-36 have not been met."

Sec. 2. G.S. 160A-50(f) reads as rewritten:

"(f) The court shall fix the date for review of annexation proceedings under this Part, which review date shall preferably be within 30 days following the last day for receiving petitions to the end that review shall be expeditious and without unnecessary

1 delays. ~~The review shall be conducted by the court without a jury.~~ The petitioner and the city
2 whose annexation ordinance is under review have the right to a jury trial as provided
3 under G.S. 1A-1, the Rules of Civil Procedure. The court may hear oral arguments and
4 receive written briefs, and may take evidence intended to show either
5 (1) That the statutory procedure was not followed, or
6 (2) That the provisions of G.S. 160A-47 were not met, or
7 (3) That the provisions of G.S. 160A-48 have not been met."
8 Sec. 3. This act becomes effective with respect to petition for review filed on
9 or after the date of ratification.