

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH70577-LBx-247 (3/8)

Short Title: Eminent Domain.

(Public)

Sponsors: Representative Gillespie.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
PROHIBIT EMINENT DOMAIN FROM BEING USED FOR ECONOMIC
DEVELOPMENT PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of the North Carolina Constitution is amended by
adding the following new section:

"Sec. 38. Restriction on use of eminent domain.

Neither the State of North Carolina nor any local government or political subdivision
may take any property by eminent domain where the purpose of the condemnation is
solely for economic development purposes, including increasing the tax base or
increasing the rate or quality of employment in a community."

SECTION 2. The amendment set out in Section 1 of this act shall be
submitted to the qualified voters of the State at the statewide general election to be held
November 7, 2006, which election shall be conducted under the laws then governing
elections in the State. Ballots, voting systems, or both may be used in accordance with
Chapter 163 of the General Statutes. The question to be used in the voting systems and
ballots shall be:

"[] FOR [] AGAINST

Constitutional amendment to prohibit the State of North Carolina or any local
government or political subdivision from taking any property by eminent domain where
the purpose of the condemnation is solely for economic development purposes,
including increasing the tax base or increasing the rate or quality of employment in a
community."

SECTION 3. If a majority of votes cast on the question are in favor of the
amendment set out in Section 1 of this act, the State Board of Elections shall certify the
amendment to the Secretary of State. The Secretary of State shall enroll the amendment

1 so certified among the permanent records of that office. The amendment set out in
2 Section 1 of this act becomes effective January 1, 2007.
3 **SECTION 4.** This act is effective when it becomes law.