GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

HOUSE BILL 1854

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Short	The:	Eminent Domain	•

Sponsors: Representatives Gillespie; Allred, Barnhart, Brown, Cleveland, Culp, Current, Dollar, Faison, Frye, Grady, Harrell, Hilton, Hollo, Holloway, Johnson, Langdon, LaRoque, Lewis, McGee, Pate, Preston, Rayfield, Setzer, Spear, Stam, Starnes, Steen, Vinson, Walend, Walker, Wiley, and Wilson.

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

May 10, 2006

1	A BILL TO BE ENTITLED
2	AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
3	PROHIBIT EMINENT DOMAIN FROM BEING USED FOR ECONOMIC
4	DEVELOPMENT PURPOSES.
5	The General Assembly of North Carolina enacts:
6	SECTION 1. Article 1 of the North Carolina Constitution is amended by
7	adding the following new section:
8	"Sec. 38. Restriction on use of eminent domain.
9	Neither the State of North Carolina nor any local government or political subdivision
10	may take any property by eminent domain where the purpose of the condemnation is
11	solely for economic development purposes, including increasing the tax base or
12	increasing the rate or quality of employment in a community."
13	SECTION 2. The amendment set out in Section 1 of this act shall be
14	submitted to the qualified voters of the State at the statewide general election to be held
15	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
15	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
15 16 17 18	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:
15 16 17 18	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
15 16 17	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
15 16 17 18 19	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
15 16 17 18 19 20 21 22	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,
15 16 17 18 19 20 21	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

(Public)

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General Assembly of North Carolina

1 SECTION 3. If a majority of votes cast on the question are in favor of the 2 amendment set out in Section 1 of this act, the State Board of Elections shall certify the 3 amendment to the Secretary of State. The Secretary of State shall enroll the amendment 4 so certified among the permanent records of that office. The amendment set out in 5 Section 1 of this act becomes effective January 1, 2007. 6 SECTION 4. This act is effective when it becomes law.