

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE RESOLUTION DRHR50511-LG-411 (8/10)

Sponsors: Representative Gillespie.

Referred to:

1 A HOUSE RESOLUTION EXPRESSING DISAGREEMENT WITH THE
2 MAJORITY OPINION OF THE UNITED STATES SUPREME COURT
3 DECISION IN THE RECENT EMINENT DOMAIN DECISION.

4 Whereas, historically, the takings clause of the Fifth Amendment of the
5 United States Constitution has been interpreted to allow governments to seize private
6 property through eminent domain if the property is for the public use and the property
7 owner is justly compensated; and

8 Whereas, in the case of Kelo v. City of New London, the United States
9 Supreme Court ruled in a 5-4 decision that the City of New London, Connecticut, may
10 condemn the homes and businesses of residents to increase the city's tax revenue and to
11 achieve the city's economic development purposes; and

12 Whereas, all levels of government should protect the rights of individuals
13 over large corporations and development firms who typically have disproportionate
14 influence and power in the political process; and

15 Whereas, all levels of government should limit their use of the power of
16 eminent domain for projects and purposes that serve the public good as intended by the
17 Fifth Amendment of the United States Constitution; and

18 Whereas, all levels of government must give just compensation to individuals
19 whose property is taken through eminent domain; and

20 Whereas, the exercise of eminent domain by state or local governments that
21 do not comply with the intent of the Fifth Amendment of the United States Constitution
22 constitutes a grave abuse of government power and usurps individual property rights;
23 Now, therefore,

24 Be it resolved by the House of Representatives:

25 **SECTION 1.** The House of Representatives strongly disagrees with the
26 majority opinion in Kelo v. City of New London and supports the rights of property
27 owners granted in the Fifth Amendment of the United States Constitution.

1 **SECTION 2.** The Principal Clerk shall send a certified copy of this
2 resolution to the North Carolina Congressional Delegation, the President of the United
3 States Senate, and the Speaker of the United States House of Representatives.

4 **SECTION 3.** This resolution is effective upon adoption.