

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE DRS55295-LBx-262A (3/8)

Short Title: Eminent Domain.

(Public)

Sponsors: Senators Forrester, and Smith.

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 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 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.