

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 1222

Short Title: Restrict Eminent Domain. (Public)

Sponsors: Senators Pittenger; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hunt, Jacumin, Miller, Presnell, and Tillman.

Referred to: Rules and Operations of the Senate.

May 10, 2006

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
2 PROHIBIT ANY PUBLIC ENTITY FROM TAKING PROPERTY BY EMINENT
3 DOMAIN AND CONVEYING IT TO A PRIVATE ENTITY FOR ECONOMIC
4 DEVELOPMENT OR TO INCREASE TAX REVENUES.

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 to
11 convey the property or its use to a private entity for either economic development or to
12 increase tax revenues."
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14 **SECTION 2.** The amendment set out in Section 1 of this act shall be
15 submitted to the qualified voters of the State at the statewide general election to be held
16 November 7, 2006, which election shall be conducted under the laws then governing
17 elections in the State. Ballots, voting systems, or both may be used in accordance with
18 Chapter 163 of the General Statutes. The question to be used in the voting systems and
19 ballots shall be:

20 "[] FOR [] AGAINST

21 Constitutional amendment to prohibit the State of North Carolina or any local
22 government or political subdivision from taking any property by eminent domain where
23 the purpose of the condemnation is to convey the property or its use to a private entity
24 for either economic development or to increase tax revenues."

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

1 amendment to the Secretary of State. The Secretary of State shall enroll the amendment
2 so certified among the permanent records of that office.

3 **SECTION 4.** The amendment set out in Section 1 of this act becomes
4 effective January 1, 2007.