

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 723

Short Title: Local Accountability Act.

(Public)

Sponsors: Senators Clark (Primary Sponsor); and Bryant.

Referred to: Judiciary I.

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROTECT THOSE WHOSE PROPERTY IS BEING TAKEN BY EMINENT DOMAIN BY PROVIDING THAT WHEN A LOCAL GOVERNMENT CONDEMNOR IS NOT AN ELECTED BOARD, A MAJORITY OF THE ELECTED BOARDS APPOINTING IT MUST APPROVE FILING OF THE CONDEMNATION ACTION, TO ALSO REQUIRE APPROVAL OF THE GOVERNING BOARD OF THE COUNTY WHERE THE PROPERTY IS LOCATED, AND TO PROVIDE THAT A BOARD CONSISTING OF APPOINTED PERSONS MAY NOT LEVY AD VALOREM TAXES WITHOUT APPROVAL OF THE COUNTY WHERE THE PROPERTY SUBJECT TO TAXATION IS LOCATED.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article I of the North Carolina Constitution is amended by adding new sections to read:

**"Sec. 19.1. Eminent domain by local governments.**

If the General Assembly authorizes by law the exercise of the power of eminent domain by any local governmental subdivision, including a board or commission of such subdivision, or a special district or local authority, and the governing body of that entity is not composed entirely of persons elected by the people (other than persons appointed to fill vacancies in an elective office), then prior to the commencement of any condemnation action, the condemnation action may be filed only if a majority of the members of that entity are appointed by boards consisting of elected officials, and a majority of all the entities making appointments to that entity have approved initiation of the condemnation action, and may only be filed with the approval of the governing board of the county where the property is located.

**"Sec. 19.2. Taxation by local governments.**

If the General Assembly authorizes by law the exercise of the power of ad valorem taxation by any local governmental subdivision, including a board or commission of such subdivision, or a special district or local authority, and the governing body of that entity is not composed entirely of persons elected by the people (other than persons appointed to fill vacancies in an elective office), then prior to the initial levy of taxes the governing body of the county or counties where the property subject to taxation is located must approve the levy."

**SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at a statewide election to be conducted on November 4, 2014, 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 condemnation of private property by an appointed local government board or authority unless the elected officials making appointments to that board have approved of the condemnation action, and to prohibit property taxes from being levied by an appointive board without the approval of the governing body of the county."

**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 so certified among the permanent records of that office. The amendment set out in Section 1 of this act becomes effective upon certification and applies to takings after that date.

**SECTION 4.** This act is effective when it becomes law.