

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 35*

Short Title: Eminent Domain Statutory Revisions. (Public)

Sponsors: Senators B. Jackson (Primary Sponsor); Ballard, Bishop, Britt, Brock, Cook, Daniel, J. Davis, Gunn, Krawiec, Lee, McInnis, Newton, Pate, Rabin, and Sanderson.

Referred to: Rules and Operations of the Senate

February 8, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CONDEMNATION OF PRIVATE PROPERTY SHALL ONLY BE FOR A PUBLIC USE AND TO EXPAND THE PURPOSES FOR WHICH CONDEMNORS MAY EXERCISE THEIR CONDEMNATION POWERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 40A-3(a) reads as rewritten:

"(a) Private Condemnors. – For the public ~~use or benefit,~~ use, the persons or organizations listed below shall have the power of eminent domain and may acquire by purchase or condemnation property for the stated purposes and other works which are authorized by ~~law.~~ law:

(1) Corporations, bodies politic or persons have the power of eminent domain for the construction of railroads, power generating facilities, substations, switching stations, microwave towers, roads, alleys, access railroads, turnpikes, street railroads, plank roads, tramroads, canals, ~~telegraphs, telephones,~~ communication facilities, electric power lines, electric lights, public water supplies, public sewerage systems, flumes, bridges, facilities related to the distribution of natural gas, and pipelines or mains ~~originating in North Carolina~~ for the transportation of petroleum products, coal, natural gas, limestone or minerals. Land condemned for any liquid pipelines ~~shall~~ shall meet both of the following requirements:

- a. Not be less than 50 feet nor more than 100 feet in ~~width;~~ and width.
- b. Comply with the provisions of G.S. 62-190(b).
The width of land condemned for any natural gas pipelines shall not be more than 100 feet.

...."

SECTION 2. G.S. 40A-3(b) reads as rewritten:

"(b) Local Public Condemnors – Standard Provision. – For the public ~~use or benefit,~~ use, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property, either inside or outside its boundaries, for the following ~~purposes.~~ purposes:

...."

SECTION 3. G.S. 40A-3(b1) reads as rewritten:

"(b1) Local Public Condemnors – Modified Provision for Certain Localities. – For the public ~~use or benefit,~~ use, the governing body of each municipality or county shall possess the power of



1 eminent domain and may acquire by purchase, gift or condemnation any property or interest
2 therein, either inside or outside its boundaries, for the following ~~purposes:~~purposes:

3"

4 **SECTION 4.** G.S. 40A-3(c) reads as rewritten:

5 "(c) Other Public Condemnors. – For the public ~~use or benefit,~~use, the following political
6 entities shall possess the power of eminent domain and may acquire property by purchase, gift, or
7 condemnation for the stated ~~purposes:~~purposes:

8"

9 **SECTION 5.** G.S. 40A-3 is amended by adding a new subsection to read:

10 "(d) Connection of Customers. – For the public use, private condemnors, local public
11 condemnors, and other public condemnors in subsections (a), (b), (b1), and (c) of this section shall
12 possess the power of eminent domain and may acquire by purchase, gift, or condemnation any
13 property for the connection of any customer or customers."

14 **SECTION 6.** This act is effective when it becomes law and applies to takings
15 occurring on or after that date.