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Property rights

By Staff

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North Carolina voters will be asked to decide whether the government can invoke eminent domain to condemn private property to make way for economic development projects under a measure approved last week in the N.C. House.

If the N.C. Senate signs off on the proposed constitutional amendment, the referendum could go before voters as early as this fall.

The measure, which was approved by a bipartisan 104-15 vote in the House, also ensures the right of a landowner whose property is condemned to receive a jury trial to determine just compensation.

North Carolina is one of many states to review eminent domain laws after the U.S. Supreme Court ruled that the town of New London, Conn., could condemn and seize property for use as a hotel and convention center. But the high court also ruled that states could ban such condemnations.

Lawmakers enacted a law last year that eliminated a few exceptions that allowed towns and cities to condemn land for economic development. The proposed amendment would make it harder for the loopholes closed last year to be written into future laws.

State and local governments have long held the power to invoke eminent domain to take private property for public use, but the Connecticut case set a bad precedent. Taxpayers are being asked again and again to foot the bill for huge economic incentive packages to help lure business and industry to North Carolina. They shouldn't have to worry that the next thing asked of them may be to forfeit their property.

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