



HOUSE BILL 3: Omnibus Constitutional Amendments.

2016-2017 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 24, 2016
Introduced by:	Reps. McGrady, Stam, Lewis, Goodman	Prepared by:	Erika Churchill and Amy Darden, Staff Attorneys
Analysis of:	PCS to First Edition H3-CSTG-58		

SUMMARY: *The PCS to House Bill 3 proposes the following amendments to the North Carolina Constitution:*

- *Eminent domain*
- *Taxpayer protections*
- *The right to hunt, fish and harvest wildlife.*

[As introduced, this bill was identical to S74, as introduced by Sen. B. Jackson, which is currently in Senate Rules and Operations of the Senate.]

BILL ANALYSIS:

- Part 1 of the PCS would amend the NC Constitution by adding a new Section 19.1 to Article I. The new section would provide that private property cannot be taken for eminent domain except for a public use and that just compensation shall be paid and determined by a jury at the request of any party. Previously, the NC Supreme court had not recognized a right to a jury trial for the issue of compensation in Kaperonis v. NC State Highway Commission.
 - This amendment would be submitted to voters at a statewide election on November 8, 2016, and if passed would become law January 1, 2017.
- Part 2 of the PCS would add a new Article to the NC Constitution entitled "Taxpayer Protections." This Article would:
 - Create a new constitutionally required Emergency Savings Reserve Fund. The General Assembly would be required to reserve 2% of the amount of appropriated each year to the Fund. Bills declining to make the required reserve and bills appropriating money from the Emergency Savings Reserve Fund, would require a $\frac{2}{3}$ vote of both houses. This section would apply to fiscal years beginning on or after January 1, 2017, if passed by the voters.
 - Caps the tax on income at 5 $\frac{1}{2}$ % (currently capped at 10%). This section would apply to taxable years beginning on or after January 1, 2017, if passed by the voters.
 - These amendments would be submitted to voters at a statewide election on November 8, 2016.

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- Part 3 of the PCS would amend Article I of the NC Constitution to add a new Section 20 entitled "Right to Hunt, Fish, and Harvest Wildlife." This section would:
 - Provide a right to hunt, fish and harvest wildlife, using traditional methods subject to reasonable regulations by the General Assembly.
 - This amendment would be submitted to voters at a statewide election on November 8, 2016 and if passed would become law January 1, 2017.

EFFECTIVE DATE: Except as otherwise provided, this act becomes effective when it becomes law.