

CACR 30 – FINAL VERSION

08Mar2006... 0982h

22Mar2006... 1411h

2006 SESSION

06-2232

06/09

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **30**

RELATING TO: limits on the taking of private property.

PROVIDING THAT: a person's property shall not be taken by eminent domain if the taking is for private use.

SPONSORS: Rep. Giuda, Graf 5; Sen. Green, Dist 6

COMMITTEE: Judiciary

AMENDED ANALYSIS

This constitutional amendment concurrent resolution prohibits the use of eminent domain for private use.

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Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Six

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: limits on the taking of private property.

PROVIDING THAT: a person's property shall not be taken by eminent domain if the taking is for private use.

Be it Resolved by the House of Representatives, the Senate concurring, that the

Constitution of New Hampshire be amended as follows:

I. That the first part of the constitution be amended by inserting after article 12 the following new article:

[Art.] 12-a [Power to Take Property Limited.] No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2006.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2006 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2006 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting a new article 12-a to provide that private property can only be taken as follows:

[Art.] 12-a [Power to Take Property Limited.] No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2006 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

Approved: April 20, 2006