

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 334

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

S334-ALB-31 [v.1]

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Comm. Sub. [YES]  
Amends Title [NO]  
Second Edition

Date \_\_\_\_\_, 2013

Senator Pate

1 moves to amend the bill on page 2, lines 17-27, by rewriting those lines to read:

2 "SECTION 3.(a) If the City of Raleigh contends that it is owed just compensation,  
3 it shall, within 60 days of the effective date of this act, file a special proceeding in the Superior  
4 Court for a determination whether just compensation is required and if so the amount of just  
5 compensation. The rules of procedure for such action shall be determined by the judge  
6 presiding, unless the Supreme Court otherwise provides rules of procedure under Section 13 of  
7 Article IV of the Constitution, but shall generally be the same as for determining just  
8 compensation in actions under Article 9 of Chapter 136 of the General Statutes. This section  
9 does not in and of itself confer standing.

10 SECTION 3.(b) Any special proceeding filed under subsection (a) of this section  
11 shall be filed in the Superior Court of Wake County and shall be heard and determined by a  
12 three-judge panel of the Superior Court of Wake County organized as provided by subsection  
13 (c) of this section.

14 SECTION 3.(c) A copy of the complaint shall be served upon the senior resident  
15 superior court judge of Wake County, who shall be the presiding judge of the three-judge panel  
16 required by subsection (b) of this section. Upon receipt of that complaint, the senior resident  
17 superior court judge of Wake County shall notify the Chief Justice, who shall appoint two  
18 additional resident superior court judges to the three-judge panel of the Superior Court of Wake  
19 County to hear and determine the action. Before making those appointments, the Chief Justice  
20 shall consult with the North Carolina Conference of Superior Court Judges, which shall provide  
21 the Chief Justice with a list of recommended appointments. To ensure that members of the  
22 three-judge panel are drawn from different regions of the State, the Chief Justice shall appoint  
23 to the three-judge panel one resident superior court judge from the First through Fourth Judicial  
24 Divisions and one resident superior court judge from the Fifth through Eighth Judicial  
25 Divisions. Should the senior resident superior court judge of Wake County be unable to serve  
26 on the three-judge panel, the Chief Justice shall appoint another resident superior court judge of  
27 Wake County as the presiding judge of the three-judge panel. Should any other member of the  
28 three-judge panel be unable to serve on the three-judge panel, the Chief Justice shall appoint as  
29 a replacement another resident superior court judge from the same group of judicial divisions as  
30 the resident superior court judge being replaced.

31 SECTION 3.(d) No order or judgment shall be entered under this section except by  
32 the three-judge panel of the Superior Court of Wake County organized as provided by



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1 subsection (b) of this section. In the event of disagreement among the three resident superior  
2 court judges comprising the three-judge panel, then the opinion of the majority shall prevail."  
3

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
Senate Principal Clerk's Office**