

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH10430-LBx-257 (4/10)

Short Title: Eminent Domain.

(Public)

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Sponsors: Representatives Stam, Harrell, Goforth, and Lewis (Primary Sponsors).

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Referred to:

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A BILL TO BE ENTITLED

1  
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO  
3 PROHIBIT CONDEMNATION OF PRIVATE PROPERTY TO BE OWNED BY  
4 OTHER PRIVATE OWNERS FOR ECONOMIC DEVELOPMENT, AND TO  
5 PROVIDE FOR THE PROMPT PAYMENT OF JUST COMPENSATION WITH  
6 RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES.

7 The General Assembly of North Carolina enacts:

8       **SECTION 1.** Section 19 of Article I of the North Carolina Constitution  
9 reads as rewritten:

10 **"Sec. 19. Law of the land; equal protection of the laws.**

11 No person shall be taken, imprisoned, or disseized of his freehold, liberties, or  
12 privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or  
13 property, but by the law of the land. No person shall be denied the equal protection of  
14 the laws; nor shall any person be subjected to discrimination by the State because of  
15 race, color, religion, or national origin.

16 Private property shall not be taken except for a public use. Except if the property to  
17 be taken is blighted as defined by general law, public use does not include the  
18 ownership of property by a private entity for economic development. Just compensation  
19 shall be promptly paid and, if demanded by the owner, shall be determined by a jury."

20       **SECTION 2.** The amendment set out in Section 1 of this act shall be  
21 submitted to the qualified voters of the State at a statewide general election to be held  
22 November 6, 2007, which election shall be conducted under the laws then governing  
23 elections in the State. Ballots, voting systems, or both may be used in accordance with  
24 Chapter 163 of the General Statutes. The question to be used in the voting systems and  
25 ballots shall be:

"[ ] FOR      [ ] AGAINST

26

1           Constitutional amendment to prohibit condemnation of private property to be  
2 owned by other private owners for economic development, and to provide for the  
3 prompt payment of just compensation with right of trial by jury in all condemnation  
4 cases

5           **SECTION 3.** If a majority of votes cast on the question are in favor of the  
6 amendment set out in Section 1 of this act, the State Board of Elections shall certify the  
7 amendment to the Secretary of State. The Secretary of State shall enroll the amendment  
8 so certified among the permanent records of that office. The amendment set out in  
9 Section 1 of this act becomes effective January 1, 2008.

10           **SECTION 4.** This act is effective when it becomes law.