

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH30127-LBx-55B (1/30)

Short Title: Eminent Domain.

(Public)

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

Referred to:

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 CONVEYED
4 TO 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. Public use does not
17 include the taking of property for the purpose of thereafter conveying an interest in the
18 property to a third party for economic development. The previous sentence does not
19 apply to the taking of property which is blighted as defined by general law. Just
20 compensation shall be promptly paid and, if demanded by the owner, shall be
21 determined by a jury. Nothing in the previous sentence affects transfer of title pending
22 final judgment on the amount of damages if the condemnor has deposited with the court
23 for distribution to the owner its good faith estimate of just compensation, as provided by
24 general law."

25 **SECTION 2.** The amendment set out in Section 1 of this act shall be
26 submitted to the qualified voters of the State at a statewide general election to be held
27 November 6, 2007, which election shall be conducted under the laws then governing

