

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 878
Committee Substitute Favorable 5/22/07

Short Title: Eminent Domain.

(Public)

Sponsors:

Referred to:

March 19, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY TO BE CONVEYED TO OTHER PRIVATE OWNERS FOR ECONOMIC DEVELOPMENT AND TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES.

The General Assembly of North Carolina enacts:

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

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

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

Private property shall not be taken except for a public use. Public use does not include the taking of property for the purpose of thereafter conveying an interest in the property to a third party for economic development. The previous sentence does not apply to the taking of blighted properties as defined by general law, to the taking of properties for which the public use is preserved or utilized, or to takings for access to property. As used in this paragraph, blight includes only the physical condition of the property being taken. Just compensation shall be paid and, if demanded by the owner, shall be determined by a jury."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the next statewide primary or election, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

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 payment of just compensation with right of trial by jury in all condemnation cases."

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

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