

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 2213  
Committee Substitute Reported Without Prejudice 6/28/06

Short Title: Eminent Domain.

(Public)

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Sponsors:

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Referred to:

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May 18, 2006

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 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  
28 elections in the State. Ballots, voting systems, or both may be used in accordance with

1 Chapter 163 of the General Statutes. The question to be used in the voting systems and  
2 ballots shall be:

3  FOR  AGAINST

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

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

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