

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1268

Short Title: Eminent Domain. (Public)

Sponsors: Representatives Blue, Stam, Lewis (Primary Sponsors); Adams, Allred, Avila, Barnhart, Bell, Blackwell, Blackwood, Blust, Boles, Bordsen, Brisson, Brown, Brubaker, Burr, Burris-Floyd, Cleveland, Coates, Cotham, Current, Daughtry, Dockham, Dollar, Earle, England, Faison, E. Floyd, Folwell, Frye, Gillespie, Goforth, Goodwin, Grady, Guice, Gulley, Hall, Hilton, Holloway, Howard, Hughes, Hurley, Jackson, Johnson, Jones, Justice, Justus, Killian, Langdon, Love, Lucas, Luebke, Mackey, McComas, McCormick, McElraft, McGee, Michaux, Mills, Mobley, Moore, Neumann, Owens, Pierce, Randleman, Rhyne, Sager, Samuelson, Setzer, Spear, Starnes, Steen, Stevens, Stiller, Sutton, Tarleton, Tillis, Wainwright, R. Warren, West, Wiley, Wilkins, Womble, and Wray.

Referred to: Judiciary II, if favorable, Appropriations.

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY TO CONVEY AN INTEREST IN THAT PROPERTY 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. Article I of the North Carolina Constitution is amended by adding a new section to read:

"Sec. 19.1. Eminent domain.

Private property shall not be taken by eminent domain except for a public use. Public use does not include the taking of property in order to convey an interest in the property for economic development. This paragraph does not apply to the taking of physically blighted properties as defined by general law, nor to takings for access to property. 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 a statewide election to be conducted on November 3, 2009, 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

Constitutional amendment to prohibit condemnation of private property to convey an interest in that property for economic development and to provide for the payment of just compensation with right of trial by jury in all condemnation cases."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so



1 certified among the permanent records of that office. The amendment set out in Section 1 of
2 this act becomes effective upon certification and applies to takings after that date.

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