

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1158

Short Title: Just Compensation Const. Amendment.

(Public)

Sponsors: Representatives Stam; Cromer, Flaherty, and Bowman.

Referred to: Judiciary.

April 10, 1989

A BILL TO BE ENTITLED

AN ACT PROPOSING AN AMENDMENT TO THE NORTH CAROLINA CONSTITUTION CONCERNING "JUST COMPENSATION".

The General Assembly of North Carolina enacts:

Section 1. Article I, Section 19 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 or damaged except for public purposes and with timely payment of just compensation. Whenever the amount of just compensation is in controversy, any party shall have the right to a trial by jury on that issue."

Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election in November 1990, which election shall be conducted under the laws then governing elections in the State. At that election, each qualified voter desiring to vote shall be provided a ballot on which shall be printed the following:

[ ] FOR Constitutional amendment concerning 'just compensation'.

[ ] AGAINST Constitutional amendment concerning 'just compensation'."

1           Those qualified voters favoring the amendment set out in Section 1 of this  
2 act shall vote by making an X or a check mark in the square beside the statement  
3 beginning "FOR", and those qualified voters opposed to that amendment shall vote by  
4 making an X or check mark in the square beside the statement beginning "AGAINST".

5           Notwithstanding the foregoing provisions of this section, voting machines  
6 may be used in accordance with rules and regulations prescribed by the State Board of  
7 Elections.

8           Sec. 3. If a majority of votes cast thereon are in favor of the amendment set  
9 out in Section 1 of this act, the State Board of Elections shall certify the amendment to  
10 the Secretary of State, who shall enroll the amendment so certified among the  
11 permanent records of his office, and the amendment shall become effective upon such  
12 certification.

13           Sec. 4. This act is effective upon ratification.