

House Bill 661

By: Representatives Everett of the 163rd, Bridges of the 9th, Scheid of the 17th, Stokes of the 92nd, Twiggs of the 8th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 44 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding property, so as to provide for legislative findings; to provide
3 that the state and any of its agencies or political subdivisions shall compensate the owner of
4 property for any demonstrable loss in the value of the property resulting from any rule or
5 regulation issued by such entity; to provide for related matters; to provide for an effective
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

9 Chapter 1 of Title 44 of the Official Code of Georgia Annotated, relating to general
10 provisions regarding property, is amended by adding at the end thereof a new Code Section
11 44-1-18 to read as follows:

12 "44-1-18.

13 (a) The General Assembly finds that:

14 (1) The laws relating to eminent domain in this state require that property owners receive
15 just compensation when their property is taken due to governmental action;

16 (2) The requirement that no property be taken without just compensation is among those
17 rights guaranteed by the United States Constitution;

18 (3) The ownership of property consists of many different rights, which may be used,
19 retained, or transferred in a variety of ways; and

20 (4) Property owners should be compensated for demonstrable losses in the value of
21 property that is caused by governmental action.

22 (b) The state and any of its agencies or political subdivisions shall compensate the owner
23 of property for any demonstrable loss in the value of the property resulting from any rule
24 or regulation issued by such entity on or after July 1, 2001. The owner of the property shall
25 have the burden of proving the extent of the loss in the value of the property."

1 **SECTION 2.**

2 This Act shall become effective on July 1, 2001.

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.