

## House Resolution 87

By: Representatives Hembree of the 67<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, Smith of the 113<sup>th</sup>, Chambers of the 81<sup>st</sup>, Brooks of the 63<sup>rd</sup>, and others

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to limit the power to take private property  
 2 for public purposes to only the state, counties, and municipalities and only for designated  
 3 public purposes which do not include transferring condemned land to private entities for  
 4 purposes of economic development and increasing the tax revenues of a government; to  
 5 provide for related matters; to provide for submission of this amendment for ratification or  
 6 rejection; and for other purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

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## SECTION 1.

10 Article I, Section III, Paragraph I of the Constitution is amended by striking subparagraphs  
 11 (a) and (b) and inserting in their place new subparagraphs to read as follows:

12 "(a) The power of eminent domain may be exercised only by the state and the counties  
 13 and municipalities of the state and may not be exercised by any government authority,  
 14 government created entity or corporation, private entity, or person. The power of eminent  
 15 domain may be exercised by the state and the counties and municipalities of the state with  
 16 the intent to transfer ownership of the property to a public authority or other government  
 17 entity or to a publicly regulated utility company for the purposes authorized in this  
 18 Paragraph. The power of eminent domain shall only be exercised for purposes of public  
 19 roads and streets, public transportation, railways, utilities, government owned and used  
 20 buildings, and public facilities for the general use of government or its citizens. The  
 21 power of eminent domain shall not be used for purposes of increasing the tax revenue of  
 22 a government, including the transfer of condemned land to a private entity for purposes  
 23 of economic development. Except as otherwise provided in this Paragraph, private  
 24 property shall not be taken or damaged for public purposes without just and adequate  
 25 compensation being first paid.

26 (b) When private property is taken or damaged by the state or the counties or  
 27 municipalities of the state for public road or street purposes, ~~or~~ for public transportation  
 28 purposes, for other purposes set out in this Paragraph, or for any other public purposes

1 as determined by the General Assembly, just and adequate compensation therefor need  
 2 not be paid until the same has been finally fixed and determined as provided by law; but  
 3 such just and adequate compensation shall then be paid in preference to all other  
 4 obligations except bonded indebtedness."

5 **SECTION 2.**

6 Article VIII, Section IV, Paragraph I of the Constitution is amended by striking subparagraph  
 7 (d) and inserting in its place a new subparagraph to read as follows:

8 "(d) The board of regents may hold, purchase, lease, sell, convey, or otherwise dispose  
 9 of public property, execute conveyances thereon, and utilize the proceeds arising  
 10 therefrom; ~~may exercise the power of eminent domain in the manner provided by law;~~  
 11 and shall have such other powers and duties as provided by law."

12 **SECTION 3.**

13 Article IX, Section II, Paragraph V of the Constitution is amended by striking such Paragraph  
 14 and inserting in its place a new Paragraph to read as follows:

15 "Paragraph V. *Eminent domain.* The governing authority of each county and of each  
 16 municipality may exercise the power of eminent domain for any public purpose  
 17 authorized under Article I, Section III, Paragraph I of this Constitution."

18 **SECTION 4.**

19 Article IX, Section II, Paragraph VII of the Constitution is amended by striking subparagraph  
 20 (a) and inserting in its place a new subparagraph to read as follows:

21 "(a) The General Assembly may authorize any county, municipality, or housing authority  
 22 to undertake and carry out community redevelopment, which ~~may~~ shall not include the  
 23 sale or other disposition of property acquired by eminent domain to private enterprise for  
 24 private uses."

25 **SECTION 5.**

26 The above proposed amendment to the Constitution shall be published and submitted as  
 27 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the  
 28 above proposed amendment shall have written or printed thereon the following:

29 "( ) YES Shall the Constitution of Georgia be amended so as to limit the power to  
 30 take private property for public purposes to only the state, counties, and  
 31 ( ) NO municipalities and only for designated public purposes which do not include  
 32 transferring condemned land to private entities for purposes of economic  
 33 development and increasing the tax revenues of a government?"

- 1 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
- 2 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
- 3 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
- 4 become a part of the Constitution of this state.