

House Resolution 1037

By: Representative Knox of the 24th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to specify the public purposes for which
 2 the power of eminent domain may be exercised under the authority of the State of Georgia
 3 and provide that economic development or redevelopment shall not constitute a public
 4 purpose for which private property may be acquired by eminent domain; to provide for
 5 submission of this amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

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

10 "(a) The power of eminent domain shall be exercised under the authority of this state
 11 only for the public purposes of acquiring property:

12 (1) For public road or street purposes or public transportation purposes;

13 (2) For ownership by a governmental entity and use in the performance of one or more
 14 governmental functions other than roads and public transportation to the extent
 15 specifically authorized by general law enacted after January 1, 2006, and subject to the
 16 conditions provided by such law; or

17 (3) For public utility and pipeline purposes to the extent specifically authorized by
 18 existing or future general laws and subject to the conditions provided by law.

19 Economic development or redevelopment shall not constitute a public purpose for which
 20 private property may be acquired by eminent domain. Except as otherwise provided in this
 21 Paragraph, private property shall not be taken or damaged for public purposes without just
 22 and adequate compensation being first paid.

23 (b) When private property is taken or damaged by the state or the counties or
 24 municipalities of the state for public road or street purposes, or for public transportation
 25 purposes, or for any other public purposes ~~as determined by the General Assembly~~, just and
 26 adequate compensation therefor need not be paid until the same has been finally fixed and

1 determined as provided by law; but such just and adequate compensation shall then be paid
2 in preference to all other obligations except bonded indebtedness."

3 **SECTION 2.**

4 Section II of Article IX of the Constitution is amended by striking Paragraph V and inserting
5 in its place a new paragraph to read as follows:

6 "Paragraph V. *Eminent domain.* The governing authority of each county and of each
7 municipality may exercise the power of eminent domain for any public purpose authorized
8 under Paragraph I of Section III of Article I."

9 **SECTION 3.**

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

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

16 **SECTION 4.**

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

20 "() YES Shall the Constitution of Georgia be amended so as to specify the public
21 purposes for which the power of eminent domain may be exercised under
22 () NO the authority of the State of Georgia and provide that economic
23 development or redevelopment shall not constitute a public purpose for
24 which private property may be acquired by eminent domain?"

25 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

26 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
27 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
28 become a part of the Constitution of this state.