

House Resolution 1051

By: Representative Manning of the 32nd

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 only
 11 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; or

15 (3) For public utility and pipeline purposes to the extent authorized by general law and
 16 subject to the conditions provided by law.

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

21 (b) When private property is taken or damaged by the state or the counties or
 22 municipalities of the state for public road or street purposes, or for public transportation
 23 purposes, or for any other public purposes ~~as determined by the General Assembly~~, just and
 24 adequate compensation therefor need not be paid until the same has been finally fixed and
 25 determined as provided by law; but such just and adequate compensation shall then be paid
 26 in preference to all other obligations except bonded indebtedness."

