

House Resolution 1112

By: Representatives Jamieson of the 28<sup>th</sup>, Ray of the 136<sup>th</sup>, Buckner of the 130<sup>th</sup>, Reece of the 11<sup>th</sup>, and Kidd of the 115<sup>th</sup>

## 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, municipalities, consolidated governments, and  
 3 public utilities and only for designated public purposes which do not include transferring  
 4 condemned land to private entities for purposes of economic development and increasing the  
 5 tax revenues of a government; to provide for related matters; to provide for submission of  
 6 this amendment for ratification or rejection; and for other purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 8 SECTION 1.

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

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

25 (b) ~~When private property is taken or damaged by the state or the counties or~~  
 26 ~~municipalities of the state for public road or street purposes, or for public transportation~~  
 27 ~~purposes, or for any other public purposes as determined by the General Assembly~~

1 authorized under this Paragraph, just and adequate compensation therefor need not be  
 2 paid until the same has been finally fixed and determined as provided by law; but such  
 3 just and adequate compensation shall then be paid in preference to all other obligations  
 4 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, or consolidated government shall may exercise the power of eminent  
 17 domain only for ~~any~~ a public purpose authorized under Article I, Section III, Paragraph  
 18 I of this Constitution."

#### 19 SECTION 4.

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

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

#### 26 SECTION 5.

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

- 1     " YES    Shall the Constitution of Georgia be amended so as to limit the power to  
2                    take private property for public purposes to only the state, counties,  
3      NO    municipalities, consolidated governments, and public utilities and only for  
4                    designated public purposes which do not include transferring condemned  
5                    land to private entities for purposes of economic development and  
6                    increasing the tax revenues of a government?"
- 7   All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."  
8   All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
9   such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
10  become a part of the Constitution of this state.