

House Resolution 289

By: Representatives Dunahoo of the 30th, Quick of the 117th, McCall of the 33rd, Caldwell of the 20th, Raffensperger of the 50th, and others

A RESOLUTION

1 Recommending that Congress remove the power of eminent domain from the Federal Natural
2 Gas Act; and for other purposes.

3 WHEREAS, the Georgia House of Representatives and Georgia Senate are concerned about
4 the disastrous impact unrestrained use of eminent domain has on the private property rights
5 of the citizens of Georgia; and

6 WHEREAS, America's Founding Fathers clearly understood that private property rights were
7 the foundation, not only of prosperity, but of freedom itself; and

8 WHEREAS, the common law, state law, and the United States Constitution were written to
9 protect property rights, including the rights of people to freely acquire, use, and dispose of
10 property; and

11 WHEREAS, due to the explosion of governmental legislation and regulations, private
12 property rights have been seriously compromised, particularly through the use of an archaic
13 doctrine, eminent domain, to justify the seizure of private property; and

14 WHEREAS, pursuant to the Federal Natural Gas Act, if the Federal Energy Regulatory
15 Commission approves a pipeline project and no agreement with the landowner is reached,
16 the company may acquire the easement under eminent domain, a right given to the company
17 by statute to take private land for Commission authorized use, with a court determining
18 compensation; and

19 WHEREAS, allowing a natural gas company to take private property from a landowner
20 without his or her consent tramples on the private property rights that are a foundation of our
21 liberty.

22 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL
23 ASSEMBLY OF GEORGIA that Congress should amend the Federal Natural Gas Act to
24 remove provisions allowing the use of eminent domain to seize property for purposes of
25 building a pipeline.