

The House Committee on Natural Resources and Environment offers the following substitute to HB 570:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 1 of the Official Code of Georgia Annotated, relating to general provisions,
2 so as to provide for land sovereignty and private property protections; to provide for a short
3 title; to provide for legislative findings and declarations; to provide for definitions; to limit
4 the effect of certain designations issued by international organizations; to prohibit the use of
5 such designations; to provide for certain actions to constitute regulatory takings; to provide
6 for statutory construction; to provide for a private cause of action; to authorize declaratory
7 and injunctive relief; to authorize certain fees and costs; to provide for related matters; to
8 provide for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 1 of the Official Code of Georgia Annotated, relating to general provisions, is amended
12 by adding a new chapter to read as follows:

13 "CHAPTER 6

14 1-6-1.

15 This chapter shall be known and may be cited as the 'Georgia Land Sovereignty and Private
16 Property Protection Act.'

17 1-6-2.

18 The General Assembly finds and declares that:

19 (1) Georgia is a sovereign state under the Constitution of the United States and the
20 Constitution of Georgia and has authority over land use, zoning, environmental policy,
21 health regulations, and private property protections within its borders;

22 (2) Land use and property regulations are matters of state and local concern and must
23 remain accountable to elected officials;

24 (3) International organizations may issue nonbinding designations, recommendations,
25 or guidance that can be cited or relied upon in regulatory or administrative decision
26 making;

27 (4) Georgia citizens have the right to be governed by laws enacted through the legislative
28 process; and

29 (5) Clear statutory guidance is necessary to prevent regulatory uncertainty and to protect
30 constitutional property rights.

31 1-6-3.

32 As used in this chapter, the term:

33 (1) 'Designation' means a designation, classification, recognition, recommendation, or
34 guidance.

35 (2) 'International organization' means a formal entity established by a treaty or
36 international agreement between two or more sovereign states. Such term includes, but

37 is not limited to, the United Nations, the United Nations Educational, Scientific and
38 Cultural Organization, or the World Health Organization.

39 (3) 'Local government' means any county, municipal corporation, or consolidated
40 government, or other political subdivision thereof.

41 (4) 'State agency' means any agency, authority, board, bureau, commission, committee,
42 department, institution, office, or other instrumentality of the executive, legislative, or
43 judicial branch of government of this state.

44 1-6-4.

45 (a) Any designation issued by an international organization shall have no legal or
46 regulatory effect within the State of Georgia unless expressly authorized by a statute
47 enacted by the General Assembly.

48 (b) Unless expressly authorized by a statute enacted by the General Assembly, no state
49 agency or local government shall use any designation issued by an international
50 organization that in any way restricts the use of private property, including, but not limited
51 to the following:

52 (1) A basis for policy making, rulemaking, or regulatory enforcement;

53 (2) A factor in zoning, permitting, land use planning, or environmental review;

54 (3) Justification for the denial, conditioning, or delay of permits or licenses; or

55 (4) Evidence in any administrative, judicial, or legislative proceeding.

56 1-6-5.

57 (a) No action by a state agency or local government may restrict, condition, or impair the
58 lawful use, development, or transfer of private property based in whole or in part on a
59 designation issued by an international organization unless expressly authorized by a statute
60 enacted by the General Assembly.

61 (b) Any action by a state agency or local government that directly or indirectly diminishes
62 the fair market value or reasonable use of private property due to reliance on a designation
63 issued by an international organization and not expressly authorized by a statute enacted
64 by the General Assembly shall constitute a regulatory taking requiring just compensation
65 as provided under Article I, Section III, Paragraph I of the Constitution of Georgia and the
66 laws of this state.

67 1-6-6.

68 Unless expressly authorized by a statute enacted by the General Assembly, no state agency
69 or local government shall:

70 (1) Enter into agreements or partnerships with an international organization that
71 influence land use or property regulation;

72 (2) Implement or enforce policies derived directly or indirectly from recommendations
73 from an international organization; or

74 (3) Promote or participate in a designation process for an international organization
75 affecting land within the borders of this state.

76 1-6-7.

77 (a) Nothing in this chapter shall be construed to:

78 (1) Conflict with federal law, treaties, or obligations of the United States;

79 (2) Limit the authority of the federal government; or

80 (3) Prohibit voluntary participation by private persons or entities that impose no
81 regulatory obligation on this state.

82 (b) This chapter applies solely to the regulatory authority of state agencies and local
83 government.

84 (c) This chapter shall be interpreted consistent with the Tenth Amendment to the
85 Constitution of the United States and Article I of the Constitution of Georgia.

86 1-6-8.

87 (a) Any person or entity adversely affected by a violation of this chapter shall have
88 standing to seek declaratory or injunctive relief.

89 (b) A prevailing party may recover reasonable attorney's fees and court costs."

90 **SECTION 2.**

91 This Act shall become effective upon its approval by the Governor or upon its becoming law
92 without such approval.

93 **SECTION 3.**

94 All laws and parts of laws in conflict with this Act are repealed.