

The Senate Transportation Committee offered the following substitute to SB 49:

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 1 of Title 22 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to eminent domain, so as to change the provisions relating to
3 requirement of just compensation as a limitation on exercise of power of eminent domain;
4 to provide that interference with a property owner's exclusive rights includes interference
5 with access rights incident to the property; to provide that such interference may include
6 medians creating increased circuitry of travel or a change in traffic patterns; to provide that
7 certain rights are considered exclusive to the owner of the property, and the measure of
8 consequential damages may include any diminution in market value of the property or
9 business by reason of such interference; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 Chapter 1 of Title 22 of the Official Code of Georgia Annotated, relating to general
13 provisions applicable to eminent domain, is amended by striking in its entirety Code Section
14 22-1-5, relating to requirement of just compensation as a limitation on exercise of power of
15 eminent domain, and inserting in lieu thereof a new Code Section 22-1-5 to read as follows:
16 "22-1-5.

17 Except in cases of extreme necessity and great urgency, the right of eminent domain cannot
18 be exercised without first providing for just compensation to the owner for the interference
19 with his or her exclusive rights. Pursuant to this Code section, interference with a property
20 owner's exclusive rights includes interference with access rights incident to the property.
21 Such interference may include medians creating increased circuitry of travel or a change in
22 traffic patterns. Such rights are considered exclusive to the owner of the property, and the
23 measure of consequential damages may include any diminution in market value of the
24 property or business by reason of such interference."

25 **SECTION 2.**

26 All laws and parts of laws in conflict with this Act are repealed.