

The House Committee on Transportation 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 may include the effect
5 of medians; to provide that certain rights are considered exclusive to the owner of the
6 property, and the measure of consequential damages shall include any diminution in market
7 value of the property; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

14 "22-1-5.

15 (a) Except in cases of extreme necessity and great urgency, the right of eminent domain
16 cannot be exercised without first providing for just compensation to the owner for the
17 interference with his or her exclusive rights.

18 (b) Where there is a physical taking, interference with the property owner's exclusive
19 rights shall include the effect of medians, and the measure of consequential damages is any
20 diminution in market value of the property. This subsection shall apply only to takings
21 prior to July 1, 2002, and this subsection shall be repealed effective July 1, 2002, with
22 respect to any taking thereafter."
23

SECTION 2.

24 All laws and parts of laws in conflict with this Act are repealed.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