

Senate Bill 276

By: Senator Wiles of the 37th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to powers of local boards of education relative to public school property  
3 and facilities, so as to provide that a local board of education shall not exercise the power of  
4 condemnation if another appropriate parcel or parcels of private property located within three  
5 miles is for sale for purchase outright; to provide for procedures which shall be followed by  
6 a local board of education before exercising the right of eminent domain; to provide for  
7 related matters; to provide for an effective date and applicability; to repeal conflicting laws;  
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Part 1 of Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
12 relating to powers of local boards of education relative to public school property and  
13 facilities, is amended by striking Code Section 20-2-521, relating to power of condemnation  
14 for local boards of education, and inserting in its place the following:

15 "20-2-521.

16 (a) Except as provided in subsection (b) of this Code section, local County boards of  
17 education and independent school systems are authorized to take and damage, by  
18 condemnation, private property for public school purposes, either for public school  
19 building sites, playgrounds, athletic fields, or other purposes in connection with the public  
20 elementary, middle, or high schools or any public educational program which is now or  
21 may be hereafter authorized by law.

22 (b) Local boards of education shall not exercise the power of condemnation on private  
23 property if another appropriate parcel or parcels of private property is for sale for purchase  
24 outright and is located within three miles of the private property which is being considered  
25 by the local board for condemnation, unless the local board first makes all reasonable  
26 attempts to purchase the other appropriate parcel or parcels which are for sale."

**SECTION 2.**

Said part is further amended by adding a new Code section at the end of such part to read as follows:

"20-2-523.

Before exercising the right of eminent domain, a local board of education shall first:

(1) Provide for reasonable public notice of the proposed condemnation, which shall include a description of the proposed condemnation including a showing that use of the power of eminent domain may be necessary for public school purposes;

(2) Conduct at least three well-publicized public hearings concerning the proposed condemnation, at least one of which hearings shall commence between 6:00 P.M. and 7:00 P.M., inclusive, on a business weekday; and

(3) Provide for the hearing of any objections to such proposed condemnation."

**SECTION 3.**

This Act shall become effective July 1, 2005, and shall apply with respect to eminent domain proceedings filed on or after that date.

**SECTION 4.**

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