

House Bill 943

By: Representatives Knox of the 24th, Murphy of the 23rd, Hill of the 21st, and Everson of the 106th

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 eminent domain in general, so as to specify the purposes for which the power of eminent
3 domain may be used to include transportation and utility purposes; to provide that eminent
4 domain shall not be used for other governmental purposes and shall not be used for economic
5 development or redevelopment; to provide for construction with other laws and construction
6 in general; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 22 of the Official Code of Georgia Annotated, relating to eminent domain
10 in general, is amended by striking Code Section 22-1-2, relating to the nature of the power
11 of eminent domain, and inserting in its place a new Code section to read as follows:

12 "22-1-2.

13 (a) The right of eminent domain is the right of the state, through its regular organization,
14 to reassert, either temporarily or permanently, its dominion over any portion of the soil of
15 the state on account of public exigency and for the public good. Thus, in time of war or
16 insurrection the proper authorities may possess and hold any part of the territory of the state
17 for the common safety; and in time of peace the General Assembly may authorize the
18 appropriation of the same to public purposes, such as the opening of roads, construction of
19 defenses, or providing channels for trade or travel.

20 (b) The power of eminent domain shall be exercised only as specifically authorized by
21 law, as follows:

22 (1) The state and counties and municipalities may exercise the power for purposes of
23 public roads and streets and for public transportation purposes; and

24 (2) The power may be exercised for purposes of public utilities and pipelines to the
25 extent specifically authorized by law by the state and counties and municipalities; by state
26 and local authorities created by law; and by private persons so authorized by law.

1 (c) No unit of state or local government or state or local authority may exercise the power
2 of eminent domain for governmental purposes other than those specified in subsection (b)
3 of this Code section.

4 (d) Economic development or redevelopment shall not constitute a public purpose for
5 which property may be acquired by eminent domain.

6 (e) To the extent possible the provisions of this Code section shall be construed in
7 harmony with all other laws of this state, but in the event of any conflict between this Code
8 section and any law enacted prior to January 1, 2006, it is the intention of the General
9 Assembly that this Code section shall control over such conflicting law. In any doubtful
10 case, all laws of the state shall be construed to favor the protection of private property
11 rights over the public right of eminent domain."

12 **SECTION 2.**

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