

The Senate Economic Development Committee offered the following substitute to HB 430:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 44 of the Official Code of Georgia Annotated, relating to property, so as to
2 clarify the scope of the provisions applicable to the acquisition of title to land by adverse
3 possession, the acquisition of easements and private ways through prescription, and the
4 acquisition of land by railroad corporations or railroad companies; to exclude property of a
5 railroad corporation or railroad company from the type of property by which these methods
6 of acquiring property are applicable; to provide for legislative findings and purpose; to
7 provide for statutory construction; to amend Article 2 of Chapter 4 of Title 24 of the Official
8 Code of Georgia Annotated, relating to presumptions and estoppel, so as to provide that
9 occupancy of a railroad right of way is by permission; to amend Code Section 46-8-100 of
10 the Official Code of Georgia Annotated, relating to the general powers of railroad
11 companies, so as to provide that issues arising as to the dimensions of property acquired by
12 a railroad corporation or railroad company prior to 1913 shall be determined by reference to
13 the official map filed with the Interstate Commerce Commission pursuant to the Railroad
14 Valuation Act of March 1, 1913; to provide for each railroad corporation and railroad
15 company to record such official map in the superior court in which the land is situated; to
16 provide for courts to take judicial notice of the information on such official map that has been
17 properly filed and recorded; to provide for certain property interest for vested interest in
18 property; to provide for related matters; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 (a) The General Assembly finds that the railroads and their rights of way in Georgia:

- 22 (1) Are essential to the continued viability of this state;
- 23 (2) Are valuable resources which must be preserved and protected;
- 24 (3) Are essential for the economic growth and development of this state;

