

House Bill 362

By: Representative Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 1 of Chapter 2 of Title 22 of the Official Code of Georgia
2 Annotated, relating to general provisions relative to condemnation procedure generally, so
3 as to require that the condemnation of property by a utility pursuant to the power of eminent
4 domain must be approved by the governing authority of the municipality or county in which
5 the property is located; to provide for related matters; to provide an effective date; to provide
6 for applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 or Article 1 of Chapter 2 of Title 22 of the Official Code of Georgia Annotated,
10 relating to general provisions relative to condemnation procedure generally, is amended by
11 adding a new Code section to read as follows:

12 "22-2-2.

13 No public utility shall exercise the right of eminent domain unless it has obtained prior
14 approval by resolution or ordinance from the governing authority of the municipality
15 within which the property is located, if any, or otherwise from the governing authority of
16 the county within which the property is located. No action for condemnation shall be
17 brought by a public utility in any court of this state without the resolution or ordinance
18 required by this Code section."

19 **SECTION 2.**

20 This Act shall become effective July 1, 2009, and shall be applicable to those condemnation
21 proceedings filed on or after July 1, 2009.

22 **SECTION 3.**

23 All laws and parts of laws in conflict with this Act are repealed.