

Senate Bill 162

By: Senators Ginn of the 47th, Ligon, Jr. of the 3rd, Hill of the 4th, Jeffares of the 17th, Kirk of the 13th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 22 of the Official Code of Georgia Annotated, relating to eminent domain,
2 so as to require the payment of certain fees by the condemnor if the award in a condemnation
3 proceeding exceeds by 10 percent or more the highest offer made by the condemnor in
4 negotiations prior to the proceeding or exceeds by 10 percent or more the award established
5 by assessors; to expand the definition of 'condemnor'; to provide for related matters; to
6 provide for an effective date and applicability; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 22 of the Official Code of Georgia Annotated, relating to eminent domain, is amended
11 by revising Code Section 22-2-1, relating to the definition of 'condemnor,' as follows:

12 "22-2-1.

13 As used in this article, the term 'condemnor' means the state, any city or municipality of
14 this state, or any person or corporation which has been authorized by the General Assembly
15 to exercise the power of eminent domain."

16 **SECTION 2.**

17 Said title is further amended by adding a new Code section to read as follows:

18 "22-2-65.1.

19 If the total award exceeds the highest amount offered by the condemnor during any
20 negotiation undertaken pursuant to Code Section 22-1-9 by 10 percent or more of such
21 amount, such condemnor shall also pay all assessors' costs."

22 **SECTION 3.**

23 Said title is further amended by revising Code Section 22-2-84, relating to entry of notice and
24 award on minutes of court and payment of costs, as follows:

25 "22-2-84.

26 (a) In all cases, the clerk shall enter the notice and award thereon upon the minutes of the
 27 court, and the condemnor shall pay.

28 (b) The condemnor shall pay:

29 (1) The assessors' costs as provided in Code Section 22-2-40, except as provided in
 30 subsection (c) of this Code section; and

31 (2) The reasonable attorneys' fees of the condemnee if the award established pursuant
 32 to this part exceeds the award filed and recorded in accordance with Code Section
 33 22-2-65 by 10 percent or more of such award; and

34 (3) Other costs as provided by law in civil cases in the superior court.

35 (c) Notwithstanding the provisions of Code Section 22-2-65.1, the condemnee shall
 36 pay the assessors' costs as provided in Code Section 22-2-40 unless the award established
 37 pursuant to this part exceeds the award filed and recorded in accordance with Code Section
 38 22-2-65 by 10 percent or more of such award, in which case the condemnor shall pay all
 39 assessors' costs."

40 **SECTION 4.**

41 This Act shall become effective on July 1, 2017, and shall be applicable to all condemnation
 42 proceedings initiated on or after such date.

43 **SECTION 5.**

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