

House Bill 76

By: Representative Holt of the 112th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 3 of Title 22 of the Official Code of Georgia Annotated,
2 relating to electric transmission lines, so as to establish factors to be used by a utility in
3 exercising the power of eminent domain in selecting a route for the location of an electric
4 transmission line; to provide for applicability; to provide for related matters; to provide for
5 an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 8 of Chapter 3 of Title 22 of the Official Code of Georgia Annotated, relating to
9 electric transmission lines, is amended by revising Code Section 22-3-161, relating to
10 selection of route for electric transmission line and settlement negotiations with property
11 owners, as follows:

12 "22-3-161.

13 (a)(1) On and after July 1, 2004, but prior to the effective date of this Act, before
14 exercising the right of eminent domain for purposes of constructing or expanding an
15 electric transmission line described in subsection (a) of Code Section 22-3-160.1, the
16 utility shall select a practical and feasible route for the location of the electric transmission
17 line. In selecting the route for the location of the electric transmission line, the utility shall
18 consider existing land uses in the geographic area where the line is to be located, existing
19 corridors, existing environmental conditions in the area, engineering practices related to
20 the construction and operation of the line, and costs related to the construction, operation,
21 and maintenance of the line.

22 (2) On and after the effective date of this Act, any utility shall, before exercising the right
23 of eminent domain for purposes of constructing or expanding an electric transmission line
24 described in subsection (a) of Code Section 22-3-160.1, select a practical and feasible
25 route for the location of the electric transmission line in accordance with the provisions
26 of this paragraph and not the provisions of paragraph (1) of this subsection. In selecting

27 the route for the location of the electric transmission line, the utility shall not use the costs
 28 related to the construction, operation, and maintenance of the line as the sole factor.
 29 Instead, the utility shall consider all of the following factors in selecting the route for the
 30 electric transmission line:

31 (A) Existing land uses in the geographic area where the line is to be located and existing
 32 corridors;

33 (B) Existing environmental conditions in the area;

34 (C) Engineering practices related to the construction and operation of the line; and

35 (D) Costs related to the construction, operation, and maintenance of the line.

36 The factors specified in subparagraphs (A) and (B) of this paragraph shall be given greater
 37 weight by the utility among such factors in selecting between alternative routes.

38 (b) After the utility has selected the preferred route for the location of an electric
 39 transmission line, the utility shall attempt in good faith to negotiate a settlement with each
 40 property owner from whom the utility needs to acquire property rights for the line. In
 41 connection with the negotiations, the utility shall provide the property owner with a written
 42 offer to purchase the property rights, a document that describes the property rights, and a
 43 drawing that shows the location of the line on the owner's property.

44 (c) The requirements of ~~subsections (a)~~ paragraph (1) of subsection (a) and subsection (b)
 45 of this Code section shall not apply to an electric transmission line described in subsection
 46 (d) of Code Section 22-3-160.1. The requirements of paragraph (2) of subsection (a) of this
 47 Code section shall not apply to an electric transmission line described in paragraphs (1), (2),
 48 and (4) through (6) of subsection (d) of Code Section 22-3-160.1."

49 **SECTION 2.**

50 This Act shall become effective upon its approval by the Governor or upon its becoming law
 51 without such approval.

52 **SECTION 3.**

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