

A View from the House

By Representative Doug Holt

The House was in session three days this week, and spent one day strictly on committee work. We considered 46 bills and resolutions. Some very important legislation was passed, and I'll focus on those items.

First is the 2006/2007 budget (HB 1027). The House largely agreed with the Governor's recommendations, especially concerning large increases on education funding (including a 4% teacher pay raise, and restoration of much of the funding previously cut during the recession), as well as significant increases in local road funds. But there were some differences -- one example: since school libraries were not included in the bill requiring that 65% of instruction funds go to classrooms, the House budget added over \$7 million specifically for libraries. The vote (with my yes) was 164 to 3.

The long awaited eminent domain bill, HB 1313 was presented and passed. It's a very large bill (33 pages), but I'll try to boil it down. First, and most importantly, the term "public use" -- never precisely outlined before -- is given a very specific definition. It encompasses: 1) use of land for public enjoyment (parks, etc) and for public agencies; 2) public utilities; 3) roads and other channels of trade or travel; 4) acquisition of land that is currently being used in a way that harms the public; 5) acquisition of property where ownership can't be determined, and consent is gained from anyone who does have a legal claim on the land (rare situation); 6) remedy of blight (more shortly); 7) acquisition of property when the owner consents; and, 8) certain public housing projects, of a type which is very carefully defined. ***The claim of a public benefit via economic development is specifically excluded.*** I overheard some interesting comments about previous interpretation of the term "public use", such as "it was in the eye of the beholder", and "you could drive a truck through it".

Blight is only valid public use if it meets two standards -- 1) property must meet two or more of the following conditions: a) is uninhabitable, unsafe or abandoned, b) has insufficient ventilation, sanitation or open space, c) poses imminent harm to people or other property due to damage from a natural catastrophe, d) is an EPA Superfund site, or e) has been used repeatedly for illegal activity, and has not had a code violation addressed within a year of issue of that violation; and, 2) the property is a health danger, or is supporting crime. I know that's a mouthful, but in this case, being a mouthful is a good thing. The bill further states that property that's ugly ("esthetically substandard") or simply deteriorating can't be considered blighted.

Finally, other safeguards are restriction of eminent domain powers to elected officials, requirement for an extensive public notice and hearing process, and placement of the burden of proof for eminent domain on the government. I must "eat my words" now, because I said earlier that I couldn't imagine anyone voting no. Nonetheless, one representative (not this one!) actually did so. Passage was by 173 to 1.

The second step of this process is accomplished by HR 1306, which offers us a referendum in November to change the state constitution to recognize HB 1313, putting the protections beyond tampering by courts. It passed by 174 to 1 (the same representative!).

One more important item, HR 773. This resolution grants us another referendum in November, giving us the chance to remove the veto independent city school systems have over county systems proposing an education SPLOST. Since Newton is one of the counties hurt by this unreasonable power, I suspect the vast majority of readers will be happy to vote yes. I enthusiastically voted for the resolution, and it passed by 164 to 1.

For reference: bills and live session and committee video are online at www.legis.state.ga.us. Contact Info: My office phone is 404-656-0152, and email address is Doug@DougHolt.org.