

2008 Legislative Preview

By Representative Doug Holt

“Please fasten you seat belts, as the pilot expects mild turbulence.” We all know that means we’re in for a bumpy ride! The same warning applies to the 2008 legislative session. Since there’s little doubt what the “hot button” issues will be, I’ll give you a brief summary.

Certificate of Need (or CON). A CON is a permit to build a new medical facility. The process stems from 70’s era federal regulation for containing rapidly rising medical costs, and was initially mandated of all states. The mandate was later removed, when the program didn’t perform as desired.

Some states have already repealed CON. Georgia is considering doing so too. Possible repeal addresses an existing controversy, mainly between primary care hospitals and newer outpatient facilities. Hospitals maintain that they need CON because newer facilities “cherry pick” paying patients, leaving the hospitals stuck with indigent care bills. Folks who want to construct outpatient facilities feel that hospitals use CON to block efficient new competitors. Both arguments have merit. The challenges in removing this antiquated law are not disrupting service availability and quality, and keeping a level playing field.

Transportation remains hot. You may remember, about a year ago, how DOT “suddenly discovered” a more than \$7 billion shortfall over the next decade – forcing them to shove a bunch of projects into mothballs. Their concern is that the motor fuel tax will not bring in enough revenue (and federal matching dollars) to keep up with capacity needs. A prime reason is: *the market is working*. Oil price hikes are pressing automakers to offer blended fuel, hybrid and alternative energy vehicles, decreasing fuel tax proceeds over time. This is a bona fide problem, if not a crisis (consider, without a good transportation system, Georgia’s economy will tank). Solving it won’t be easy. Ideas range from a one percent transportation sales tax, to public private partnerships, to all sorts of gee whiz concepts advanced as solutions. My bet is that some mixture of the above will be the answer. There’s no “silver bullet”.

WATER! We obviously can’t legislate more water to solve the current crisis. But the drought makes our scheduled adoption of a state water management plan far more critical. There will be a lot of “have vs. have-not” turf wars, and plenty of special interest arm-twisting, so the process will be even uglier than normal lawmaking. The goal, of course, is to adopt a plan that treats everyone as fairly as possible, and lays drought preparation groundwork that we wish had already been in place. Stay tuned!

Tax reform. Now is a good time for it. Taxpayers have been asking for reform for some years. We also have over \$1.5 billion in the state reserve; close to the maximum amount allowed by law. Picking a plan is the interesting part. It could be Speaker Richardson’s ad-valorem repeal, or it might be one of five or six other proposals that have been gaining momentum in recent years. The challenge is to find the best one.

Legislators have our own agendas, too. My most important item is a bill to correct judicial activism on land use. It is a direct response to a Superior Court ruling on a rezoning in the Buckhead area last summer, which undermined land use planning and enraged area residents. Similar rulings have occurred in the rest of my district.

A legal precedent exists, ignored by the court, which could have tilted the decision the other way. Putting that precedent into land use law would require that it be observed in all such cases. Land use legislation is already familiar turf for me, and requests of area residents to do something make it clear that this issue requires action. So I’ll be diving back into controversial waters again this year.

All things considered, I won’t be bored...

Contact Info: My office phone is 404-656-0152, and email address is Doug@DougHolt.org.