



Congressional District Balancing: Statutory Waiver Provisions

September 18, 2008





Congressional District Balancing – O.C.G.A. § 32-5- 30

- **By a 2/3 membership approval, the Board may:**
 - Authorize a reduction in the share of funds to any congressional district that does not have sufficient projects available to avoid lapsing of appropriated funds - O.C.G.A. § 32-5-30(b)(1)
 - Waive the Congressional Balancing requirement if the Congressional Balancing requirement conflicts with *any* federal requirement - O.C.G.A. § 32-5-30(c)
- **By a majority membership approval, the Board may:**
 - Waive allocation requirements for a specific fund source in the event that additional funding is made available and cannot be included in the balancing requirement - O.C.G.A. § 32-5-30(b)(2)



Congressional District Balancing – O.C.G.A. § 32- 5-30(b)(1)

- **By a 2/3 membership approval, the Board may:**
 - Authorize a reduction in the share of funds to any congressional district that does not have sufficient projects available to avoid lapsing of appropriated funds
- **Hypothetical Examples:**
 - No projects ready for let to obligate remaining funds
 - Board Policy: Project Prioritization with Project List Cutoff
- Not likely to be triggered currently



Congressional District Balancing – O.C.G.A. § 32-5- 30(b)(2)

- **By approval of a majority of the membership, the Board may:**
 - Waive congressional balancing requirements for a specific fund source in the event that such additional funding is made available and cannot be included in congressional balancing due to some restriction on the fund source.



Example: I-35W Bridge Replacement Funding



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Bush approves \$250 million to rebuild bridge

Funds for Minneapolis reconstruction need to be appropriated by Congress

AP Associated Press

updated 12:16 a.m. ET, Sat., Aug. 4, 2007

WASHINGTON - President Bush signed legislation on Monday that directs \$250 million to rebuild the Minnesota bridge that was **destroyed in last week's deadly collapse**.

The bill was passed by Congress over the weekend in the waning hours of its work before an August recess. Bush visited the stricken site on Saturday.

The legislation waives the \$100 million federal limit per state for emergency relief funds, authorizing \$250 million for rebuilding the bridge. The money itself still needs to be appropriated by Congress in future legislation.

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Video: Minneapolis bridge collapse

Another body recovered following bridge collapse

Aug. 10: Divers found another body in the wreckage of a Minneapolis bridge that collapses last week. MSNBC's Alex Witt reports.



Bridge rebuilding put on fast track

Search, recovery, and prayers in Minn.

Pres. Bush promises to expedite Minn. bridge rebuild

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Congressional District Balancing – O.C.G.A. § 32-5- 30(b)(2)

- **By approval of a majority of the membership, the Board may:**
 - Waive congressional balancing requirements for a specific fund source in the event that such additional funding is made available and cannot be included in congressional balancing due to some restriction on the fund source.



Congressional District Balancing – O.C.G.A. § 32- 5-30(b)(2)

- **Characteristics**

- Only takes 7 affirmative votes instead of 9
- Most likely waiver provision to be triggered
- Currently only federal earmark projects are an exception to the law
- Allows Board to carve out a special fund source as an additional exception
- Generally funds would be unanticipated

- **Waiver automatically expires at end of Fiscal Year!**
- **Board action needed to renew waiver**



Congressional District Balancing – O.C.G.A. § 32-5- 30(c)

- **By a 2/3 membership approval, the Board may:**
 - Waive the Congressional Balancing requirement if the Congressional Balancing requirement conflicts with *any federal requirement* pursuant to subsection (b) of Georgia Code Section 32-5-1
 - O.C.G.A. § 32-5-1(b): If any provisions of GDOT's statute are inconsistent with or contrary to any laws, rules, regs or other requirements of the US DOT or other federal agencies, GDOT can waive such provisions in order to resolve any such inconsistency or conflict.



Congressional District Balancing – O.C.G.A. § 32-5- 30(c)

- **No Specific or Historic Examples**
- **Process to Invoke:**
 1. Identify federal requirement by code cite, policy, rule or regulation number
 2. Proposed Written Resolution
 3. Vote to Adopt
 4. Need 9 Affirmative Votes to institute waiver
- Waiver is in effect as long as conflict exists or until Board votes to rescind waiver



Questions?