

Legislators question the constitutionality of transportation bill
By Ashley Speagle

ATLANTA - As legislators continued Thursday to debate a bill for regional funding of transportation, they questioned the constitutionality of the bill.

"We're gonna tax regionally, but the state's still going to dictate how this is spent," Rep. Barry Loudermilk said, R-Cassville. "How much water is this going to carry in court?"

The Transportation Investment Act, House Bill 1218, would have 12 created regional districts vote in 2012 to raise a 1 percent sales tax to fund transportation projects in each region.

Gov. Sonny Perdue and House and Senate leaders said they support the bill, the first time in years that state leaders agreed on a plan to fund needed transportation projects for a growing state.

The bill creates several measures to support the regional transportation funding, which legislators are now looking through and amending.

One important issue brought up in a subcommittee was whether the state could legally hold and distribute sales tax that was voted on and raised in specific regions.

"Monies can't be earmarked to particular spending," Rep. Loudermilk said. "How, without this being a Constitutional amendment, can we specify or earmark this money to go to transportation?"

"The other bills of this sort that I've seen are all constitutional amendments and this is not," Rep. Pat Gardner said, D-Atlanta.

The Governor's bill sponsor and advisors said they already revised language to address many of the issues brought up, including this one.

"The Constitution gives the legislature the authority to tax and set up laws related to taxation," Jannine Miller said, Gov. Perdue's policy advisor on transportation.

Miller also said the planning director's role was clarified to oversee the list of transportation projects for each region, not dictate the list as a "czar," as Rep. David Lucas, D-Macon, said the director would be under the original bill.

Another change to the bill includes removing a citizen review panel that was originally proposed to review communities' complaints on transportation projects, but Miller said the panel may be re-added again in the hearing process.

Legislators on the subcommittee also proposed their own changes to the bill, including adding a 5-member legislative oversight committee for each region.

"This oversight committee would basically have broad oversight over the expenditures and the projects that are going on in each region," Rep. Loudermilk said.

However, some legislators said the extra pay for those that would serve on the oversight committees may be a large expense to consider during a struggling economy.

The subcommittee is tentatively scheduled to review the bill and proposed changes again next Monday.

INFO BOX

Proposed changes to HB 1218, the Transportation Investment Act of 2010:

- Ensure that the list of transportation projects shows the benefits of each project to citizens.
- Require at least two town hall meetings for citizen input to regional roundtables.
- Clarify that transportation projects include buses and rail, in addition to road construction.
- Include a definition for local legislation.
- Create a 5-member legislative oversight committee for each region, which would also review whether the benefits of each project were attained.
- Place a restriction on MARTA's three-year free spending of taxes raised so that the funds would not be used to pay employees.