

063281204

## HOUSE JOINT RESOLUTION NO. 98

Offered January 11, 2006

Prefiled January 10, 2006

*Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 7-B, relating to special funds for highway and transportation purposes.*

\_\_\_\_\_  
Patron—Albo

\_\_\_\_\_  
Referred to Committee on Privileges and Elections

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend the Constitution of Virginia by adding in Article X a section numbered 7-B as follows:

## ARTICLE X

## TAXATION AND FINANCE

*Section 7-B. Highway and transportation funds.*

*(a) The General Assembly shall continue and maintain permanent and separate transportation funds that shall be used for the purposes specified in this section. The following funds established by law prior to January 1, 2006, shall be deemed transportation funds for the purposes of this section: the Commonwealth Transportation Fund, the Transportation Trust Fund, and the Highway Maintenance and Operating Fund.*

*(b) Moneys credited to the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund shall continue to be credited to transportation funds for the purposes of this section. Such moneys shall include, but are not limited to, all funds that are a part of the Transportation Trust Fund, including, but not limited to, all revenues deposited into the Commonwealth Transportation Fund under law; the revenues described in subdivisions A 1 and A 2 of § 33.1-23.03:8 of the Code of Virginia (the Priority Transportation Fund); all taxes and fees collected under Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 of the Code of Virginia credited to the Highway Maintenance and Operating Fund as provided in subsection C of § 58.1-2701; all funds, tolls, revenues, interest, dividends, and amounts required by contract to be paid over to the Transportation Trust Fund, and appreciation, all as designated for the Transportation Trust Fund pursuant to § 33.1-23.03:1 of the Code of Virginia; the additional revenues generated by enactments of Chapters 11, 12, and 15 of the Acts of Assembly, 1986 Special Session, designated for the Transportation Trust Fund; all state recordation taxes deposited into the U.S. Route 58 Corridor Development Fund pursuant to § 58.1-815 of the Code of Virginia; all state recordation taxes deposited into the Northern Virginia Transportation District Fund pursuant to § 58.1-815.1 of the Code of Virginia and any public rights-of-way use fees or state or local revenues deposited into the Northern Virginia Transportation District Fund pursuant to such section; all state recordation taxes deposited or transferred into the Transportation Improvement Program Set-aside Fund pursuant to § 58.1-816.1 of the Code of Virginia; any damages and costs collected pursuant to § 33.1-191 of the Code of Virginia as designated for deposit into the Transportation Trust Fund under such section; any civil penalties, and interest thereon, and cost recoveries designated for deposit into any of the Funds as provided under law; fees for dealers' license plates designated for deposit into the Transportation Trust Fund pursuant to § 46.2-1546 of the Code of Virginia; any excess earnings to be deposited into the Transportation Trust Fund under a comprehensive agreement entered into under the Public-Private Transportation Act of 1995 (§ 56-556 et seq. of the Code of Virginia) pursuant to subsection E of § 56-566; revenues from the lease, sale, or other conveyance made by the Commonwealth Transportation Board that are designated for deposit into any of the Funds as provided under law; any locally generated revenues deposited into any of the Funds as provided under law; taxes on the rental of motor vehicles imposed pursuant to Chapter 24 (§ 58.1-2400 et seq.) of Title 58.1 of the Code of Virginia; fees, penalties, and liquidating damages imposed in connection with maximum weight limits imposed under Article 17 (§ 46.2-1122 et seq.) of Chapter 10 of Title 46.2 of the Code of Virginia; any other taxes imposed by the Commonwealth in relation to equipment used primarily for transportation purposes; any interest or appreciation to be credited to the Commonwealth Transportation Fund, Transportation Trust Fund, or the Highway Maintenance and Operating Fund as provided by law; the revenues from the insurance license tax on automobile premiums designated for the Priority Transportation Fund pursuant to enactments of the 2005 Session of*

INTRODUCED

HJ98

59 *the General Assembly; and all moneys deposited into or appropriated to the Transportation Partnership*  
60 *Opportunity Fund established under § 33.1-221.1:8 of the Code of Virginia.*

61 *All interest, dividends, and appreciation accruing to transportation funds shall be part of the funds.*  
62 *Money in transportation funds may be invested as authorized by law.*

63 *(c) The General Assembly shall appropriate the proceeds of the transportation funds for the*  
64 *following purposes only:*

65 *(1) Administering, planning, constructing, improving, or maintaining the roads embraced in the*  
66 *systems of highways for the Commonwealth and its localities, including access roads and bikeways*  
67 *adjacent thereto, or furthering the interests of the Commonwealth in the areas of highways, public*  
68 *transportation, railways, seaports, or airports;*

69 *(2) Making payments on bonds or other obligations (including bond anticipation notes and refunding*  
70 *bonds), that have been issued or entered into to finance transportation projects that are directly related*  
71 *to the purposes described in subdivision (c) (1); or*

72 *(3) Making loans to finance transportation projects that are directly related to the purposes*  
73 *described in subdivision (c) (1).*

74 *(d) The General Assembly may borrow an amount from transportation funds for other purposes only*  
75 *by a vote equal to or greater than four-fifths of the members voting in each house. The name of each*  
76 *member voting and how he voted shall be recorded in the journal of each house. Any amount borrowed*  
77 *shall be repaid to the transportation funds, with reasonable interest, not later than the end of the fourth*  
78 *full fiscal year following the effective date of the borrowing.*