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**HOUSE BILL NO. 1723**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Transportation  
on February 3, 2009)

(Patron Prior to Substitute—Delegate Albo)

*A BILL to amend the Code of Virginia by adding a section numbered 33.1-23.06, relating to allocation of funds comprising the Highway Maintenance and Operating Fund.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 33.1-23.06 as follows:**

*§ 33.1-23.06. Allocation of funds comprising the Highway Maintenance and Operating Fund.*

*On and after July 1, 2010, any and all funds comprising the Highway Maintenance and Operating Fund and used or to be used for maintenance and operation of components of the primary and secondary systems of state highways shall annually be allocated by the Commonwealth Transportation Board among the Commonwealth's nine highway construction districts as provided in this section.*

*After making allocations for operating expenses, the Board shall apportion all remaining funds in the Highway Maintenance and Operating Fund among the nine highway construction districts so that each construction district shall be allocated a share of such funds for primary system highways and secondary system highways equal to the proportion that such construction district bears to the Commonwealth as a whole in terms of total population.*

*However, in any year in which (i) an allocation for city and town street maintenance payments made pursuant to § 33.1-41.1 or (ii) payments made to counties that have withdrawn or elect to withdraw from the state secondary system of highways pursuant to § 33.1-23.5:1 are less than that received by such locality in 2008, the locality shall receive the 2008 amount and then the calculation for allocating funds pursuant to this section shall be made from the remaining funds.*

*For the purposes of this section, the term "population" means either the population according to the latest United States census or the latest population estimate of the Weldon Cooper Center for Public Service at the University of Virginia, whichever is more recent.*

HOUSE  
SUBSTITUTE

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