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**SENATE BILL NO. 476**

Offered January 13, 2016

Prefiled January 12, 2016

A *BILL to amend and reenact §§ 33.2-2600, 33.2-2602, 33.2-2604, and 33.2-2605 of the Code of Virginia, relating to the Hampton Roads Transportation Accountability Commission.*

Patrons—Wagner, Lucas, Alexander, Lewis and Locke; Delegates: Davis, Helsel, Heretick, Hester, Miyares, Spruill, Taylor and Ward

Referred to Committee on Rules

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

**1. That §§ 33.2-2600, 33.2-2602, 33.2-2604, and 33.2-2605 of the Code of Virginia is amended and reenacted as follows:**

**§ 33.2-2600. Hampton Roads Transportation Fund.**

There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Transportation Fund, referred to in this chapter as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to § 58.1-638 and Chapter 22.1 (§ 58.1-2291 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The moneys deposited in the Fund shall be used solely for (i) new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23 as approved by the Hampton Roads Transportation Accountability Commission and (ii) administrative and operating expenses as specified in subsection B of § 33.2-2605. The Hampton Roads Transportation Accountability Commission shall give priority to those projects that are expected to provide the greatest impact on reducing congestion for the greatest number of citizens residing within Planning District 23 and shall ensure that the moneys shall be used for such construction projects.

The amounts dedicated to the Fund shall be deposited monthly by the Comptroller into the Fund and thereafter distributed to the Commission as soon as practicable for use in accordance with this chapter. If the Commission determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transportation projects pursuant to this chapter, the Commission may invest such excess moneys in accordance with applicable law.

The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating localities. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

**§ 33.2-2602. Composition of Commission.**

The Commission shall consist of 23 members as follows:

1. The chief elected officer of the governing body of each of the ~~14 counties and~~ 10 cities embraced by the Commission;

2. A current elected official of each of the four counties embraced by the Commission, provided that such official (i) serves on the governing body of the county and (ii) has been appointed by resolution of such governing body to serve as the county's member on the Commission;

~~2.~~ 3. Three members of the House of Delegates who reside in different counties or cities embraced by the Commission, appointed by the Speaker of the House, and two members of the Senate who reside in different counties or cities embraced by the Commission, appointed by the Senate Committee on Rules; and

~~3.~~ 4. The following four persons serving as nonvoting ex officio members of the Commission: a member of the Commonwealth Transportation Board who resides in a locality embraced by the Commission and is appointed by the Governor; the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; and the Executive Director of the Virginia Port Authority, or his designee.

If a member representing a city or county is unable to attend a meeting of the Commission due to an emergency or personal matter, he may designate another current elected official of the same governing body to attend a meeting of the Commission and act on his behalf. Such designation shall be submitted in writing or electronically to the Chairman of the Commission on or before the day of affected meeting

58 *and shall be limited in a calendar year to two Commission meetings or 25 percent of the Commission's*  
59 *meetings, whichever is fewer.*

60 All members of the Commission shall serve terms coincident with their terms of office. Vacancies  
61 shall be filled in the same manner as the original appointment.

62 The Commission shall elect a chairman and vice-chairman from among its voting membership.

63 The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the  
64 financial accounts of the Commission, and the cost of such audit shall be borne by the Commission.

65 **§ 33.2-2604. Decisions of Commission.**

66 A majority of the Commission, which majority shall include at least a majority of *the total of the*  
67 *chief elected officers of and elected officials who represent the counties and cities embraced by the*  
68 *Commission, shall constitute a quorum. Decisions of the Commission shall require a quorum and shall*  
69 *be in accordance with voting procedures established by the Commission. In all cases, decisions of the*  
70 *Commission shall require the affirmative vote of two-thirds of the members of the Commission present*  
71 *and voting, and two-thirds of the total of the chief elected officers of and elected officials who represent*  
72 *the counties and cities embraced by Planning District 23 who are present and voting and whose counties*  
73 *and cities include at least two-thirds of the population embraced by the Commission; however, no*  
74 *motion to fund a specific facility or service shall fail because of this population criterion if such facility*  
75 *or service is not located or to be located or provided or to be provided within the county or city whose*  
76 *chief elected officer's or elected official's sole negative vote caused the facility or service to fail to meet*  
77 *the population criterion. The population of counties and cities embraced by the Commission shall be the*  
78 *population as determined by the most recently preceding decennial census, except that on July 1 of the*  
79 *fifth year following such census, the population of each county and city shall be adjusted, based on*  
80 *population estimates made by the Weldon Cooper Center for Public Service of the University of*  
81 *Virginia.*

82 **§ 33.2-2605. Annual budget and allocation of expenses.**

83 A. The Commission shall adopt an annual budget and develop a funding plan and shall provide for  
84 such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four- to  
85 six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.2-353  
86 as much as possible. The Commission shall solicit public comment on its budget and funding plan by  
87 posting a summary of such budget and funding plan on its website and holding a public hearing. Such  
88 public hearing shall be advertised on the Commission's website and in a newspaper of general  
89 circulation in Planning District 23.

90 B. The administrative *and operating* expenses of the Commission, *as shall be provided in an annual*  
91 *budget adopted by the Commission, and to the extent funds for such expenses are not provided from*  
92 *other sources, shall be allocated among the component counties and cities on the basis of the relative*  
93 *population, as determined pursuant to § 33.2-2604 paid from the Fund.* Such budget shall be limited  
94 solely to the administrative *and operating* expenses of the Commission and shall not include any funds  
95 for construction or acquisition of transportation facilities or the performance of any transportation  
96 service.

97 C. Members may be reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813  
98 and 2.2-2825, if approved by the Commission. Funding for the costs of compensation and expenses of  
99 the members shall be provided by the Commission.

100 **2. That no provision of this act shall result in the expiration of any provision of (i) Chapter 896 of**  
101 **the Acts of Assembly of 2007 pursuant to the 22nd enactment of that chapter or (ii) Chapter 766**  
102 **of the Acts of Assembly of 2013 pursuant to the 14th enactment of that chapter.**