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SENATE BILL NO. 400

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to provide for the submission to the voters of a proposed amendment to the Constitution of Virginia by adding in Article X a section numbered 7-B, relating to special funds for transportation purposes.*

Patron—Lewis

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2018, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

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. Transportation Funds.

(a) *The General Assembly shall maintain permanent and separate Transportation Funds. The Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, any other Fund established by general law for transportation, and all subsidiary accounts and parts thereof, shall be deemed Transportation Funds for purposes of this section.*

(b) *There shall be deposited to the Transportation Funds all revenues dedicated to the Transportation Funds under provisions of general law, but excluding a general appropriation law, in effect on January 1, 2018. However, the General Assembly may by general law, but excluding a general appropriation law, make changes to the revenues dedicated and paid into the Transportation Funds. Money in the Transportation Funds may be invested as authorized by law.*

(c) *The General Assembly shall appropriate Transportation Funds only for purposes of (i) financing, acquiring, constructing, improving, maintaining, and operating transportation systems in the Commonwealth, and all purposes incidental thereto; (ii) furthering the interests of the Commonwealth in highways, public transportation, railways, seaports, and airports; and (iii) providing for the operations of state agencies related to transportation.*

(d) *The General Assembly may borrow from Transportation Funds for other purposes only by an affirmative vote of two-thirds of the members elected to each house. The name of each member voting and how he voted shall be recorded in the journal of each house. Any amount borrowed shall be repaid to the Transportation Funds, with reasonable interest, not later than the end of the fourth full fiscal year following the effective date of the borrowing.*

§ 2. The ballot shall contain the following question:

"Question: Should the Constitution of Virginia be amended to require that funds designated for transportation purposes be used exclusively for transportation purposes, unless directed for another use by an affirmative vote of two-thirds of the members elected to each house of the General Assembly, rather than the current process by which funds may be redirected to non-transportation purposes by a simple majority vote?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the

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59 result, stating therein the aggregate vote for and against the amendment.

60 If a majority of those voting vote in favor of the amendment, it shall become effective on July 1,
61 2018.

62 The expenses incurred in conducting this election shall be defrayed as in the case of election of
63 members of the General Assembly.