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## SENATE BILL NO. 259

Offered January 25, 1994

A *BILL to amend and reenact § 58.1-638 of the Code of Virginia, relating to the disposition of localities' share of state sales and use tax.*

Patron—Gartlan

Referred to the Committee on Finance

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-638 of the Code of Virginia is amended and reenacted as follows:**

§ 58.1-638. Disposition of state sales and use tax revenue; localities' share.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.1-23.03:1. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as hereinafter provided; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as hereinafter provided; and an aggregate of 8.4 percent shall be set aside as the Commonwealth Mass Transit Fund as hereinafter provided. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Fund to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, a governmental authority created by an interstate compact or by the federal government, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16 as follows:

a. Forty percent of the funds shall be allocated to air carrier airports based upon the percentage of enplanements for each airport to total enplanements at air carrier airports. No air carrier airport, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision. *In addition, the Aviation Board, at its discretion, may reduce the two million dollar per year amount, as necessary, to provide an equitable distribution of the funds available under this subdivision.*

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

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60 a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and  
61 any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but  
62 shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be  
63 paid to any local governing body, transportation district commission or public service corporation for the  
64 purposes hereinafter specified.

65 b. The amounts allocated pursuant to this section may be used to support a maximum of fifty percent  
66 of the public transportation administrative costs and up to eighty percent of the costs of ridesharing  
67 programs borne by the locality. These amounts may be used to support up to ninety-five percent of the  
68 local or nonfederal share of capital project costs for public transportation and ridesharing equipment,  
69 facilities, and associated costs. Capital costs may include debt service payments on local or agency  
70 transit bonds. Further, these amounts may be used to support a maximum of ninety-five percent of the  
71 costs borne by the locality for the purchase of fuels, lubricants, tires and maintenance parts and supplies  
72 for public transportation. The term "borne by the locality" shall mean the local share eligible for state  
73 assistance consisting of costs in excess of the sum of fares and other operating revenues plus federal  
74 assistance received by the locality.

75 c. Commonwealth Mass Transit Fund revenue shall be allocated by the Commonwealth  
76 Transportation Board as follows:

77 (1) Funds for special programs, which shall include ridesharing, experimental transit, and technical  
78 assistance, shall not exceed 1.5 percent of the Fund.

79 (2) The Board may allocate these funds to any locality or planning district commission to finance up  
80 to eighty percent of the local share of all costs associated with the development, implementation, and  
81 continuation of ridesharing programs.

82 (3) Funds allocated for experimental transit projects may be paid to any local governing body,  
83 transportation district commission, or public corporation or may be used directly by the Department of  
84 Rail and Public Transportation for the following purposes:

85 (a) To finance up to ninety-five percent of the capital costs related to the development,  
86 implementation and promotion of experimental public transportation and ridesharing projects approved  
87 by the Board.

88 (b) To finance up to ninety-five percent of the operating costs of experimental mass transportation  
89 and ridesharing projects approved by the Board for a period of time not to exceed twelve months.

90 (c) To finance up to ninety-five percent of the cost of the development and implementation of any  
91 other project designated by the Board where the purpose of such project is to enhance the provision and  
92 use of public transportation services.

93 d. Funds allocated for public transportation promotion and operation studies may be paid to any local  
94 governing body, planning district commission, transportation district commission, or public transit  
95 corporation, or may be used directly by the Department of Rail and Public Transportation for the  
96 following purposes and aid of public transportation services:

97 (1) At the approval of the Board to finance a program administered by the Department of Rail and  
98 Public Transportation designed to promote the use of public transportation and ridesharing throughout  
99 Virginia.

100 (2) To finance up to fifty percent of the local share of public transportation operations planning and  
101 technical study projects approved by the Board.

102 e. At least 73.5 percent of the Fund shall be distributed to each transit property in the same  
103 proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for  
104 the purposes specified in subdivision 4 b.

105 f. The remaining twenty-five percent shall be distributed for capital purposes on the basis of  
106 ninety-five percent of the nonfederal share for federal projects and ninety-five percent of the total costs  
107 for nonfederal projects. In the event that total capital funds available under this paragraph are  
108 insufficient to fund the complete list of eligible projects, the funds shall be distributed to each transit  
109 property in the same proportion that such capital expenditure bears to the statewide total of capital  
110 projects.

111 5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission to the  
112 Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of  
113 Arlington and Fairfax and the Cities of Alexandria, Falls Church and Fairfax in the following manner:

114 a. Local payments of WMATA rail transit bonds shall be paid first and apportioned to each locality  
115 using the WMATA capital formula.

116 b. The remaining funds shall be apportioned by calculating twenty-five percent of the capital and  
117 operating costs and seventy-five percent of the capital and operating subsidies applied to each locality.  
118 Capital costs may include twenty percent of annual local bus capital expenses.

119 Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and  
120 reliable source of revenue as defined by Public Law 96-184.

121 B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed

among the counties and cities of this Commonwealth in the manner hereafter in this section provided.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis as certified to the Comptroller by the Department of Education, of the number of children in each county and city according to the most recent statewide census of school population taken by the Department of Education pursuant to § 22.1-284, as adjusted in the manner hereinafter provided. No special school population census, other than a statewide census, shall be used as the basis of apportionment and distribution except that in any calendar year in which a statewide census is not reported, the Department of Education shall adjust such school population figures by the same percent of annual change in total population estimated for each locality by the ~~Tayloe Murphy Institute~~ *Center for Public Service*. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last preceding school population census, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such census and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

F. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.