

LD5027661

## SENATE BILL NO. 640

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee  
on February 22, 1995)

(Patron Prior to Substitute—Senator Gartlan)

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.*

**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 a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

*From July 1, 1995, through June 30, 2000, any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: sixty percent to MWAA, up to a maximum annual amount of two million dollars, and forty percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-95.*

*Of the remaining amount:*

a. Forty percent of the funds shall be allocated to air carrier airports, *except airports owned or leased by MWAA*, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, *except airports owned or leased by MWAA*. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, *except airports owned or leased by MWAA*.

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

60 on a discretionary basis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 b. The remaining funds shall be apportioned by calculating twenty-five percent of the capital and  
121 operating costs and seventy-five percent of the capital and operating subsidies applied to each locality.

122 Capital costs may include twenty percent of annual local bus capital expenses.

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

125 B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed  
126 among the counties and cities of this Commonwealth in the manner hereafter in this section provided.

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

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

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

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