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HOUSE BILL NO. 1390

Offered January 15, 2018

A *BILL to amend and reenact § 24.2-684 of the Code of Virginia, relating to bond referenda; authorizing localities to make bond issuance contingent on enactment of a food and beverage tax.*

Patron—Aird

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-684 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-684. How referendum elections called and held, and the results ascertained and certified; referenda for bond issuance and repayment from county food and beverage tax.

A. Notwithstanding any other provision of any law or charter to the contrary, the provisions of this section shall govern all referenda.

No referendum shall be placed on the ballot unless specifically authorized by statute or by charter.

Whenever any question is to be submitted to the voters of any county, city, town, or other local subdivision, the referendum shall in every case be held pursuant to a court order as provided in this section. The court order calling a referendum shall state the question to appear on the ballot in plain English as that term is defined in § 24.2-687. The order shall be entered and the election held within a reasonable period of time subsequent to the receipt of the request for the referendum if the request is found to be in proper order. The court order shall set the date for the referendum in conformity with the requirements of § 24.2-682.

A copy of the court order calling a referendum shall be sent immediately to the State Board by the clerk of the court in which the order was issued.

The ballot shall be prepared by the appropriate general registrar and distributed to the appropriate precincts. On the day fixed for the referendum, the regular election officers shall open the polls and take the sense of the qualified voters of the county, city, town, or other local subdivision, as the case may be, on the question so submitted. The ballots for use at any such election shall be printed to state the question as follows:

"(Here state briefly the question submitted)

[] Yes

[] No"

The ballots shall be printed, marked, and counted and returns made and canvassed as in other elections. The results shall be certified by the secretary of the appropriate electoral board to the State Board, to the court ordering the election, and to such other authority as may be proper to accomplish the purpose of the election.

B. For a referendum held for the purpose of approving a county food and beverage tax, as authorized by § 58.1-3833, if a county adopts an ordinance or resolution pursuant to § 15.2-2607 providing for the payment of the principal and premium, if any, and interest on bonds issued in accordance with the Public Finance Act (§ 15.2-2600 et seq.) from revenue collected from a county food and beverage tax, the adoption of which ordinance or resolution is hereby authorized, then, notwithstanding the limitations of § 58.1-3833, the ballot shall provide, as a single question:

1. The purpose or purposes of the bonds to be issued;

2. The estimated maximum amount of such bonds proposed in the notice required in subsection A of § 15.2-2606;

3. The request for approval by the voters of a county food and beverage tax authorized and levied in accordance with § 58.1-3833;

4. The language required to be included in the ballot question as set forth in subsection A of § 58.1-3833; and

5. An explanation that the bonds shall be issued only if the county food and beverage tax is approved in the referendum.

INTRODUCED

HB1390