

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 169

An Act to amend and reenact § 2.2-113 of the Code of Virginia, relating to state mandates.

[S 1212]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-113 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-113. Temporary suspension of state mandates.

A. The Governor may suspend, temporarily and for a period not to exceed one year, any mandate, or portion thereof, prescribed by any unit of the executive branch of state government on a county, city, town, or other unit of local government upon a finding that it faces fiscal stress and the suspension of the mandate or portion thereof would help alleviate the fiscal hardship.

B. No application shall be made by the locality until approved by resolution of the governing body.

C. At the time of application, the following information shall be published in the Virginia Register: (i) the name of the petitioning locality, (ii) the mandate or portion thereof requested to be suspended, (iii) the impact of the suspension of the mandate on the ability of the local government to deliver services, (iv) the estimated reduction in current budget from the suspension, and (v) the time period requested for suspension. Publication in the Virginia Register shall occur at least ~~twenty~~ 20 days in advance of any suspension by the Governor.

D. No later than January 1 of each year, the Governor shall submit to the General Assembly a report that identifies each petitioning locality, the mandate or portion thereof for which suspension was sought, and the response provided to the locality.

E. Nothing in this section shall apply to the Department of Education.

In making a determination of fiscal stress, the Governor may consider, but is not limited to, the following factors: any changes in anticipated revenue, income distribution of residents, revenue effort, revenue capacity, and changes in local population and employment levels.

2. That notwithstanding any application by a locality and without a determination of fiscal stress, during the fiscal year beginning July 1, 2003, and ending January 1, 2004, the Governor may suspend for good cause, as determined by the Governor, any local mandate that results from a regulation promulgated by an executive branch agency. In determining good cause, the Governor may consider relieving local fiscal stress, reducing unnecessary burdens to local governments, eliminating duplicative or unneeded reporting requirements and other factors as the Governor deems appropriate.