

2003 SESSION

INTRODUCED

036011504

SENATE BILL NO. 1212

Offered January 8, 2003

Prefiled January 8, 2003

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

Patrons—Newman; Delegates: Byron and Rapp

Referred to Committee on General Laws

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.

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

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 days in advance of any suspension by the Governor.

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.

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.

B. During the fiscal year beginning July 1, 2003, the Governor may suspend any mandate pursuant to subsection A, for a period not to exceed one year, on his own initiative, notwithstanding any application by a locality and without a determination of fiscal stress.

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