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HOUSE JOINT RESOLUTION NO. 602

Offered January 10, 2007

Prefiled January 3, 2007

Establishing a joint subcommittee to study unfunded state mandates. Report.

Patron—Saxman

Referred to Committee on Rules

WHEREAS, beginning with the 1992 study by the Joint Legislative Audit and Review Commission that resulted in the Catalog of State and Federal Mandates on Local Governments (H. D. 53, 1992), the General Assembly has followed the growth in the number and types of state mandates and the impact of mandates on the budgets of the localities; and

WHEREAS, the Commission on Local Government now furnishes annual updates for a Catalog of State and Federal Mandates on Local Governments and has published its 2006 edition that includes mandates adopted through September 2005; and

WHEREAS, these catalogs demonstrate the growth, breadth, and complexity of the unfunded and underfunded mandates now imposed on localities; and

WHEREAS, the General Assembly has acted to highlight the potential impact of new or expanded mandates through the requirements for fiscal impact statements prepared by the Commission on Local Government and for first day introduction of measures with fiscal impact on localities; and

WHEREAS, the General Assembly has instituted a program for periodic assessments of mandates by the executive branch agencies administering them; and

WHEREAS, the continued growth in the number and impact of mandates on the localities makes it appropriate to review the current status of these mandates, the fiscal impact statement process, and the assessment program; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study unfunded state mandates. The joint subcommittee shall have a total membership of eleven members that shall consist of six legislative members, four nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; two nonlegislative citizen members representing the Virginia Municipal League and the Virginia Association of Counties to be appointed by the Speaker of the House of Delegates upon consideration of the recommendation of the Virginia Municipal League and the Virginia Association of Counties, if any; and two nonlegislative citizen members representing local government officials from large and small localities to be appointed by the Senate Committee on Rules. The Chairman of the Commission on Local Government or his designee shall serve ex officio with voting privileges. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall undertake a comprehensive examination of the impact of unfunded mandates on localities, the scope and cost of presently unfunded mandates, and any possible means to lessen or limit the impact of both unfunded and underfunded mandates.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Commission on Local Government. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2007 interim and four meetings for the 2008 interim, and the direct costs of this study shall not exceed \$8,600 for each year without approval as set out in this resolution. Of this amount an estimated \$1,000 is allocated for consultant and speaker expenses. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

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59 No recommendation of the joint subcommittee shall be adopted if a majority of the House members
60 or a majority of the Senate members appointed to the joint subcommittee (i) vote against the
61 recommendation or (ii) vote for the recommendation to fail notwithstanding the majority vote of the
62 joint subcommittee.

63 The joint subcommittee shall complete its meetings for the first year by November 30, 2007, and for
64 the second year by November 30, 2008, and the chairman shall submit to the Division of Legislative
65 Automated Systems an executive summary of its findings and recommendations no later than the first
66 day of the next Regular Session of the General Assembly for each year. Each executive summary shall
67 state whether the joint subcommittee intends to submit to the General Assembly and the Governor a
68 report of its findings and recommendations for publication as a House or Senate document. The
69 executive summaries and reports shall be submitted as provided in the procedures of the Division of
70 Legislative Automated Systems for the processing of legislative documents and reports and shall be
71 posted on the General Assembly's website.

72 Implementation of this resolution is subject to subsequent approval and certification by the Joint
73 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
74 delay the period for the conduct of the study, or authorize additional meetings during the 2007 or 2008
75 interim.