

VIRGINIA ACTS OF ASSEMBLY -- 1995 RECONVENED SESSION

CHAPTER 743

An Act to amend and reenact § 30-19.03 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 30-19.03:1, relating to introduction of legislation requiring additional local government expenditures.

[H 1934]

Approved April 6, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 30-19.03 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 30-19.03:1 as follows:

§ 30-19.03. Estimates to be prepared for legislation affecting local government expenditures.

Whenever it appears to the Division of Legislative Services that legislation drafted by the Division may require the governing body of one or more localities of the Commonwealth either to render a new service or to expand any existing service, including the furnishing of capital facilities for state activities or state-related activities, the Division shall, upon the introduction of such legislation notify any bill requiring a net additional expenditure by any county, city, or town, as defined in § 30-19.03:1, is filed during any session of the General Assembly, the Commission on Local Government which shall investigate and prepare an estimate setting forth, to the extent practicable, the additional expenditures, if any, to be required of the affected localities in event of enactment of such legislation. The Division of Legislative Services shall examine all bills filed during any legislative session for the purpose of identifying and forwarding to the Commission on Local Government those bills requiring the preparation of fiscal estimates pursuant to this section.

As soon thereafter as may be practicable, the Commission on Local Government shall forward copies of such estimates to the Clerk of the House of Delegates for transmittal to each patron of the legislation and to the chairman of each committee of the General Assembly to consider the same.

All departments, agencies of government, the Division of Legislative Services, and all local governmental units of the Commonwealth are directed to make available such information and assistance as the Commission on Local Government may request in preparing the estimates required by this section.

§ 30-19.03:1. *Bills requiring net additional expenditures by local governments to be filed by first calendar day of session.*

No bill which mandates a net additional expenditure by any county, city, or town shall be considered by the General Assembly at a regular session unless the bill has been filed on or before the first calendar day of any session of the General Assembly, unless requested by the Governor or is filed in accordance with the rules of the General Assembly. A bill shall be deemed to mandate an expenditure if it has the effect of requiring any county, city, or town to (i) perform or administer a new or expanded program or service, (ii) maintain an existing program or service at a specified level of spending or delivery, (iii) assume or incur administrative costs in support of a state or state-related program, or (iv) furnish capital facilities for state or state-related activities.

For purposes of this section, "net additional expenditure" means the cost anticipated to be incurred annually, less any revenues receivable on account of the program or service from fees charged recipients of the program or service, state or federal aid paid specifically and categorically in connection with the program or service, new or increased local sources of revenue authorized and designated specifically to offset the cost of the program or service, and any offsetting savings resulting from the reduction or elimination of any program or service directly attributable to the performance of the required program or service.

The provisions of this section shall not apply to a program or service that is required or arises from a court order or judgment, nor to a program or service that is provided at the option of the county, city, or town under a law that is permissive rather than mandatory.