

LD5576649

SENATE BILL NO. 1109

Offered January 23, 1995

A *BILL to amend and reenact § 2.1-51.5:1 of the Code of Virginia, relating to state mandates upon localities.*

Patrons—Earley; Delegates: Forbes, Nelms and Spruill

Referred to the Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-51.5:1 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-51.5:1. 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 an administrative department, division or agency of the executive branch of government on a county, city, town, or other unit of local government upon a finding that such local government or other unit of local government faces fiscal stress and the suspension of such mandate or portion thereof would help alleviate the fiscal hardship of the local government or other unit of local government.

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) estimated reduction in current budget from such suspension, and (v) the time period requested for suspension. Publication in the Virginia Register shall occur at least twenty days in advance of such 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 locality and petitioning body, the mandate or portion thereof for which suspension has been 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 give consideration to, but not be 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. *On or before July 1, 1999, all mandates imposed by an administrative department, division, or agency of the Commonwealth on a county, city, town, or other unit of local government that are unfunded by the funds of the Commonwealth shall be eliminated if such elimination does not interrupt local service delivery or cause undue threat to the health, safety, and welfare of the residents of the Commonwealth.*

C. *No new or additional mandates shall be imposed by an administrative department, division, or agency of the Commonwealth on a county, city, town, or other unit of local government unless such mandates are funded by the General Assembly from the funds of the Commonwealth.*

INTRODUCED

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