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HOUSE JOINT RESOLUTION NO. 141

Offered January 11, 2012

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Directing the Joint Legislative Audit and Review Commission to study unfunded federal mandates. Report.

Patrons—Byron, Cole, Crockett-Stark, Helsel, Hodges, LeMunyon, Massie, Minchew, O'Quinn, Pogge, Poindexter, Ransone, Rust, Villanueva and Webert

Referred to Committee on Rules

WHEREAS, the federal government has a long history of adopting laws and regulations that pass on the costs; and

WHEREAS, these costs may be in the form of directly requiring the states to pay for and administer federally adopted programs that shift costs onto the states or that result in revenue losses to the states; and

WHEREAS, the federal Unfunded Mandates Reform Act (UMRA) of 1995 sought to limit unfunded federal mandates, but research indicates that even since its adoption, considerable costs have been shifted onto the states and at least 11 federal laws have been adopted that exceed the UMRA's \$50 million threshold; and

WHEREAS, unfunded federal mandates reach into all areas of government service, including education, health, welfare, transportation, finance, and public safety; and

WHEREAS, the Commonwealth of Virginia is constitutionally required to adopt a balanced budget; and

WHEREAS, these unfunded federal mandates require the expenditure of a growing percentage of general and nongeneral fund revenues of the Commonwealth, which slowly erodes the Governor and the General Assembly's ability to make informed policy decisions as to how the Commonwealth's revenues may be best used to serve the citizens of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study unfunded federal mandates.

In conducting its study, the Joint Legislative Audit and Review Commission (JLARC) shall (i) comprehensively identify and categorize all existing mandates placed on the Commonwealth by the federal government, (ii) calculate the current general and nongeneral funds appropriated in the biennial budget to carry out such mandates, (iii) project the likely increase in appropriations that will be necessary to continue to carry out such mandates over the next 10 years, and (iv) study the impact of the unfunded mandates on the revenues of the Commonwealth.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the staff of the House Appropriations Committee and the Senate Committee on Finance. All agencies of the Commonwealth shall provide assistance to JLARC for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings by July 1, 2012, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than July 1, 2012. The executive summary shall state whether JLARC intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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