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HOUSE JOINT RESOLUTION NO. 615

Offered January 23, 1995

Establishing a joint subcommittee to study procedures for identifying legislation imposing mandates on local governments and for ensuring that such mandates are funded before becoming effective.

Patrons—Reynolds and Armstrong; Senator: Goode

Referred to Committee on Rules

WHEREAS, actions of the state government that mandate that Virginia's local governments provide programs and services but fail to provide financial support adequately to fund such programs and services is of widespread concern; and

WHEREAS, failure to fully fund mandated programs effectively passes the costs of state programs to the local level, imposes burdens upon the already strained fiscal resources of local governments, and often redirects money from needed local programs to meet the costs of the state-mandated programs; and

WHEREAS, according to the Joint Legislative Audit and Review Commission's 1993 Update: Catalog of State and Federal Mandates on Local Governments, there were at that time at least 290 state mandates on Virginia's local governments, and an additional 56 mandates invoked jointly by the federal and state levels; and

WHEREAS, the General Assembly has recognized the mandate problem to the extent of requiring, in § 15.1-945.3 of the Code of Virginia, that the Commission on Local Government "prepare and annually update a catalog of state and federal mandates imposed on local governments including where available a summary of the fiscal impact on local governments of all new mandates"; and

WHEREAS, existing procedures in § 30-19.03 of the Code of Virginia which attempt to identify fiscal impacts of legislation on local government have not proven effective in addressing the mandates issues; and

WHEREAS, the cataloging of mandates and other steps that recognize the mandates issue, while useful, do nothing to prevent the imposition of new mandates or to ensure, if mandates are imposed, that the state will fully fund them; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the problem of unfunded mandates and to recommend procedures by which the General Assembly might identify bills upon introduction that carry mandated local costs, determine the potential fiscal impact of such bills on local governments, require that funding be provided for any legislation that mandates local expenditures before the legislation takes effect, and take such other related steps as the joint subcommittee determines are necessary to address the mandates issue.

The joint subcommittee shall be composed of 13 members, as follows: five members of the House of Delegates to be appointed by the Speaker of the House; three members of the Senate to be appointed by the Senate Committee on Privileges and Elections; one elected or appointed county official and one elected or appointed city or town official to be appointed by the Speaker of the House of Delegates, one elected or appointed county official and one elected or appointed city or town official to be appointed by the Senate Committee on Privileges and Elections, and the Executive Director of the Commission on Local Government, ex-officio.

The direct costs of this study shall not exceed \$8,000.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the Division, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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