



Legislation Details (With Text)

**File #:** 19-1706      **Name:** General Assembly Update  
**Type:** Resolution      **Status:** Agenda Ready  
**File created:** 1/30/2019      **In control:** City Council Legislative Meeting  
**On agenda:** 2/12/2019      **Final action:**  
**Title:** Update on the 2019 General Assembly Session  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 19-1706\_Recommended Positions on Bills Related to the City Package for Council Approval3.pdf, 2. 19-1706\_Recommended Positions on Other Bills of Interest for Council Approval3.pdf, 3. 19-1706\_all-package-update-0201.pdf

Date	Ver.	Action By	Action	Result
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City of Alexandria, Virginia

MEMORANDUM

**DATE:** FEBRUARY 6, 2019  
**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** MARK B. JINKS, CITY MANAGER /s/

**DOCKET TITLE:**  
Update on the 2019 General Assembly Session

**ISSUE:** Update on the 2019 General Assembly Session.

**RECOMMENDATION:** That City Council approve the legislative positions included in Attachment 1 (Recommended Positions on Bills of Impact to the City), as recommended by Council’s Legislative Subcommittee (Mayor Wilson and Vice Mayor Bennett-Parker) at their January 18 and 22, 2019 meetings.

**DISCUSSION:** The 2019 General Assembly Session began on January 9 and is scheduled to adjourn on February 23. This is a short legislative session with the General Assembly in session for just 45-days this year. Sarah Taylor, the City’s Legislative Director, represents the City in Richmond during the General Assembly Session.

The deadline for the introduction of legislation was Friday, January 18. Crossover will occur on February 5, 2019, and is the last day for legislation to be considered in its house of origin.

This session, 2,131 bills and resolutions were introduced and many of interest and impact to the City have been reviewed by staff, with recommended positions on an additional 137 bills completed by staff, approved by the Legislative Subcommittee, and included

in Attachment 1 and 2 (Recommended Positions on Bills Related to the City Package for Council Approval and Recommended Positions on Other Bills of Interest for Council) for approval by the full City Council.

**Updates on City Priority Legislation:** The City's 2019 Legislative Package included three priority items: securing funding for the City's CSO project, securing funding and/or financing opportunities for school construction and renovation, and protecting funding for localities.

CSO Funding - The Governor's proposed amendments to the current biennial State budget included \$25 million in Virginia Public Building Authority (VPBA) bonds for the City's CSO project. The House and Senate will release their budgets on Sunday, February 3 where we will know whether the Governor's proposed bond funding for the CSO project was included in their funding proposals for the current biennial State budget and staff will report on these meetings to Council. After House and Senate action, their two budget bills will go to the Conference Committee where a single budget bill will be worked out.

Funding for School Renovation and Construction - The Governor's proposed budget amendments include \$80 million through the Literary Fund for school construction loans to cover all outstanding requests to the Literary Fund for school construction. This funding would not provide revenue for any new requests to the Literary Fund for school construction.

Sen. Bill Stanley filed SB 1330, which would have provided for a statewide referendum during the November 2019 general election on the question of whether the General Assembly shall issue \$3 billion in bonds for the purpose of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities. The bill failed to report out of the Senate Finance Committee on a 14-2 vote, with the co-chair - Sen. Hangar - noting that while he appreciated Sen. Stanley raising awareness of this issue, he did not believe it was ready for a statewide referendum on the issue.

In addition, Sen. Stanley and Sen. Marsden filed SB 1702, which creates the Public School Assistance Program, with the purpose of providing grants to school boards for the purpose of repairing or replacing the roofs of public elementary and secondary school buildings in the local school division. The Program would be administered by the Department of Education and would give priority in the award of grants to school boards that demonstrate the greatest need based on the condition of existing school building roofs and the ability to pay for the repair or replacement of such roofs. The bill was reported out of the Senate Finance Committee on a 16 to 0 vote and will be considered by the full Senate.

Finally, legislation was filed by Del. James Edmunds (HB1634) which would authorize localities to impose an additional local sales and use tax, if initiated by a resolution of the local governing body and approved by the voters at a referendum, where the revenue would be used solely for capital projects for the construction or improvement of schools. The bill was defeated in the House Finance Committee on a 9 to 11 vote.

Protecting Funding for Localities - SB 1083 (Ruff) emerged as the vehicle in the Senate for the allocation of new State internet sales tax revenue. The bill, which passed out of the Senate on a 37 to 3 vote, protects the existing formula in place for "brick and mortar" sales tax revenue, which includes "off the top" funding for localities, K-12 education, and transportation. The House version, HB 1722, was reported from House Finance on a 14 to 4 vote and will be considered by the full House.

In addition, a budget amendment has been filed by Sen. Adam Ebbin which would replace the \$2 million taken from the Communication Sales and Use Tax Fund and moved to the State's General Fund during the 2018 Special Session to approve the 2019-2020 biennial budget. Monies in the Communication Sales and Use Tax Fund are statutorily required to be distributed to localities and the use of the funds for General Fund purposes was contrary to the spirit and letter of the Fund, as well as to the promises made to localities when the Fund was created and certain local communication tax revenues were taken away from localities. We will know the status of this budget amendment after the Sunday, February 3 "Money Committee" meetings.

**Other City Package Legislation:** The City has worked with a number of legislators on bills in support of items in the City's 2019 Legislative Package. In addition, a number of bills have been filed that support items in the City's Legislative Package. Some "package bills" saw action in committee during the first days of the legislative session, including:

Plastic Bag Tax/Fee - All measures which would allow localities to levy a fee or tax on single use plastic shopping bags at large retail stores have failed.

Minimum Wage - All measures to raise the minimum wage in Virginia have failed.

Common Sense Gun Reforms - All measures in the area of "common sense gun reform" have failed.

Equal Rights Amendment (ERA) - While the full Senate passed a resolution for Virginia to ratify the federal Equal Rights

Amendment (SJ 284, Sturtevant), the House Privileges and Elections Subcommittee passed the bill by indefinitely on a party line 4 to 2 vote. The House version of the resolution, HJ 579 (Carroll Foy), was also passed by indefinitely in the House Privileges and Elections Subcommittee on a party line 4-2 vote. Attempts have been made to use procedural motions to advance the Senate version direct to the House floor for a vote by the full House of Delegates. However, to this point those efforts have been unsuccessful.

Domestic Violence - Two bills in the City's package related to domestic violence have continued to advance this session.

HB 2417 (Herring), which would clarify the conditions placed on respondents on Emergency Protective Orders to better protect the petitioner, passed out of the House with a 97 to 0 vote and will next be considered by the Senate Courts of Justice Committee.

SB 1276 (Ebbin/Stanley) and HB 2642 (Levine) were heard in the Senate Agriculture, Chesapeake and Natural Resources Committee and House Courts of Justice Committee, respectively. The identical bills, which would make the abuse of household animals/pets when done as a form of control and intimidation against a household member a felony, passed out of their respective subject matter committees unanimously. Because the bills have been identified as having a fiscal impact to the State, we are awaiting announcements on the budget to determine whether there is funding for the bills.

Scooters and E-Bikes - Legislation drafted by scooter companies to define and lay out the regulatory authority for these burgeoning transportation options, HB 2752 (Pillion), passed out of the House Transportation Committee 22 to 0. City staff worked with the patron, lobbyists for the scooter companies, and other local government liaisons on language that does not impact the City's current scooter pilot projects and protects local authority to regulate and manage scooters and e-bikes in our community.

Municipal Net Metering - City staff has been working with Del. Kathy Tran on legislation which would allow localities in Dominion and ApCo territory to get credit for excess renewable energy generated at a location owned, leased or operated by a locality. The pilot program outlined in the bill opens the door to non-contiguous net metering by localities and has the support of numerous localities as well as the energy companies. HB 2792 (Tran) passed out of the House Commerce and Labor Committee on a 15 to 2 vote and is up for consideration in the full House. SB 1779 (Ebbin) is identical to the House version, passed out of the Senate Commerce and Labor Committee 13-0, and is currently on its second reading in the full Senate.

Access to Voting - While many bills were filed regarding access to voting, two bills to expand early and/or absentee voting in the Commonwealth are currently still alive. SB 1026 (Spruill), which would allow for no excuse absentee voting, was reported from the Senate Privileges and Elections Committee on a 14-0 vote. In addition, HB 2790 (Rush), which will conform to SB 1026, was reported out of the House Privileges and Elections Subcommittee on a 6-0 vote. Note that these bills include a delayed enactment and no-excuse in person absentee voting would apply to elections beginning with the general election on November 3, 2020.

Redistricting and Gerrymandering - Two bills related to redistricting and gerrymandering have advanced in the Senate.

SB 1579 (Suetterlein), which passed out of the Senate on a 21 to 17 vote, forbids districts to be shaped irregularly or have contorted boundaries unless they adhere to political boundary lines.

In addition, SJ 306 (Barker) passed out of the Senate Privileges and Elections Committee 13 to 0 with one abstention. The resolution would amend the state constitution to establish an independent redistricting commission of 16 members: eight citizen members and eight legislative members. Out of the citizen members, there would be two Republicans, two Democrats and four independents. Out of the legislative members, there would be four Republicans and four Democrats. The bill would require that the districts be approved by six of eight legislators and by six of eight citizens to avoid any subgroup dominating over other groups. The bill is on Third Reading in the Senate.

Net Neutrality - Legislation filed by Del. Lee Carter (HB 1755) to require that the principles of net neutrality be in force in Virginia was passed by indefinitely in the House Commerce and Labor Subcommittee on a 7-1 vote.

Marijuana Decriminalization - All legislation filed to decriminalize simple marijuana possession in Virginia, including SB 997 (Ebbin), has been defeated.

Appomattox Statue - Legislation filed by Del. David Toscano (HB 2377) to allow localities to remove or provide for the upkeep, maintenance, or contextualization of any monument or memorial for war veterans located in its public space, including Confederate War monuments, failed in the House Counties Cities and Towns Subcommittee on a 2-6 vote.

Driver's Licenses for Undocumented Immigrants - All bills filed to enable undocumented immigrants to obtain a driver's license - which would provide access to the privilege of driving and serve as proof of identity, not citizenship - have failed.

Communal ABC Permit - Legislation to create an ABC permit for local groups that would allow for open containers within a designated, managed common area during a permitted event (SB 1171, McPike) passed out of Senate Rehabilitation and Social Services 13 to 1 and cleared the Senate Finance Committee 14 to 2 and is currently up for consideration by the full Senate.

Local Option for Setting the Opening Day of School - Legislation that would give local school boards the authority to set their school calendar and determine the opening day of school (SB 1005, Chase) passed out of the Senate Education and Health Committee 11 to 3. The bill is now up for consideration by the full Senate.

Additional information on legislation relating to the 2019 City Package is included in Attachment 3 (Status of City Package Bills to Date).

**Other Legislation of Interest to the City:** In addition to legislation included in the City's Legislative Package, a number of other bills of interest to the City have seen legislative action in the General Assembly.

Amazon HQ2/VaTech Innovation Campus - Legislation approving the incentive package for the Amazon HQ2 development in Arlington (SB 1255 - Ruff) was approved by both the Senate (35 to 5) and the House (83 to 16) and is before the Governor for his signature, with an action deadline of February 6.

The legislation creating the Tech Talent Investment Program and Fund (SB 1617), the vehicle for funding for the VaTech "innovation campus" in Alexandria, was filed by Sen. Frank Ruff and passed out of the Senate Education and Health Committee on a 14 to 0 vote. It was approved by the Senate Finance Committee on a 16 to 0 vote and is up for consideration by the full Senate.

Funding for the Maintenance of Historic African American Cemeteries - City staff worked with Del. Charniele Herring to file legislation to ensure that the City has access to state funding earmarked for the preservation and maintenance of historic African American cemeteries. The legislation, HB 2739, includes the historic African American cemeteries in Alexandria that the City owns or maintains - Douglas Cemetery, Lebanon Union Cemetery, Methodist/Protestant Cemetery, Penny Hill Cemetery, Contrabands and Freedmen Cemetery, and Baptist Cemetery at the African American Heritage Park. The bill passed out of the House Agriculture, Chesapeake and Natural Resources Committee 22 to 0 and is awaiting action by the full House.

Proffers - Legislation passed out of both House and Senate committees to address the unintended consequences of the 2016 proffer reform legislation. The bills - SB 1373 (Favola) and HB 2342 (Thomas) - were the product of months of negotiations between localities, developers and other interested parties. These bills, which passed out of the Senate 29 to 10 (SB 1371) and out of the House 90 to 7 (HB 2342) would make a number of changes to the 2016 proffer reforms, including removing restrictions on communication between developers and localities that many Northern Virginia localities, and even some developers, felt had significantly slowed housing development, particularly in places like Prince William, Loudoun and Stafford Counties.

Note that the proffer legislation does not affect the City as drafted and approved to date. Most development in Alexandria goes through the Special Use Permit process where development conditions, rather than proffers, are negotiated between developers and the City in order to offset the impacts of development on the community.

#### **ATTACHMENTS:**

1. Recommended Positions on Bills Related to the City Package for Council Approval (From 1/11/19 Subcommittee Meeting)
2. Recommended Positions on Other Bills of Interest for Council Approval (From 1/11/19 Subcommittee Meeting)
3. Status of City Package Bills as of February 1 2019

#### **STAFF:**

Sarah Taylor, Legislative Director