



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 8, 2021

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Update on the 2021 Virginia General Assembly Session.

ISSUE: Update on the 2021 General Assembly Session.

RECOMMENDATION: That City Council receive staff's update on the 2021 General Assembly session.

DISCUSSION: The 2021 General Assembly Session began on Wednesday, January 13. Coming off a months-long special session, Republicans in the Senate and House of Delegates intended to keep the session to the 30-day constitutional limit on "short" legislative sessions. Typically, the legislature extends short sessions to 46 days, but any extension requires approval from two-thirds of both chambers.

However, with Democrats holding the majority in each body of the General Assembly as well as the Governor's office, the House and Senate majority leadership worked with the Governor's office to put a plan in place to extend session to the "traditional" 46-days. On Thursday, February 4, the Governor issued a proclamation extending the current legislative session. While the proclamation does not have an end date, there is an agreement between the administration and legislative leaders that the intent is to create a 46-day session. The special session will last from February 10 to February 27.

The General Assembly continues to meet virtually. The members of the Senate, along with some Senate staff, are convening in person at the Science Museum of Virginia, and are holding committee meetings and floor session from that location. Members of the House of Delegates are convening entirely virtually, with House members participating in subcommittee meetings, committee meetings, and floor session remotely from their location of choice. In both the Senate and the House, outside participants - including lobbyists, activists, and members of the public - are joining in subcommittee meetings, committee meetings and most other meetings with members and staff electronically, either through Zoom testimony or by presenting written comments ahead

of the meeting.

Sarah Taylor, the City's Legislative Director, is representing the City with the General Assembly - if not at the General Assembly - during this unique Session.

Despite a short, virtual session, the General Assembly is addressing a number of significant issues during this session.

Marijuana Legalization

Following a report of the Virginia Marijuana Legalization Work Group, Governor Northam offered his full support of the legalization of recreational marijuana and included funding in his 2021 budget proposal to lay the groundwork and set up a framework for marijuana legalization in the Commonwealth.

The challenge for the legislature is to get consensus on a bill that adequately regulates the industry and preserves various interests. For localities, there are a number of areas to watch, including local authority with regard to zoning, code enforcement, licensure, public health and safety, as well as taxation, revenue collection, and revenue disbursement.

SB 1406 (Ebbin/Locke) and HB 2312 (Herring) legalize the use and personal cultivation of marijuana by adults ages 21 and older, provide for the automatic expungement process of certain marijuana-related offenses, and establish a regulatory framework for commercial cannabis production, manufacturing, testing, and retail sales.

HB 2312 was approved by the House of Delegates by a 55 to 42 vote, sending it on to the Senate for further consideration. The Senate later approved SB 1406 by a 23 to 15 vote, which will now be transmitted to the House.

The bills have substantial differences and we expect that the legislation will not be in final form until the bills are resolved in Conference Committee late in session.

Staff is working with the patrons of the legislation to ensure that nothing in the legislation supersedes or limits the authority of a locality to adopt and enforce local ordinances to regulate businesses licensed, including local zoning and land use requirements and business license requirements.

COVID-19

HB 2333 (Bagby)/SB 1445 (Dunnivant) facilitate the administration of the COVID-19 vaccine and intends to strengthen the state's vaccine distribution efforts and also bolster data collection. The bills were fast tracked through the process and have an Emergency Clause so the provisions will be effective upon the Governor's signature, which staff expects will occur promptly once he receives the final legislation

The legislation removes barriers on health care providers' eligibility to conduct vaccination. Under the provision, any person licensed or certified by the appropriate health regulatory board, who is in good standing within the past 20 years, can volunteer to vaccinate. This includes nurse practitioners, physician assistants and pharmacy technicians. The bill also allows anyone to volunteer whose license was in good standing within 20 years before it lapsed. In addition, health profession students enrolled in statewide accredited programs who have been properly trained in vaccine administration will also be allowed to volunteer.

The final version also allows localities with fire departments or emergency medical services departments employing full-time or volunteer EMTs or paramedics to establish and staff vaccine administration clinics for the purpose of administering COVID-19 vaccines. It authorizes the Department of Health or hospitals serving

the locality to provide vaccines to locality-created vaccine administration clinics upon the request of the locality.

The bill directs the Virginia Department of Health to establish a program where eligible individuals may volunteer and complete training to administer the COVID-19 vaccine. Institutions such as hospitals, medical care facilities and universities would be able to volunteer their facilities as vaccine administration sites.

Finally, the bill also requires the collection of race and ethnicity data of people receiving the vaccine by VDH. The House patron, Del. Lamont Bagby, noted during the House consideration of the measure that this will ensure a more equitable vaccination rollout. The bill also allows higher education institutions to assist VDH with data processing and analytics.

Amendments to the 2020 to 2022 Biennial Budget

In December, Governor Northam presented his proposed amendments to the 2020 to 2022 biennial budget. The proposed budget, as amended, provides funding for various criminal justice reforms, the regulation of recreational marijuana under Virginia ABC, and restores some allocations that were “unallotted” early in the pandemic when the State’s revenue forecast was uncertain. The Governor’s proposed amended “caboose budget” includes a number of items of interest to the City, including:

- \$240 million for public health pandemic response, including \$90 million to support Virginia’s vaccination deployment
- \$500 million to prevent reductions to school division funding due to COVID-19
- Restores over \$16 million to expand access to early childhood education
- Invests an additional \$25 million in Virginia’s Housing Trust Fund in FY 2022, matching the \$55 million that is maintained in FY 2021
- \$15.7 million in FY 2021 for the Rent and Mortgage Relief Program
- \$1.5 million in FY 2022 to fund additional housing attorneys at the Virginia State Bar
- Invests an additional \$15 million in the Virginia Telecommunications Initiative (VATI) in FY 2022, matching the \$50 million that is maintained in FY 2021
- \$98 million for a one-time bonus for state employees (\$1,500), adjunct faculty (\$750), and state-supported local employees (1.5 percent), and \$9.5 million for the Compensation Board to increase support for Virginia’s constitutional officers
- \$10 million to update the formula that determines how much the state pays for local health departments
- \$12 million in the Department of Environmental Quality to better protect Virginia’s air, land and water, and \$13.5 million in water quality and agricultural best management practices (BMPs), bringing Virginia’s BMP investment to \$35 million in FY 2022
- \$1.8 million to provide salary equity between Deputy Circuit Court Clerks and their counterparts at the District Courts.

The Senate and House of Delegates were scheduled to present their proposed budgets on Sunday, February 7, with amendments reflecting their own priorities. However, the meetings were postponed and we expect to get Senate and House budget proposals on Wednesday, February 10.

The City is advocating for budget amendments to: provide additional funding to NVTA localities to offset shortfalls with regard to our WMATA payments for 2021; allocate non-general funds to localities who maintain their own roads; remove the word “handicapped” from code after review by the Code Commission; and have DEQ study strategies to update SLAF funding proposal scoring criteria in order to assign points to projects that

support local stormwater resiliency priorities and capacity needs.

Legislative Package - The City's 2021 Legislative Package has the proposals organized into two sections - Legislative Principles and Legislative Priorities.

The section of Legislative Principles is structured around the City's Strategic Plan and creates a clear nexus between the City's goals and the legislative and funding measures necessary for us to achieve these goals. In general, the Legislative Principles are broadly crafted and focus on comprehensive legislative strategies rather than specific legislative tactics.

A number of pieces of legislation that align with and support the City's Legislative Principles have been filed, including bills related to voter access, energy efficiency, marriage equality, anti-discrimination, bicycle safety, and legislation to extend the temporary provision allowing restaurants to sell "take home" mixed beverages.

The City's Legislative Priorities are, generally, specific revenue and legislative proposals that the City has identified as the issues of greatest impact to the City. These are the issues the City intends to continue expending significant political capital on and the issues that we intend to ask our General Assembly delegation to engage in on behalf of the City.

Legislation filed to date that aligns with and supports the City's Legislative Priorities, includes legislation to expand and protect tree canopy, make electronic meeting provisions permanent, increase opportunities for electronic participation by members of public bodies, create an electric vehicle rebate program, and a constitutional amendment to restore the voting rights of convicted felons in the Commonwealth.

Finally, the City has three priority bills this session which have all seen action:

HJR552 (Levine) authorized a Joint Subcommittee on Inland and Urban Flooding to bring together stakeholders to consider issues related to inland and urban flooding and recommend to the General Assembly actionable short-term and long-term strategies and funding opportunities for minimizing the impact of flooding in inland and urban areas across the Commonwealth.

The House Rules Subcommittee on Studies heard this legislation and recommended that the House Committee on Agriculture, Chesapeake and Natural Resources convene a workgroup of these same stakeholders during 2021 to study this issue, discuss strategies and make recommendations to the General Assembly for the 2022 session.

SB 1309 (Ebbin) provides localities the authority to use monies in their own Local Stormwater Management Fund for grants for flood mitigation measures and projects on private property, including nature-based practices. The grant program for these uses must be part of a comprehensive flood mitigation and protection plan adopted by the locality and cannot be implemented in lieu of a comprehensive flood mitigation program. The bill passed out of the Senate 39-0 and has been assigned to the House Counties, Cities and Towns Committee for consideration in the House of Delegates.

SB 1206 (Barker) provides more efficient, narrowly tailored access to Court Services Records of juveniles being served by both the juvenile justice system and the child welfare system - "crossover youth" - in a locality when the record sharing is done as part of an established partnership between the Department of Juvenile Justice and the local agencies serving these "crossover youth." The legislation passed out of the Senate 27-11 and has been assigned to the House Judiciary Committee for consideration in the House of Delegates.

STAFF:

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Sarah Taylor, Legislative Director