



Legislation Details (With Text)

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City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 20, 2019
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:
Consideration of a Final Update on the 2019 General Assembly Session.

ISSUE: Update on the 2019 General Assembly Session.

DISCUSSION: The 2019 General Assembly Session began on January 9 and plans to adjourn sine die on February 23. The Reconvened, or Veto, Session - where the General Assembly accepts or rejects the Governor's amendments and vetoes to bills - will be held April 3. Sarah Taylor, the City's Legislative Director, continues to represent the City in Richmond during the General Assembly Session.

Note that the status of legislation and budget items as presented in this memo are current only as of the date of the memo. Staff will give final updates on items at the February 26 Council Meeting.

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 Senate budget proposal included that bond funding for the CSO project while the House's budget proposal did not include CSO funding. Because it was included in the Senate's budget proposal, the item is up for consideration during the Budget Conference process, where conferees resolve differences in the House and Senate budget proposals. As of the date of this memo, the final budget had not been released.

Funding for School Renovation and Construction - The Governor's proposed budget amendments include \$80m 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. The Senate's budget proposal included an additional \$70m to the Literary Fund for additional requests to the Fund for school construction. This item is up for consideration during the Budget Conference process but, as of the date of this memo, the final budget had not been released.

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 passed out of the Senate but was left in House Appropriations.

In addition, 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 resurrected by the Patron by narrowing the proposal to apply only to the Town of Hopewell rather than to all localities statewide. The bill, as amended, passed out of the Senate and will be reconsidered, as amended, by the House.

Protecting Funding for Localities - SB 1083 (Ruff) and HB 1722 (Bloxom) emerged as the vehicle in the Senate for the allocation of new State internet sales tax revenue. The bills protect 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 bills were conformed and the House version was passed out of both bodies and is on to the Governor for his signature.

In addition, both the Senate and House budget proposals included taking money from the Communications Sales and Use Tax Fund. The Senate proposed taking \$2 million from the Fund for general appropriation; the House proposed taking \$2 million from the Fund for use in broadband expansion in underserved areas. These items are up for consideration during the Budget Conference process, where conferees resolve differences in the House and Senate budget proposals. As of the date of this memo, the final budget had not been released.

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.

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 are continuing in the House to use procedural motions to advance the Senate version direct to the House floor for a vote by the full House of Delegates. Most recently, members of the House have introduced several changes in the House Rules that will allow the measure to get to the House floor for a vote before sine die.

Domestic Violence - HB 2417 (Herring), which would have clarified the conditions placed on respondents on Emergency Protective Orders to better protect the petitioner as well as give clarity to the respondent, was Passed By Indefinitely by the Senate Courts of Justice Committee. However, the bill was sent to the Committee on District Courts and the issue will be reviewed during the interim by the Committee with the goal of coming up with a bill on the topic for the 2020 session.

SB 1276 (Ebbin/Stanley) was rolled into SB 1604 (DeSteph), which makes aggravated cruelty against a dog or cat a Class 6 felony. The original bill would have made the abuse of household animals/pets when done as a form of control and intimidation against a household member a felony. While we feel our original bill was more narrowly tailored and was focused on domestic violence victims specifically rather than animals, we believe that this legislation will give law enforcement a tool they can use to protect domestic violence victims who experience animal cruelty in their homes as part of the violence perpetrated against them. SB 1604 passed out of the Senate and House committees and is up for consideration by the full House.

Scooters and E-Bikes - Legislation drafted by scooter companies to define and lay out the regularity authority for these burgeoning transportation options, HB 2752 (Pillion), passed out of the House and Senate and is on to the Governor for his consideration. 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 and Senate and is on to the Governor for his consideration.

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) and HB 2790 (Rush), which would allow for no excuse absentee voting, are being considered by the House and Senate. 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 both the Senate and House, forbids districts to be shaped irregularly or have contorted boundaries unless they adhere to political boundary lines.

In addition, the House and Senate have each passed constitutional amendments to require the establishment of decennial state redistricting commissions. SJ 306 (Barker) 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.

In addition to addressing the issue of a statewide redistricting commission by a slightly different process, the House version (HJ 615 - Cole) takes the added step of requiring any locality using wards or districts in its own elections to also establish a redistricting commission. Because Alexandria uses districts in its school board elections, this could have an impact on the City.

Differences in SJ 306 and HJ 615 will be addressed in conference committee.

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 the Senate and House and are on to the Governor for his consideration.

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 both the Senate and House and is next up for consideration by the Governor.

Additional information on legislation relating to the 2019 City Package is included in Attachment 1 (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 was signed by the Governor.

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 both the Senate and House, with differences between the versions passed by the bodies. The bill is in conference committee to resolve these differences.

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 \$9,715 for the maintenance and preservation of 1,943 eligible graves at 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 and Senate and we are waiting to see if there is funding in the final budget for the measure.

Cut-Through Traffic - Del. Kathleen Murphy of the McLean/Great Falls area of Fairfax filed legislation, HB 2033, which would allow Fairfax County to, by ordinance, develop a program to issue permits or stickers to residents of a designated area that will allow residents to make turns into or out of the designated area during certain times of day where such turns would otherwise be restricted. The legislation has passed out of the House and Senate and is next up for consideration by the Governor.

Clean Air Initiatives and Funding - There are some concerns about HB 2269 (Poindexter) which passed out of both the House and Senate and has gone on to the Governor for his consideration. The bill would prohibit the Governor or any state agency from adopting any regulation establishing or bringing about the participation by the Commonwealth in the Transportation and Climate Initiative or any other regional transportation sector emissions program. City staff have concerns that this legislation conflicts with the City’s sustainability and climate change efforts and may have implications on federal CMAQ/RSTP funds. By forcing a two-thirds votes prior to participating in the Transportation Climate Initiative or “transportation sector emissions program,” it will severely limit the Governor and state agencies from pursuing potential federal funds and prevent the Commonwealth from addressing transportation sector emissions, which is currently the largest contributor to climate change. While it is unclear whether this would impact existing programs such as CMAQ, that may pose a potential \$4.5 million annual impact to the City.

ATTACHMENTS: Status of City Package Bills as of February 20, 2019

STAFF: Sarah Taylor, Legislative Director