



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 13, 2014

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: RASHAD M. YOUNG, CITY MANAGER /s/

DOCKET TITLE:

Update on the 2014 General Assembly Session.

ISSUE: Update on the 2014 General Assembly Session.

RECOMMENDATION: That City Council approve the legislative positions included in Attachment 1 (Recommended Positions on Bills of Importance to the City), as recommended by City Council's Legislative Subcommittee.

DISCUSSION: The 2014 General Assembly Session began on January 8 and is scheduled to adjourn on March 8. The deadline for the introduction of legislation is Friday, January 17. As of January 11, nearly 2,000 bills and resolutions have been introduced. Many of them deal with perennial issues, such as the opening day of school, absentee voting, restoration of rights to felons who have completed their prison time, and in-state tuition for undocumented persons (those who do not have U.S. citizenship).

On January 11, the new Governor, Lieutenant Governor, and Attorney General were sworn into office.

City Package. The following bills seek the enactment of proposals addressed in the City's legislative package. There has been no action taken on any of these bills. Attachment 2 is a more detailed status report on city package bills.

- House Bill 328 and Senate Bill 321 are Charter bills, introduced at the City's request to (1) allow the City Attorney to serve as counsel to the School Board with the concurrence of City Council and the School Board; and (2) "clean up" the City Code to reflect the fact that Council and School Board elections are now held in November instead of May.

- As noted above, Constitutional amendments have been proposed (in both the House and Senate) to provide for the restoration of civil rights for persons who have been convicted of nonviolent felonies, but completed their sentence, probation, and parole. Some of these would automatically restore such rights, while others would authorize the General Assembly to adopt simplified procedures (currently, only the Governor can restore these rights). In the past, this legislation has been defeated in the House of Delegates.
- A number of bills have been introduced to allow for unrestricted absentee, or early, voting. Some of these would allow anyone to vote absentee without providing a reason (the Virginia Code currently allows absentee voting for 11 different reasons, such as being out of town on election day, or being ill or disabled) while others would extend this option only to those 65 years of age or older. In the past, the House of Delegates has defeated all bills that would allow for early or unrestricted absentee voting.
- Bills have been introduced in the House and Senate to allow access to higher education by undocumented persons if they can meet certain requirements similar to those proposed by Governor Warner in 2003 (e.g., graduation from a Virginia high school, payment of Virginia taxes by a family member, pursuing permanent residency in the United States). The House has rejected bills like this in the past.
- Legislation has been introduced to abolish the Opportunity Educational Institution, which is scheduled to take over responsibility for Jefferson-Houston School prior to the 2014-15 academic year.
- HB 816 would make it unlawful to discriminate against someone who wishes to purchase or lease a home, based on the source of income they propose to use (e.g., public assistance or child support).
- A number of legislators have introduced constitutional amendments to repeal the provision enacted in 2006 that: (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the State and localities from creating or recognizing a legal status for relationships of unmarried individuals that would be similar to marriage; and (iii) prohibits the State and localities from creating or recognizing any legal status that has the rights and benefits of marriage.
- Legislation has been submitted to extend the ability to assign purchase rights for condominium conversions to tenants who have one or more minor children and live within 150 percent of federal poverty guidelines.
- Legislation has also been proposed to allow localities to participate in net metering programs for renewable energy.
- Legislation is being considered that will use, for workers compensation cases, the same medical services fee schedule that is now used for Medicaid cases.
- Bills have been offered to cap the interest rate on payday loans at 36 percent; authorize WMATA to have fare inspectors; allow wine wholesalers to conduct wine tastings at restaurants and other retail establishments; levy a tax on plastic and paper bags used by groceries and other stores; and require drivers to stop for pedestrians in marked crosswalks.
- Several bills have been introduced that will negatively impact BPOL or other City tax revenues. The City opposes such legislation as a part of its legislative package.

- Bills have also been introduced to eliminate some or all of the revenues authorized in last Session's landmark transportation legislation (HB 2313). The City's legislative package notes that the City will oppose such proposals. Some of them are briefly discussed below.

Transportation Issues. A number of bills have been introduced that, if passed, would affect the amount of funding Alexandria and other Northern Virginia localities now receive for transit and other transportation programs. As noted above, the City's legislative package includes a provision that states that the City will oppose any legislation that will lessen funds coming to Alexandria as a result of last Session's major transportation funding legislation (HB 2313). Among the bills that have been introduced and that the City will oppose because they could detrimentally affect City and Northern Virginia funding are:

- House Bill 635 (LaRock), which would limit NVTAs ability to use its funds for transit capital projects;
- House Bill 653 (LaRock), which would limit to 25 percent the amount of NVTAs funds that can be used for transit;
- House Bill 658 (LaRock), which would limit to 25 percent the amount of State funds in Northern Virginia that the Commonwealth Transportation Board (CTB) could allocate to transit;

Other bills affecting NVTAs have been introduced, and City Council's Legislative Subcommittee recommends that the City oppose these:

- HB 41 (Bob Marshall) would require the CTB, not NVTAs, to select NVTAs capital projects;
- HB 425 (LeMunyon) would add 3 additional legislators to NVTAs (3 legislators already serve on NVTAs);

Mental Health Issues. As a result of the unfortunate incidents involving the family of State Senator Creigh Deeds, the General Assembly is once again considering legislation to strengthen state laws and programs relating to mental health. Among the issues to be considered is whether to extend the time during which a person can be held involuntarily while assessing the need for the person's hospitalization or treatment; related issues pertaining to temporary detention orders for people who may be in need of services; and the use of state facilities for temporary detention if a hospital bed or other facility cannot be identified before the temporary detention order expires. There is additional funding proposed in the upcoming budget for mental health services, and it would not be surprising to see further increases before the budget is finalized.

Medicaid Expansion. Once again, Medicaid expansion under the Affordable Care Act will be a major issue in the 2014 Session. A year ago, the House and Senate appointed a legislative Commission to make recommendations on this issue. Although the Commission met several times in 2013, it reached no consensus. The Senators on the Commission generally favor expansion, while the House members oppose it. Governor McAuliffe has expressed strong support for expansion, and will undoubtedly do what he can to bring it about. The City supports Medicaid expansion as a part of its legislative package, and has agreed (with the Mayor's concurrence) to sign on as a member of Health Care for All Virginians, a coalition of supporters of Medicaid

expansion.

State Budget. Shortly before he left office, Governor McDonnell introduced his proposal for a budget for the next biennium (fiscal years 2015 and 2016), as well as proposed amendments to the current biennial budget. Among those of interest to the City are the following:

1. He recommended \$1 million in State funds to assist the City in addressing CSO issues.
2. He proposed \$600,000 in annual funding to support the Opportunities Education Institution (OEI), along with 6 employees to staff the program. The Governor has also proposed language in the budget that sets out in greater detail some of the requirements for the program (e.g., how it will be funded, which schools will be eligible for inclusion in OEI, etc.). This same language was rejected by the General Assembly during the 2013 veto Session. (Note: budget amendments were introduced by General Assembly members during the past week to eliminate Governor McDonnell's proposed \$600,000 OEI appropriation).
3. New funding proposed for mental health programs includes added support for Peer programs, in which former substance abusers assist those trying to fight addiction problems; funding for young adults with mental health problems; and resources to assist those being transitioned out of the Northern Virginia Training Center.
4. Additional funds are being appropriated to HB 599 (State aid to local police departments) to reflect the growth in State general fund revenue in recent years. Staff has not yet been advised of the amount of these funds that will come to the City.
5. Proposed appropriations to the Alexandria City Public Schools (ACPS) are \$38,203,888 for FY15, and \$39,739,232 for FY16. This includes funding for the Virginia Preschool Initiative.
6. The Governor has again proposed reductions for Northern Virginia's cost of competing educational funds (K-12). These reductions will result in a shortfall of approximately \$625,000 for FY 2015 and \$650,000 for FY 2016. Mayor Euille and his counterparts from Cost of Competing localities have written to Governor McAuliffe (Attachment 3), asking him to support restoration of these funds. A similar letter will be sent to General Assembly appropriators this coming week.
7. No funding was provided for the Interstate Commission on the Potomac River Basin.

Friday (January 10) was the deadline for General Assembly members to propose budget amendments. Staff will review these when they are available online next week. The House Appropriations and Senate Finance Committees will reveal their recommended budget amendments on February 16. Final agreement on the budget is not usually reached before the last day or two of Session, and sometimes later.

Ethics Issues. The General Assembly will undoubtedly spend a great deal of time this Session on issues relating to ethics and elected officials. Issues likely to be considered are whether there should be limits on gifts to elected officials and their families; whether there should be a central entity to receive conflict of interest reports from elected officials, appointed officials, and lobbyists; and whether conflict of interest reports should be filed and made available.

ATTACHMENTS:

Attachment 1. Recommended Positions on Bills of Importance to the City, January 13, 2014

Attachment 2. Current Status of City Package Bills, January 13, 2014

Attachment 3. Mayors and Chairs Letter to Governor McAuliffe on Funding for Cost of Competing

STAFF: Bernard Caton, Legislative Director