



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 27, 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 (No. 2).

ISSUE: Update on the 2014 General Assembly Session (No. 2)

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 (Mayor Euille and Councilman Smedberg).

DISCUSSION: The 2014 General Assembly is now underway, with multiple subcommittee and committee meetings throughout the day. Virtually all legislation has now been introduced, and much of the work is now in the committees considering these bills. As of January 25, nearly 2,400 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 for felons who have completed their prison time and in-state tuition for undocumented persons (residents 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. House Bill 328 has now been approved by the House and forwarded to the

Senate. Senate Bill 321 will be considered by the Senate Local Government Committee on Tuesday, January 28.

- Senate Bill 587, which seeks to close a gap in age discrimination laws (the State enforces on employers with 5-15 employees, the feds enforce on employers with more than 20 employees, but no one enforces on employers of 15-20 employees), was passed by the Senate and is now before the House.
- The House will not take favorable action on constitutional amendments to restore civil rights for persons who have been convicted of nonviolent felonies, or to repeal the provision in the Virginia Constitution that allows marriage only between one man and one woman.
- The Senate has passed legislation to allow for all persons 65 or older to vote absentee. The Senate bill is now before the House, which has already defeated a similar measure. Both the House and Senate have defeated legislation which 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).
- 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 Senate has defeated all Senate bills seeking this change in State policy; the House has rejected bills like this in the past.
- Action has not yet been taken on legislation to abolish the Opportunity Educational Institution, which is scheduled to take over responsibility for Jefferson-Houston School prior to the 2014-15 academic year.
- Various bills were defeated that would have (1) made it unlawful to discriminate against someone who wishes to purchase or lease a home, based on the source of income they propose to use to pay for it; (2) allowed localities to levy a tax on plastic and paper bags used by groceries and other stores; and required drivers to stop for pedestrians in marked crosswalks on roads where the speed limit was 35mph or less.
- Legislation (HB 600) was also defeated that would have extended 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.
- Bills to allow wine wholesalers to conduct wine tastings at restaurants and other retail establishments have been approved in both the House and the Senate

Transportation Issues. A number of bills that could have had a detrimental effect on new City transportation revenues (these have become available as a result of last Session's major transportation funding legislation-HB 2313) have been defeated. These include:

- House Bill 635 (LaRock), which would limit NVRTA's ability to use its funds for transit capital projects;
- House Bill 653 (LaRock), which would limit to 25 percent the amount of NVRTA funds that can be used for transit.

Other bills affecting NVTA have also been defeated, including:

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

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, has not yet been heard in subcommittee.

Mental Health Issues. As noted in the last update, the General Assembly is considering a large number of bills 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. A House Courts of Justice Subcommittee met Friday to consider many of these House bills, but no report from the Subcommittee is yet available. The Senate Courts of Justice Committee is scheduled to take up some of these bills on Monday, January 27.

Medicaid Expansion. As noted in the last General Assembly update, the House and Senate have not reached a consensus on Medicaid expansion; the Senate appears to favor it, while the House does not. Governor McAuliffe has expressed strong support for expansion, and has now asked for the authority to make a decision on the issue if the General Assembly Commission (Medicaid Innovation and Reform Commission) charged with this responsibility fails to make a decision on expansion prior to the end of the 2014 Session.

State Budget. The House Appropriations and Senate Finance Committees are now reviewing the budget proposals submitted by Governor McDonnell several weeks before he left office, together with 1260 pages of amendments proposed by General Assembly members. Although he will not be allowed to formally submit amendments, Governor McAuliffe (at the invitation of the chairs of the two budget committees) has suggested several changes to the McDonnell proposals, including a small amount of additional funding for Northern Virginia's cost of competing education funding (his proposal is far less than the total shortfall), as well as funding for the Interstate Commission on the Potomac River Basin.

The House Appropriations and Senate Finance Committees will reveal their proposed 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. As expected, the General Assembly is considering a large number of bills on issues relating to ethics and elected officials. A special House Courts of Justice Ethics Subcommittee is reviewing 20 different bills, and The Senate Rules Committee considered at least 15 such bills. Following last week's indictment of ex-Governor Bob McDonnell, ethics issues are receiving even more intense scrutiny. Given Governor McAuliffe's strong restrictions on gifts to executive branch employees (they may not receive gifts worth more than \$100 "singularly or in the aggregate over the course of any given calendar year" from any one source), he is likely to carefully review any ethics bill that reaches his desk to ensure that it has meaningful restrictions on questionable or unethical conduct.

Living Wage. House Bill 422 would prohibit localities from requiring contractors to pay a living wage. The City's living wage ordinance was adopted in 2000. Staff spoke in opposition to the bill when it was considered

in subcommittee. Although the bill was approved by the subcommittee, the patron has agreed to work with the City to grandfather Alexandria's ordinance. A revised bill will be considered later this week in the House Committee on Counties, Cities, and Towns. Staff is also working with representatives of Arlington and Charlottesville-the only other localities with living wage ordinances-on this issue.

The Organization of the Virginia Senate. After the 2011 elections for the Virginia Senate (Senators are elected for 4-year terms), the Democrats and Republicans each held 20 seats. Since the Lieutenant Governor, who is the Senate's tie breaker, at the time was Republican Senator Bill Bolling, the Republicans became chairs of all Senate Committees, and placed a supermajority of Republicans on certain important committees (e.g., Finance, Commerce & Labor, and Rules). With the election of Democratic Senators Ralph Northam as Lieutenant Governor and Mark Herring as Attorney General, two seats held by the Democrats had to be filled by special elections. The Herring seat was retained by the Democrats, as was the Northam seat-although only by 9 votes and now subject to a January 27 recount. Assuming the Democrats retain the Northam seat following the recount, the Democrats and Republicans will again each have 20 seats. Senate Democrats are expected to name Democrats to chair all committees, and the Lieutenant Governor, now a Democrat, will be expected to vote with them. Senate Republicans are expected to object to this proposal.

ATTACHMENTS:

Attachment 1. Recommended Positions on Bills of Importance to the City, January 27, 2014

Attachment 2. Current Status of City Package Bills, January 27, 2014

Attachment 3. Current Status of Bills on Which the City Has Taken a Position

STAFF: Bernard Caton, Legislative Director