



Legislation Text

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File #: 14-1958, Version: 1

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City of Alexandria, Virginia

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MEMORANDUM

**DATE:** FEBRUARY 10, 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. 3)

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**ISSUE:** Update on the 2014 General Assembly Session (No. 3)

**RECOMMENDATION:** That City Council receive this report.

**DISCUSSION:** The 2014 General Assembly has now passed the halfway point, both chronologically and figuratively. On Thursday, February 6, the General Assembly completed the 30<sup>th</sup> day of the 60-day Session. By the end of Tuesday, February 11, the House will have completed action on all House bills, and the Senate on all Senate bills. For the rest of the Session, the House will consider only Senate bills, and the Senate will consider only House bills, with a few exceptions such as the budget. Both the House and the Senate will also receive conference reports with recommendations on bills that were passed in different forms in the two houses. As of February 9, of the 1,944 bills that were introduced, 792 have passed the House or the Senate. The rest are either awaiting action on the House or Senate floor, or have already died.

There are also 561 House and Senate resolutions under consideration. These stand a greater chance of being passed by the House and Senate, since the vast majority of them are either commending resolutions or memorial (death) resolutions.

Adjournment of the 2014 Session is March 8, less than a month away.

**City Package.** The following bills seek the enactment of proposals addressed in the City's legislative package. Attachment 1 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 Local Government Committee. Senate Bill 321 was approved by the Senate Local Government Committee (the vote was 13-2), and is awaiting final action by the full Senate.

- Senate Bill 587, which seeks to close a gap in age discrimination laws (the State enforces the law for employers with 5-15 employees, while the federal government is responsible for employers with more than 20 employees, leaving no one to enforce for employers of 15-20 employees), was passed by the Senate and is now before the House General Laws Committee.
- The House Education Committee has approved legislation (HB 747) that will make individuals eligible for in-state college tuition if they have been approved for Deferred Action for Childhood Arrivals by the U.S. Department of Homeland Security Bills. These individuals must also have (1) attended a public or private high school in Virginia for at least 3 years; (2) graduated from a high school or received a General Education Development (GED) certificate in the Commonwealth; and (3) submitted evidence that he or a parent or guardian has filed Virginia income tax returns for at least 3 years (unless exempted by state law). The bill has now been referred to the House Appropriations Committee for its consideration. It is unclear whether the Committee will recommend its passage. Similar bills have already died in the Senate; but with the change in committee membership resulting from the Senate reorganization described below, there is now a possibility that such a bill could be passed.
- Legislation in the House of Delegates to abolish the Opportunity Educational Institution (OEI) was defeated. Senate Bill 499, which would delay implementation of the OEI law by a year, has passed the Senate and been assigned to the House Education Committee for consideration. There are also budget amendments to defund OEI; these will not be acted on until February 16.
- 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.
- Legislation to authorize WMATA to hire fare enforcement inspectors (needed for Bus Rapid Transit) has passed the Senate (SB 264). Similar legislation (HB 761) has been approved by the House Courts Committee and is awaiting action on the House floor.

**Transportation Issues.** The General Assembly has continued to defeat transportation bills that could have a detrimental effect on City transportation revenues or practices. In addition to the legislation cited in earlier reports that would have been detrimental to NVRTA had it been enacted, the General Assembly has refused to approve proposals to eliminate red light camera programs (HB 973-Cline), and to limit to 25 percent the amount of State funds in Northern Virginia that the Commonwealth Transportation Board (CTB) could allocate to transit (HB 658-LaRock).

House Bill 957, which has passed the House with no negative votes, will delay the implementation of HB 2152. That legislation was enacted last Session to give the State a “supervote” in any weighted votes taken by the Virginia Railway Express Operations Board. HB 2152 was strongly opposed by the City and other Northern Virginia localities. The purpose of the delayed implementation is to allow the localities and the State to work out a voting procedure that is seen as fair by all participants-the State and localities. The current Administration

supports HB 957.

**Mental Health Issues.** The Senate and House are finalizing their separate proposals to strengthen state mental health laws. SB 260, which is expected to be approved by the Senate no later than Tuesday (February 11), would increase, from 6 hours to 24 hours, the maximum amount of time that a person can be detained on an emergency basis so that he can be evaluated to determine whether he is mentally ill and likely to harm himself or others. HB 478 would only increase the time a person can be held by 2 hours (from 6 to 8 hours); it is expected to be approved by the House no later than Tuesday. It is likely that both bills will ultimately go to a conference committee where a compromise on the maximum time will be reached.

Both the House and Senate appear ready to approve bills that would require State hospitals to accept a patient when an evaluation indicates that there is likelihood that he will harm himself or others and no bed can be found in a private facility. Finally, both the House and the Senate are also likely to pass legislation requiring the State to develop an acute psychiatric bed registry with real-time information on the availability of beds for persons with psychiatric emergencies.

**Medicaid Expansion.** The House and the Senate continue to disagree about whether to approve the expansion of Medicaid under the Affordable Care Act. This week, the Senate Finance Committee indicated that it appears ready to include a budget provision that would create a state-run system to extend health coverage to uninsured Virginians. The system would provide health care similar to that which would be offered if Medicaid were expanded. Not surprisingly, House Republicans immediately rejected the proposal, referring to it as “Medicaid expansion by a different name.” Medicaid expansion could be the last issue decided by the 2014 General Assembly.

**State Budget.** The House Appropriations and Senate Finance Committees are finishing their work on budget recommendations for the next biennium (FY2015-16), as well as the remaining months of the current fiscal year. Included in the amendments under consideration for the current fiscal year is the Governor’s proposal to award the City \$1 million to begin to address CSO issues. There is a possibility that the House will try to reject the Governor’s proposal. Final agreement on the budget is not usually reached before the last day or two of Session, and sometimes later.

The House and Senate Committees will reveal their budget proposals on Sunday afternoon, February 16. It is unlikely that the House and Senate will reach agreement on the budget before the last days of Session (and it is possible that Medicaid expansion could delay a budget agreement beyond the March 8 Session adjournment).

**Ethics Issues.** The General Assembly is continuing to study revisions to State laws dealing with ethics, especially as they apply to the acceptance of gifts by elected officials. It appears at this time that both the House and Senate will propose a cap of \$250 on the value of any “tangible” gift received by an elected official. “Tangible gift” is being defined as a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date, and includes “currency, negotiable instrument, security, stock option, or other financial instrument.” The proposed legislation does not place limits on any “intangible gift,” which is defined as something of temporary value or something that at a given time loses its value, including entertainment, transportation, food, and tickets to recreational or social events.

Other significant changes proposed in the legislation include (1) a requirement that those required to file disclosure statements (more formally known as a “Statement of Economic Interests”) file semiannually instead of annually; and (2) a requirement that these statements be filed with a newly created Conflict of Interest and Ethics Advisory Council, rather than with the City Clerk or any other individual.

As noted in the last Update, it is likely that the Governor will 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, as introduced, would have prohibited 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. As a result, the patron amended the bill to grandfather the City's living wage program (as well as those of Arlington and Charlottesville-the only other localities that require any of their contractors to pay a living wage). On February 5, House Bill 422 passed the House on a partisan vote (all Republicans voted for the bill and almost all Democrats voted against it). The bill now goes to the Senate, where its outcome is uncertain.

**The Organization of the Virginia Senate.** As expected, once all the Democratic Senators were seated (Democrat Lynwood Lewis joined the Senate on January 28, following his victory in a special election and a recount), the Senate Democrats, with the support of Lieutenant Governor Ralph Northam, took control of the Senate and Senate Committees. Other than the Senate Finance Committee, which has Democratic and Republican co-chairs, all committees are now chaired by Democrats. All but two committees (Local Government and Rehabilitation & Social Services) now have a Democratic majority.

**ATTACHMENTS:**

Attachment 1. Current Status of City Package Bills, February 10, 2014

Attachment 2. Current Status of Bills on Which the City Has Taken a Position, February 10, 2014

**STAFF:** Bernard Caton, Legislative Director