



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 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 (Final).

ISSUE: Update on the 2014 General Assembly Session (Final).

RECOMMENDATION: That City Council receive this report.

DISCUSSION: The 2014 General Assembly adjourned on March 8 without approving a budget for the next biennium (beginning July 1), or amendments to the budget for the current fiscal year. Among the amendments that were under consideration for the current fiscal year's budget was an allocation of \$1 million to assist the City in its work on CSO issues.

The House and Senate do not appear to be making progress on finding common ground or compromise for some form of Medicaid expansion under the Affordable Care Act. As noted in earlier Updates, the Senate has proposed private health insurance for those who would have been covered under Medicaid expansion, but the House claims that this is nothing other than "Obamacare" by another name. Those who listen to the House and Senate floor proceedings have witnessed dozens of speeches over the past several weeks by proponents and opponents of expanded health care. The Governor is visiting hospitals and health care facilities to demonstrate the need for more health care and the financial losses that hospitals project if expansion does not occur. The House Republican caucus is putting out press releases on a regular basis, citing the tremendous assets of hospitals and the high salaries paid to hospital administrators.

The House is asking that the Senate agree to a "clean" (i.e., without expanded health care) budget bill-now. The Senate, aware of the fact that they will have no way to pressure the house on expanded health care if they agree to a "clean" budget, refuses to do so.

Since the General Assembly did not reach agreement on the introduced budget bills (HB 29, HB 30, SB 29, SB 30) during the regular Session, these bills are now dead. The current State budget provides funding only through June 30; pressure will increase on the General Assembly to come to some agreement the closer we get to that date.

The Governor has announced that he will call a Special Session to address the budget beginning March 24. He indicated that he expects it to last three weeks.

City Package. Since the last Update, the following actions have been taken on the following bills from the City's legislative package. Attachment 1 is a more detailed status report on city package bills.

- House Bill 328 and Senate Bill 321-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-have both passed the House and Senate and await the Governor's signature.
- 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), has passed both the House and Senate and is on its way to the Governor for his approval.
- As noted previously, bills to abolish or delay the startup of the Opportunity Educational Institution (OEI) were defeated. The future of the OEI will now be determined by the budget, once it is adopted.
- Legislation to authorize WMATA to hire fare enforcement inspectors (needed for Bus Rapid Transit) has been approved by both the House and Senate, and now awaits the Governor's approval.

Transportation Issues. The last Update included a summary of a transportation item in the House budget proposal. This proposal, which was unclear and ambiguous, could significantly complicate NVT's efforts to approve transportation projects, including transit projects. Since this was a budget item, it is now dead unless reinserted in the budget during the Special Session.

Mental Health Issues. The House and Senate reached agreement on major mental health legislation. Major components of the legislation include the following:

1. It requires the State to create a web-based psychiatric bed registry with real-time information for every public and private psychiatric facility and residential stabilization crisis unit in the State. The information will include the number of beds at each facility, the type of patient that may be admitted, the level of security provided, as well as how to contact the facility. Employees of all community service boards and inpatient psychiatric facilities will have access to the registry.

2. The time limit for emergency custody orders (which are issued to take into temporary custody for further evaluation individuals who, as a result of mental illness, are likely to cause serious harm to themselves or others), is extended to 8 hours (the current time limit is four hours, which may be extended to 6 with the concurrence of a magistrate). The 8 hours may be extended an additional 4 hours if the individual has been sent to a state facility because no other bed can be found in the 8 hours; the additional 4 hours is to be used to continue the search for an alternative to the State facility. This 4-hour provision will expire in 2018 unless extended (further study of these issues is to be done, as explained below). Any law enforcement official who takes a person into custody pursuant to an emergency custody order must notify the community services board (CSB) "as soon as practicable," so that the CSB can quickly begin making arrangements for the evaluation. Once so notified, the CSB must also notify the state facility for the area where the CSB is located, advising them that the individual will be transferred to that facility if a temporary detention order is issued and no other facility can be found prior to the expiration of the emergency custody order.

3. If an evaluation determines that the person should be detained for treatment, a temporary detention order is issued and a court hearing must be held within 72 hours (current law specifies 48 hours).

4. The Governor's Task Force on Improving Mental Health Services and Crisis Response, created by Executive Order last December, is directed to further study issues related to the use of law enforcement in the involuntary admission process, and report its recommendations to the Governor and the General Assembly by October 1, 2014.

5. The General Assembly is also creating a multi-year legislative study (it is due to make its final report just prior to the 2018 Session) to examine a number of mental health issues, including involuntary commitment laws, mental health funding, gaps in services, and the need for mental health facilities to serve individuals who are now jailed but in need of mental health services.

State Budget. As noted above, the General Assembly could not reach agreement on the budget. Staff will work with the Mayor and Council's Legislative Committee to seek inclusion of items important to the City in the budget considered during the Special Session beginning March 24, such as funding for Alexandria CSO work; Medicaid expansion or a similar private health care alternative; Cost of competing funding for Alexandria Schools; and HB599 (local law enforcement) assistance.

The City will ask that the State not provide funds for the Opportunities Educational Institution to begin taking over any schools. The City will also ask that no language be included in the budget that tells NVTA how to prioritize the projects it funds (HB 2313, from the 2013 Session, already covers this adequately).

Ethics Issues. Ethics legislation was approved by the General Assembly. The final version places an annual \$250 limit on any tangible gift to an elected official from any one source; requires the filing of semiannual disclosure statements; and creates a central entity (a newly created Conflict of Interest and Ethics Advisory Council) to receive these statements.

ATTACHMENTS:

Attachment 1. Current Status of City Package Bills, March 8, 2014

Attachment 2. Current Status of Bills on Which the City Has Taken a Position, March 8, 2014

STAFF: Bernard Caton, Legislative Director