



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 17, 2019

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Update on the 2019 General Assembly Session.

ISSUE: Update on the 2019 General Assembly Session.

RECOMMENDATION: That City Council approve the legislative positions included in Attachment 1 (Recommended Positions on Bills of Impact to the City), as recommended by Council's Legislative Subcommittee (Mayor Wilson and Vice Mayor Bennett-Parker) at their January 11, 2019 meeting.

DISCUSSION: The 2019 General Assembly Session began on January 9 and is scheduled to adjourn on February 23. This is a short legislative session with the General Assembly in session for just 45-days this year. Sarah Taylor, the City's Legislative Director, will continue to represent the City in Richmond during the General Assembly Session.

The deadline for the introduction of legislation is Friday, January 18. As of January 17, over 2,000 bills and 30 resolutions have been introduced and are in the process of being reviewed by staff, with recommended positions on 62 bills completed by staff, approved by the Legislative Subcommittee, and included in Attachment 1 (Recommended Positions on Bills of Impact to the City) for approval by the full City Council.

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. We are certainly pleased to see that funding included in the Governor's budget amendments; however, the hard work of keeping that funding in

the budget as the House and Senate propose their own amendments and tinker with what the Governor has proposed. Both House and Senate bills on Capital Outlay - HB 2359 (C. Jones) and SB 1323 (Hangar) include funding for the CSO project with a funding range of \$10 to \$25 million. Staff will continue to work with AlexRenew in our coordinated efforts to influence legislators and staff involved in the budget process and to protect the funding included in the Governor's proposed budget amendments.

Funding for School Renovation and Construction - The Governor's proposed budget amendments included \$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.

Sen. Bill Stanley filed SB 1330 which would provide for a statewide referendum on the question of whether the General Assembly shall issue \$3 billion in bonds for the purpose of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities. The results would be advisory, not binding, and would demonstrate the preference of the citizens of the Commonwealth on the subject. The referendum would be held at the November 2019 general election. In addition, 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.

In addition, legislation has been 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.

None of the bills on school construction/renovation have been considered in committee as of the date of this memo.

Protecting Funding for Localities - Numerous bills to allocate new State internet sales tax revenue have been filed and, to date, all 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.

In addition, a budget amendment has been filed by Sen. Adam Ebbin which would replace the \$2 million taken from the Communication Sales and Use Tax Fund and moved to the State's General Fund during the 2018 Special Session to approve the 2019-2020 biennial budget. Monies in the Communication Sales and Use Tax Fund are statutorily required to be distributed to localities and the use of the funds for General Fund purposes was contrary to the spirit and letter of the Fund.

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. In addition, a number of bills have been filed that support items in the City's Legislative Package. Some "package bills" saw action in committee during the first days of the legislative session, including:

Equal Rights Amendment (ERA) - The full Senate passed a resolution for Virginia to ratify the federal Equal Rights Amendment. Seven Republicans joined all 19 Senate Democrats in supporting SJR 284 (Sturtevant). The resolution now goes to the House of Delegates. Should it pass there, it would make Virginia the 38th state

to ratify the ERA.

Plastic Bag Tax/Fee - The House Finance Committee voted to pass by indefinitely a bill (HB1669 - Carr) to authorize localities to impose a tax of five cents per bag on disposable plastic bags provided to consumers by certain retailers. The money would have been earmarked for the mitigation of pollution and litter. Two similar bills were passed by indefinitely in Senate Finance. SB1070 (Ebbin) was identical to HB1669 (above). The second measure (SB1116 - Peterson) would have imposed a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities situated wholly within the Chesapeake Bay Watershed and directed revenues to be used to support the Chesapeake Bay Watershed Implementation Plan.

Minimum Wage - A measure to raise the minimum wage in Virginia passed out of Senate committee. SB 1200 (Dance), which would gradually increase Virginia's minimum wage from \$7.25 an hour to \$15 per hour by 2021, passed out of the Senate Commerce and Labor Committee on a 6-4 vote.

Common Sense Gun Reforms - A number of bills regulating firearms were either passed by indefinitely or defeated in the Senate Courts of Justice Committee, including:

- SB 1458 (Barker) - creating a legal procedure ("emergency substantial risk order") to remove firearms from people deemed by a judge to be at "substantial risk" of injury to themselves or others;
- SB 1034 (Locke) - limiting purchases to one firearm in a 30-day period;
- SB 1096 (Howell) - penalties for allowing child access to unsecured firearms;
- SB 1162 (Saslaw) - raise the age to purchase firearms to 21 and require universal background checks for firearm purchases;
- SB 1303 (Edwards) - allow localities to ban firearms from meetings of their local governing body;
- SB 1324 (McClellan) - require lost or stolen firearms to be reported to law enforcement;
- SB 1454 (Lucas) - require universal background checks for firearm purchases;
- SB 1473 (Deeds) - allow localities to prohibit firearms at public, permitted events.

However, Sen. Richard Saslaw's SB 1163, to ban "trigger activators" designed to increase the rate of fire for a firearm - including "bump fire" devices - did pass out of the Senate Courts Committee on a 9-6 vote and was referred to the Senate Finance Committee for their consideration.

Domestic Violence - Two bills in the City's package related to domestic violence were heard in Committee. HB 2417 (Herring), which would clarify the conditions placed on respondents on Emergency Protective Orders to better protect the petitioner, passed out of House Courts of Justice Subcommittee on a 6-0 vote and will next be considered by the full House Courts of Justice Committee. In addition, SB 1276 (Ebbin/Stanley), will be heard in the Senate Agriculture, Chesapeake and Natural Resources Committee. The bill would make the abuse of household animals/pets when done as a form of control and intimidation against a household member a felony. If passed by this Committee, it will be considered next by the Senate Finance Committee.

Scooters and E-Bikes - Legislation drafted by scooter companies Byrd and Lime to define and lay out the regularity environment for these burgeoning transportation options have been filed, - HB 2214 (Jones) and HB 2232 (Bagby). City staff is working with lobbyists for the scooter companies 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.

Additional information on legislation relating to the 2019 City Package is included in Attachment 2 (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.

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 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.

Proffers - Legislation passed out of both House and Senate committees to address the unintended consequences of the 2016 proffer reform legislation. The bills - SB 1524 (Favola) and HB 2342 (Thomas) - were the product of months of negotiations between localities, developers and other interested parties. These bills would make a number of changes to the 2016 proffer reforms, including removing restrictions on communication between developers and localities that many Northern Virginia localities, and even some developers, felt had significantly slowed housing development, particularly in places like Prince William, Loudoun and Stafford Counties.

Proffers are voluntary contributions from developers to the community where they are building to offset the impacts of new development, negotiated during the rezoning process, and can include funding for or construction of roads, schools and parks. Note that the proffer legislation does not affect the City as drafted and approved to date. Most development in Alexandria goes through the Special Use Permit process where development conditions, rather than proffers, are negotiated between developers and the City in order to offset the impacts of development on the community.

Towing - Legislation filed by Del. Buddy Fowler on towing has raised concerns with staff. According to the patron, the bill, HB 1865, is intended to set a single statewide rate for non-consent tows throughout the Commonwealth. However, the legislation as drafted would have serious additional impacts on localities, including a locality's ability to set the fees towing companies are allowed to charge above the proposed statewide tow fee of \$150. Staff is working alongside other localities to address these issues with the patron of the House bill, which was considered by the House Transportation Committee, as well as the patron of the Senate version of the bill, SB 1567 (Marsden), which has yet to be heard in committee.

ATTACHMENTS:

1. Recommended Positions on Bills Related to the City Package for Council Approval (From 1/11/19 Subcommittee Meeting)
2. Recommended Positions on Other Bills of Interest for Council Approval (From 1/11/19 Subcommittee Meeting)

STAFF:

Sarah Taylor, Legislative Director