

Issue: VA Legislation

Virginia Legislation Report – as of February 2019

Summary

In addition to the lightning-rod legislation that makes headlines each year, the Virginia state House of Delegates passes—and kills—hundreds of other bills per session that go unnoticed by the public. Many of these under-the-radar laws are good indicators of how well representatives vote their conscience or represent the will of their constituents. In recent history the Virginia legislature has been dominated by Republicans who are heavily financed by party-affiliated PACs, corporations, and wealthy families.

The summary below includes legislation that has become the GOP mainstay in recent years. Voting in lockstep on issues, the Republican bloc in the Virginia House and Senate has imposed an agenda on Virginia at odds with the views of the general population. This in-depth analysis of recent legislation reveals a lack of connection between GOP politicians and issues of deep concern to their constituents in virtually every district in the state. The GOP has become the “anti” party (anti-environmental regulations, anti-public education, anti-affordable health care, anti-social assistance programs, anti-reproductive rights, anti-immigration, anti-gay rights, anti-gun safety and more).

With both legislative chambers in Virginia held by Republicans, progressive legislation sponsored by Democrats is killed in committee time and again. Republican-sponsored legislation, conversely, makes its way to the Governor's desk. Fortunately for the general population—the majority of whom voted in a Democratic governor—many of these bills are vetoed before they can wreak havoc in the state. This report looks at the legislation pushed by members of the two parties, and what happened to it—whether it passed, failed, or was ultimately vetoed.

It is time for Democratic voters to take back the reins, elect Delegates who will implement the changes the majority of the state is demanding. Citizens can ask no more, and no less, of their elected Representatives than to *represent them*.

FORMAT NOTE:

The hard copy of this report is comprised of topical paragraphs summarizing key partisan issues with distinct Republican- and Democratic-supported priorities. A table showing the legislation details pertaining to one representative issue—Voting Rights—is also included in this printed report as an example of additional details contained in our online full report. The details for all legislative measures summarized in this report—including live links to the documentation—are available on the Local Majority website, found at <https://www.localmajority.org/research-reports/> or by simply scanning this QR code with your smart phone camera.



Abortion and Reproductive Rights – *See online table for full legislative details*

Virginia has some very restrictive laws that make it difficult for women to exercise their constitutionally guaranteed right for a safe and legal abortion. According to the Center for Reproductive Rights, the facilities that provided abortions have been reduced by about half in the years from 2009 to 2016.¹ Most rural parts of the state have no abortion provider. Virginia Democrats' attempts to lessen these restrictions fail when their bills die in Republican-controlled committees. One such example is the Democratic-sponsored bill (SB 133/HB 450) which sought to remove mandatory ultrasounds before a woman could receive an abortion. Another bill killed by Republicans would have removed the restriction that abortions can only be performed in hospitals and other specialized facilities. Such restrictions are both medically unnecessary and costly.

Education– *See online table for full legislative details*

Republican Delegate Steve Landes has been the chair of the House Education Committee since 2014. He and his Republican colleagues have let bills die that would have improved the quality of education and school conditions for students and teachers. One such bill was HB 168, which would have set a maximum number of 24 students in science lab classes. Another bill left in committee would have required one mental health counselor for every 250 high school students. HB 159 would have required sex education to be medically accurate, but this bill also faltered.

Energy– *See online table for full legislative details*

In 2018, Virginia was ranked 31st out of all states in renewable energy infrastructure.² Based on public forums held by the Virginia Department of Mines, Minerals, and Energy, citizens do want clean energy.³ One reason for this disconnect is likely the close relationship between the energy monopolies in the state—Dominion Energy and Appalachian Power—and lawmakers. In fact, Dominion has been the largest corporate political donor in Virginia.⁴ Although the energy companies are public utilities, their primary goal is to maximize profits for shareholders. Bills sponsored by Democrats that would increase energy efficiency (HB 560), encourage solar energy (SB 191), and discourage use of fossil fuels (HB 1635 and HB 1344/SB 696) have all died in the various Republican-controlled committees.

Environment – *See online table for full legislative details*

Emblematic of the Republican/Democrat divide on the environment and climate change in Virginia is the 2019 state house bill (HB 2611). This Republican-sponsored bill aims to prevent Virginia from joining the Regional Greenhouse Gas Initiative (RGGI), a proven, market-based cap-and-trade program for reducing carbon dioxide emissions from power plants. This bill was passed in the House and Senate along party lines, thus preventing Virginia from joining the RGGI. A similar bill was vetoed by the Governor in 2018 because it would have limited Virginia's ability to combat climate change.⁵ The political calculus for dealing with environmental issues and climate change is complicated in Virginia by the fact that Dominion Energy, a power company reliant on coal and natural gas which is headquartered in Richmond, is the state's largest corporate political donor.

Health – See online table for full legislative details

Several Democrat-sponsored bills that offered improvements in health insurance and health care were killed in committee by Republicans. One required drug companies to provide financial details of pricing (HB 1001). Another bill (HB 1445) would have prohibited insurance companies from denying coverage based on cost. HB 1478 would have required insurance companies to cover prosthetics. SB 412 would have required medical leave for full-time employees. Three bills regarding health insurance were approved by both houses (SB 844, SB 934, and SB 935), only to be vetoed by the Governor, who said they would risk leaving people underinsured and would fragment the state's risk pool. The Senate voted that down on a straight party line vote.

LGBTQ Issues – See online table for full legislative details

Virginia has many restrictive laws that limit the civil rights of LGBTQ persons and allow for discrimination in jobs, housing, and health insurance. In recent years, Democratic Governors McAuliffe and Northam have prevented the enactment of additional anti-LGBTQ legislation. For example, HB 2025 and SB 1324, both from 2017, would have sanctioned discrimination against same-sex couples under the guise of religious freedom. These bills were both vetoed. However, Republicans controlling both legislative chambers have been able to block legislation (HB 401, SB 202, and HB 2766 among others) that would have provided the same civil rights to the LGBTQ community that are afforded to other citizens.

Opioid Crisis – See online table for full legislative details

The Virginia House has proposed several approaches to help combat the opioid epidemic. However, none of these attempts is likely to directly address the opioid epidemic. The only bill to pass was a Republican-sponsored bill, HB 1173, requiring prescribers to request information on any other covered drugs a patient is receiving prior to prescribing an opioid following a surgical or invasive procedure. This category of patient was previously exempt from the requirement for an information request.

Republicans sponsored two additional bills that would have required reporting of overdoses to the Secretary of Health (HB 1347) and that prescribers of opioids be notified if their patient received naloxone to reverse an opioid overdose (HB 882). Both bills died in committee by unanimous votes.

Democrats sponsored three bills, none of which became law. HB 131 would have required insurers to cover non-opioid pain treatments. HB 132 would have limited all opioid prescriptions to no more than a 10-day supply. HJ1 would have directed the legislature to evaluate how well addiction treatment was being made available to drug offenders.

Voting Rights – See table below for full legislative details

Demographics are working against Republicans running for electoral office, which explains their tactics to gerrymander districts and to suppress voting among likely Democratic voters. One example is that Virginia makes it extremely difficult to vote by absentee ballot. Evidence of voter suppression—targeting Democrats—was found in the 2006 U.S. Senate election and was investigated by the FBI.⁶ One indication of gerrymandering is that politicians elected at the district level within a state are predominantly from one political party, while politicians elected on a statewide basis are from the other party. The statewide races are more reflective of the popular, non-artificially segmented vote. This has been the case in Virginia for at least a decade with Republicans usually holding around two-thirds of the seats both in the House of Delegates and in the U.S. House of

Representatives, but with statewide offices including Virginia’s U.S. Senators, Governor, Lieutenant Governor, Attorney General all held by Democrats.

Numerous bills to make redistricting less partisan (HB 205) and less gerrymandered (HB 784) have been proposed by Democratic legislators, only to be killed in Republican-controlled committees. Democratic-sponsored bills to make voting easier (SB 136 and HB 191) were killed in committee. Another bill that died (HB 1216) would have ensured that all voters were assigned to the correct district. In the meantime, redistricting proposals involving “independent” commissions are advancing in both the House and Senate, for application following the 2020 census.⁷

Legislation that Differentiates Republicans from Democrats

The table below is a sampling of voting rights legislation representing the competing priorities of the Republican and Democratic parties within Virginia. To see legislation for the topics summarized above, please visit Local Majority's web site (www.localmajority.org/research-reports/). If legislation had significant bi-partisan support, it was not included in this table. As mentioned previously, with both legislative chambers in Virginia held by Republicans, progressive legislation sponsored by Democrats is frequently killed in committee. Republican-sponsored legislation, conversely, makes its way to the Governor's desk who can veto the bill. It is time that the public become aware of their representatives' legislative priorities, so they can truly vote as an educated electorate.

Year	Topic	Bill	Synopsis – Voting Rights	Party of Sponsor	Vote (if any) and Status
2018	Voting Rights Redistricting	HB 205	Would have provided the criteria for redrawing legislative districts, including the prohibition against using political data in any redistricting plan. http://www.ripsullivan.com/2018-session-updates https://www.richmondsunlight.com/bill/2018/hb205/	Dem	Died in committee
2018	Voting Rights Redistricting	HB 784	Would have specified the criteria to use when drawing legislative districts. Criteria included district shape such as contiguity and compactness and racial and ethnic fairness. Similar to SB 978. https://www.richmondsunlight.com/bill/2018/hb784	Dem	Died in committee
2018	Voting Rights Redistricting	HB 158	"Would have allowed the General Assembly to alter legislative districts outside the constitutional process so they correspond with local voting precinct boundaries." "[Gov.] Northam said this would allow members of the General Assembly to adjust districts at their own discretion, threatening Virginian's rights to equal apportionment." https://www.delmarvanow.com/story/news/local/virginia/2018/04/10/northam-vetoes-virginia-bills-immigration-carbon-emissions/502015002/ https://www.richmondsunlight.com/bill/2018/hb158/	Repub	Vetoed by Gov. House vote: 50 Y, 48 N Senate vote: 21 Y, 19 N

2018	Voting Rights Redistricting	HB 1216	This bill would have established a review process for the Department of Elections to ensure that whenever changes are made to local election districts or precincts, all voters have been assigned correctly. In the 2018 election cycle, over 6,000 registered voters could have been disenfranchised because they were assigned to the wrong district. http://www.marksickles.com/blog/2018-session-update https://www.richmondsunlight.com/bill/2018/hb1216	Dem	Died in committee
2018	Voting Rights Redistricting	HJ 5	Would have specified the criteria for drawing districts, such as compactness and contiguity. https://www.richmondsunlight.com/bill/2018/hj5	Dem	Died in committee
2018	Voting Rights	HJ 21	Would have amended the constitution to establish a 7-member redistricting commission. https://www.richmondsunlight.com/bill/2018/hj21	Dem	Died in committee
2018	Voting Rights Registering Voters	SB 521	Would require local voter registrars to investigate the list of registered voters whenever it exceeds the estimated number of people age 18 or older in a county or city. https://www.richmondsunlight.com/bill/2018/sb521 https://www.delmarvanow.com/story/news/local/virginia/2018/04/10/northam-vetoes-virginia-bills-immigration-carbon-emissions/502015002/	Repub	vetoed by Gov. Senate vote: 22 Y, 17 N House vote: 51 Y, 49 N
2018	Voting Rights Voter Rolls	HB 1167	Would have required jury commissioners to provide information to voter registrars about jurors unqualified for jury duty. Felony convictions and being a resident of another locality are among the disqualifications for jury duty. When vetoing this bill, Governor Northam said "There is no evidence or data that jury information is a reliable source for voter list maintenance." https://www.richmondsunlight.com/bill/2018/hb1167 https://www.delmarvanow.com/story/news/local/virginia/2018/04/10/northam-vetoes-virginia-bills-immigration-carbon-emissions/502015002/	Repub	Vetoed by Gov. House vote: 58 Y, 42 N Senate vote; 21 Y, 19 N
2018	Voting Rights Voter ID	HB 191	Would have allowed student ID to be used as voter identification. https://www.richmondsunlight.com/bill/2018/hb191 https://bluevirginia.us/2018/02/64-good-bills-killed-by-virginia-republicans-that-demonstrate-why-we-need-a-democratic-controlled-general-assembly	Dem	Died in committee
2018	Voting Rights Absentee Voting	SB 136	Would have allowed voters to vote by absentee ballot without providing a reason. https://www.richmondsunlight.com/bill/2018/sb136	Dem	Died in committee

¹ <https://www.reproductiverights.org/press-room/virginia-health-care-providers-file-new-lawsuit-challenging-longstanding-abortion-restric>

² <https://www.usnews.com/news/best-states/rankings/infrastructure/energy>

³ http://www.fairfaxtimes.com/articles/local-environmentalists-call-for-virginia-to-transition-to-all-clean/article_923fa08a-a7e9-11e8-882e-db7e00108dd7.html

⁴ https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/virginia-chapter/documents/2018Scorecard_2.pdf

⁵ https://www.fredericksburg.com/news/va_md_dc/northam-vetoes-bills-would-block-higher-wages/article_54fa0702-ce5d-5c90-823c-cab138d0d710.html

⁶ http://www.nbcnews.com/id/15603344/ns/politics-voting_problems/t/fbi-looks-possible-va-voter-intimidation/#.XHWyEIhKhaQ

⁷ <http://www.viennaconnection.com/news/2019/feb/06/virginia-redistricting-plans-advance-advocates-sla/>