

Issue: VA Legislation

# Virginia Legislation Report

## (as of May 2019)

### Summary Report

In addition to the lightning-rod legislation that makes headlines each year, the Virginia state legislature 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.

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 and elect representatives 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:

There are two versions of the Virginia Legislative report: the full report and a summary report. They are both available on the Local Majority website at <https://www.localmajority.org/research-reports/> or by simply scanning this QR code with your smart phone. This version is the summary version which contains topical paragraphs summarizing key partisan issues with distinct Republican- and Democratic-supported priorities. The full report includes the details for legislative measures as well as live links to the documentation.



## **Abortion and Reproductive Rights – *See online report 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 number of facilities that provide abortions has declined by about half in the years from 2009 to 2016.<sup>1</sup> 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 from 2018) 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 report 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 (2018), 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 (2018) would have required sex education to be medically accurate, but this bill also faltered.

## **Energy– *See online report for full legislative details***

In 2018, Virginia was ranked 31<sup>st</sup> out of all states in renewable energy infrastructure.<sup>2</sup> Based on public forums held by the Virginia Department of Mines, Minerals, and Energy, citizens do want clean energy.<sup>3</sup> 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.<sup>4</sup> The energy companies are investor-owned utilities and their primary goal is to maximize profits for shareholders. Bills sponsored by Democrats that would increase energy efficiency (HB 560 in 2018), encourage solar energy (SB 191 in 2018), and discourage use of fossil fuels (HB 1635 in 2019 and HB 1344/SB 696 in 2018) have all died in the various Republican-controlled committees.

## **Environment – *See online report for full legislative details***

Emblematic of the Republican/Democrat divide on the environment and climate change in Virginia is the 2019 bill HB 2611. This Republican-sponsored bill aims to *prevent* Virginia from joining the Regional Greenhouse Gas Initiative (RGGI), which is a proven, market-based cap-and-trade program for reducing carbon dioxide emissions from power plants.<sup>5</sup> This bill was passed in the House and Senate along party lines, thus preventing Virginia from joining RGGI. A similar bill was vetoed by the Governor in 2018 because it would have limited Virginia's ability to combat climate change.<sup>6</sup> But in 2019 the Governor signed a budget with Republican language restricting state participation in RGGI.<sup>7</sup>

Sea level rise in Virginia is a growing crisis, with recurrent flooding seen across the state, especially at the coast.<sup>8</sup> Funds generated by participation in RGGI could be used to mitigate flooding hazards and support economic development but joining RGGI would require power plants to reduce emissions.

The political calculus for dealing with environmental issues and climate change is complicated in Virginia by the fact that Dominion Energy, a power company headquartered in Richmond, reliant on coal and natural gas, is the state's largest corporate political donor. According to the Associated Press: "Dominion has had a major say in writing Virginia energy laws for years, helping shape a regulatory environment that Wall Street analysts have called one of the most utility-friendly in the country."<sup>9</sup>

Among Virginia voters, there is strong support for a move to clean and renewable energy, even among conservatives, yet Dominion Energy's campaign contributions continue to work against the public's expressed interests.<sup>1011</sup>

### **Gun Violence Prevention – *See online report for full legislative details***

On the topic of guns and gun violence, the stark differences between Democrats and Republicans in the Virginia General Assembly is easily seen in the types of bills they sponsored. The Republican response to gun violence is more guns in more places.<sup>12</sup> Republican-sponsored legislation—none of which became law thanks in large part due to a Democratic Governor—included bills which would have:

- Automatically issued a concealed handgun permit to a nonresident whose application for concealed carry wasn't processed or disqualified within 90 days (HB 2253 in 2019)
- Repealed the prohibition on carrying a weapon to a church service, a ban that has been on the books since 1950<sup>13</sup> (SB 1024 in 2019 and SB 372 in 2018)
- Allowed concealed carry for firefighters and emergency medical services personnel (SB 1012 in 2019 and SB 715 in 2018).

Democrats, on the other hand, sought to reduce gun violence through common-sense regulation. Their efforts generally died in Republican-controlled committees. Prominent among these efforts were attempts to ban bump stock devices (SB 1008 and SB 1163, both in 2019). Other Democratic-sponsored legislation aimed at curbing gun violence would have<sup>14</sup>:

- Required the reporting of a lost or stolen firearm within 24 hours (HB 1644 in 2019)
- Prohibited the import, sale, or barter, or transfer of firearms magazines that can hold more than 10 rounds of ammunition (SB 1748 in 2019)
- Prohibited the purchase of more than one handgun in a 30-day period (SB 1034 and HB 2604, both in 2019)
- Created a legal process by which a Virginia lawyer or law officer could apply to have a person who poses a substantial risk of injury to himself or others to be prohibited from purchasing or possessing a firearm ("red-flag bill" HB 1763 in 2019).

Republicans killed each one of these common-sense gun safety bills.

### **Health – *See online report for full legislative details***

Several Democrat-sponsored bills that offered improvements in health insurance and health care were killed in committee by Republicans. For example, HB 1445 (2018) would have prohibited insurance companies from denying coverage based on cost. HB 1478 (2018) would have required insurance companies to cover prosthetics. SB 421 (2018) would have required medical leave for full-time employees. Three bills regarding health insurance were approved by Republican-controlled chambers (SB 844, SB 934 and SB 935, all from 2018), only to be vetoed by the Governor, who said they would risk leaving people underinsured and would fragment the state's risk pool.

### **LGBTQ Issues – *See online report for full legislative details***

Virginia has many restrictive laws that limit the civil rights of LGBTQ persons and that 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 and SB

202 both from 2018) that would have provided the same civil rights to the LGBTQ community that are afforded to other citizens.

### **Opioid Crisis – *See online report 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 (2018), 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 that requirement.

Republicans sponsored two additional bills that would have required reporting of overdoses to the Secretary of Health (HB 1347 from 2018) and of notification to prescribers of opioids if their patient received naloxone to reverse an opioid overdose (HB 882 from 2018). Both bills died in committee by unanimous votes.

Democrats sponsored three bills, none of which became law. HB 131 (2018) would have required insurers to cover non-opioid pain treatments. HB 132 (2018) would have limited all opioid prescriptions to no more than a 10-day supply. HJ1 (2018) would have directed the legislature to evaluate how well addiction treatment was being made available to drug offenders.

### **Voting Rights – *See online report 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 how extremely difficult Virginia makes it 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.<sup>15</sup> 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 in 2018) and less gerrymandered (HB 784) have been proposed by Democratic legislators, only to be killed in Republican-controlled committees. Although two 2018 Democratic-sponsored bills (SB 136 and HB 191) to make voting easier were killed in committee, two bills did pass in 2019 that will make it easier for absentee voters. One—HB 1790—was approved unanimously in both chambers, but the other—SB 2016/HB 2790—had several Republican dissenters. A 2019 Republican-sponsored bill (SB 1038) would have made voting more difficult by requiring a voter's information to be an exact match in a state database—even though some of the systems used to purge voter rolls, such as Crosscheck, have been found to be very error-prone.<sup>16</sup> Although this bill made it to the governor's desk, it was vetoed. Another bill that died in 2018 was HB 1216, which 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.<sup>17</sup>

- <sup>1</sup> <https://www.reproductiverights.org/press-room/virginia-health-care-providers-file-new-lawsuit-challenging-longstanding-abortion-restrictions>
- <sup>2</sup> <https://www.usnews.com/news/best-states/rankings/infrastructure/energy>
- <sup>3</sup> [http://www.fairfaxtimes.com/articles/local-environmentalists-call-for-virginia-to-transition-to-all-clean/article\\_923fa08a-a7e9-11e8-882e-db7e00108dd7.html](http://www.fairfaxtimes.com/articles/local-environmentalists-call-for-virginia-to-transition-to-all-clean/article_923fa08a-a7e9-11e8-882e-db7e00108dd7.html)
- <sup>4</sup> [https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/virginia-chapter/documents/2018Scorecard\\_2.pdf](https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/virginia-chapter/documents/2018Scorecard_2.pdf)
- <sup>5</sup> [https://www.analysisgroup.com/globalassets/uploadedfiles/content/news\\_and\\_events/news/analysis\\_group\\_rggi\\_report\\_april\\_2018\\_executive\\_summary2.pdf](https://www.analysisgroup.com/globalassets/uploadedfiles/content/news_and_events/news/analysis_group_rggi_report_april_2018_executive_summary2.pdf)
- <sup>6</sup> [https://www.fredericksburg.com/news/va\\_md\\_dc/northam-vetoes-bills-would-block-higher-wages/article\\_54fa0702-ce5d-5c90-823c-cab138d0d710.html](https://www.fredericksburg.com/news/va_md_dc/northam-vetoes-bills-would-block-higher-wages/article_54fa0702-ce5d-5c90-823c-cab138d0d710.html)
- <sup>7</sup> [https://www.washingtonpost.com/local/virginia-politics/northam-declines-to-remove-gop-language-aimed-at-keeping-virginia-out-of-carbon-reduction-plan/2019/05/02/373b4b1a-6d07-11e9-8f44-e8d8bb1df986\\_story.html?utm\\_term=.b34b5e196cf8](https://www.washingtonpost.com/local/virginia-politics/northam-declines-to-remove-gop-language-aimed-at-keeping-virginia-out-of-carbon-reduction-plan/2019/05/02/373b4b1a-6d07-11e9-8f44-e8d8bb1df986_story.html?utm_term=.b34b5e196cf8)
- <sup>8</sup> <https://augustafreepress.com/virginia-senate-passes-gop-bill-to-prevent-climate-change-mitigation/>
- <sup>9</sup> <https://wtop.com/virginia/2019/01/virginia-investor-bills-tries-to-curb-dominion-energys-influence/>
- <sup>10</sup> [https://www.sierraclub.org/sites/www.sierraclub.org/files/program/documents/100\\_percent\\_Clean\\_Energy\\_Poll\\_Memo\\_Virginia\\_031918.pdf](https://www.sierraclub.org/sites/www.sierraclub.org/files/program/documents/100_percent_Clean_Energy_Poll_Memo_Virginia_031918.pdf)
- <sup>11</sup> <https://www.cleanenergyconservatives.com/wp-content/uploads/2019/02/2018-201901-CCEVA-infographic.pdf>
- <sup>12</sup> <https://bluevirginia.us/2019/02/richmond-republicans-answer-to-gun-violence-more-guns-in-more-places>
- <sup>13</sup> <https://vacode.org/18.2-283.txt>
- <sup>14</sup> <https://bluevirginia.us/2019/02/how-terrible-was-the-2019-virginia-general-assembly-session-with-republicans-like-kirk-cox-and-tommy-norment-in-charge-take-a-guess>
- <sup>15</sup> [http://www.nbcnews.com/id/15603344/ns/politics-voting\\_problems/t/fbi-looks-possible-va-voter-intimidation/#.XHWyEihKhaQ](http://www.nbcnews.com/id/15603344/ns/politics-voting_problems/t/fbi-looks-possible-va-voter-intimidation/#.XHWyEihKhaQ)
- <sup>16</sup> [https://www.washingtonpost.com/news/wonk/wp/2017/07/20/this-anti-voter-fraud-program-gets-it-wrong-over-99-of-the-time-the-gop-wants-to-take-it-nationwide/?utm\\_term=.21e44d58ab6e](https://www.washingtonpost.com/news/wonk/wp/2017/07/20/this-anti-voter-fraud-program-gets-it-wrong-over-99-of-the-time-the-gop-wants-to-take-it-nationwide/?utm_term=.21e44d58ab6e)
- <sup>17</sup> <http://www.viennaconnection.com/news/2019/feb/06/virginia-redistricting-plans-advance-advocates-sla/>