



VaOurWay



A Look at the 2019 General Assembly

Prepared by VaOurWay

Government exists...

...for the interests
of the governed

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What Really Happened in the 2019 Virginia Legislative Session and How it Affects You

The following report was prepared by VaOurWay (“VOW”), an organization dedicated to fighting for the interests of hard-working Virginians and ensuring the passage of common-sense legislation, regardless of political affiliation.

Virginia’s General Assembly is a part-time legislature that creates and acts on an enormous amount of legislation in a very short period of time. The General Assembly convenes its Regular Session on the second Wednesday of each January and meets for only 60 calendar-day sessions in even-numbered years and 30 calendar-day sessions in odd-numbered years (which are typically extended to 46 calendar days). In those short time frames, the General Assembly typically discusses and votes on 2,000-3,000 bills that affect every Virginian on a daily basis.

At this breakneck pace, it becomes nearly impossible to monitor, much less affect, the outcomes of legislation. The average Virginian is hard-pressed to follow the news about ongoing legislation, let alone the legal particulars of each bill under consideration. The average citizen does not have the time, nor the resources, to sit in the hundreds

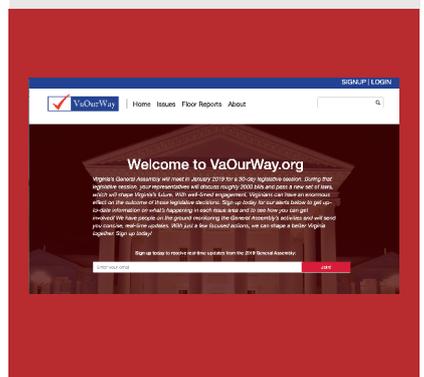
of subcommittee meetings that take place every year. As a result, many decisions that are made each year fail to address the concerns of the average Virginian. In recent years, political polarization and grandstanding have only increased these problems. Virginians are being left behind.

It is time that Virginians become aware of what their legislature is actually doing. Before Virginians can decide about whether they support a particular bill and if they want to make their voices heard during the legislative process, they need mechanisms to see and understand what is happening at the General Assembly and respond in real-time. If you want to become more involved, sign up for www.VaOurWay.org updates to receive your own real-time updates from the 2020 General Assembly on the issues you care about, so you can choose how to react as events unfold.

What is VaOurWay?

VaOurWay (“VOW”) was founded by a group of concerned Virginians who wanted to find a way to embrace common-sense legislation and create foundations of good governance beyond partisanship.

Founded in 2017, VaOurWay is working diligently continue providing free services and information to the public. VOW exists to promote an engaged citizenry and ensure transparency.



Don't forget to subscribe to our email alerts and other services at www.VaOurWay.org

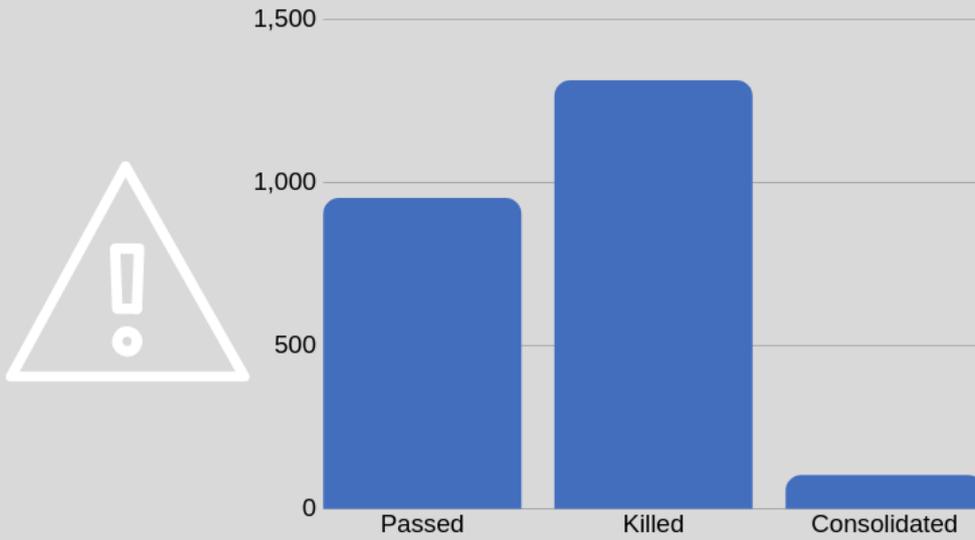


An Overview

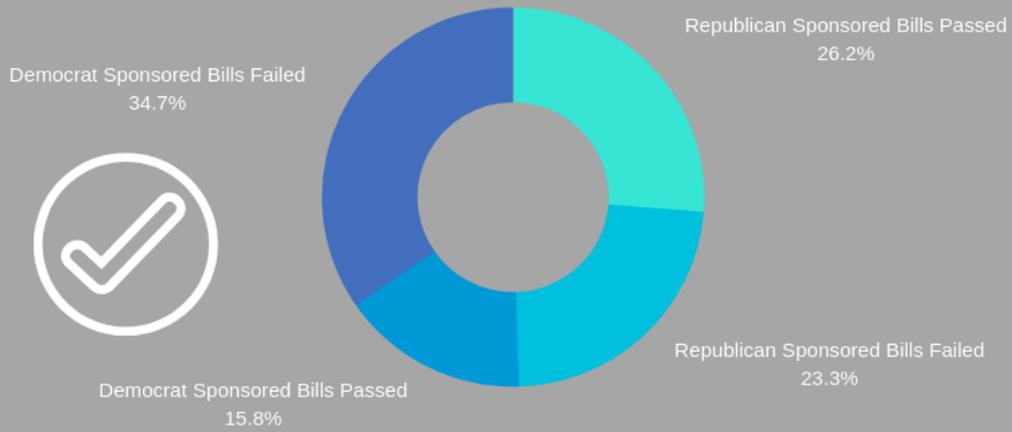
This year's General Assembly was 47 days long and stretched from January 10th to February 24th. Altogether, the Senate and House of Delegates considered 2,362 bills, of which 950 passed and will be codified in Virginia law. Scandals rocked Virginia during the session but did not overtly affect the legislative process, and, in many ways, seemed to spurn a deeper desire to focus on legislating. Republicans had a slight majority in both chambers, with 21 (of 40) seats in the Senate and 51 (of 100) seats in the House of Delegates. Due in large part to that majority, Republican Delegates had a 53% likelihood of passing their legislation, while their Democratic counterparts had a 30% likelihood. Almost half of all legislation died in subcommittees this year. Below you will find a breakdown of highlights from this year's session, divided by subject area.



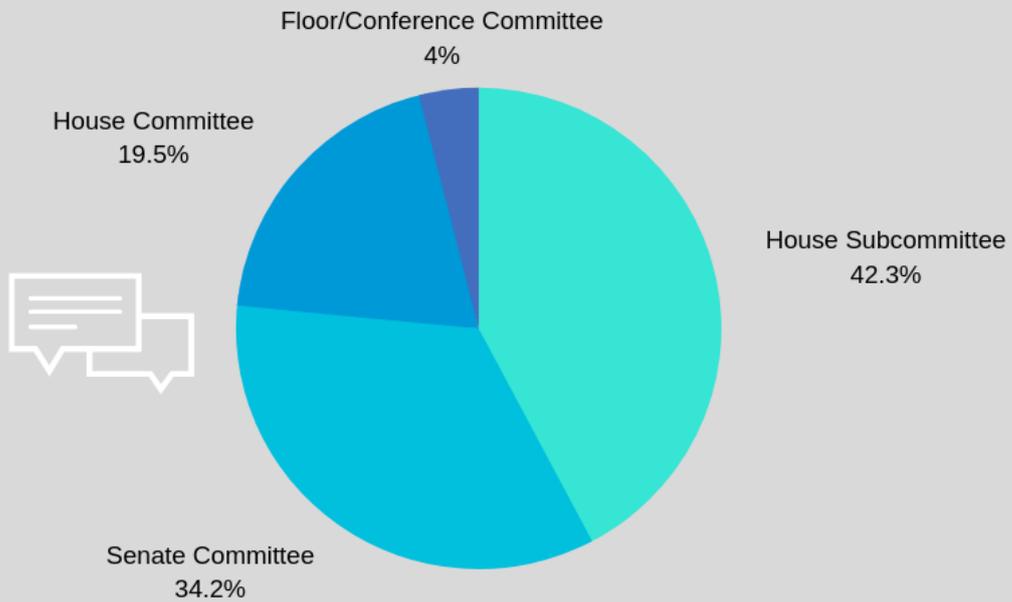
BILL PASSAGE



BILL PASSAGE BY PARTY



WHERE BILLS DIED



Energy and Environment

Bills pertaining to renewable energy and environmental protections are seldom simple and are very often partisan issues. There are many different ideas about how to deal with our energy supply, environmental conservation, looming carbon-related concerns, among others, which often leads to many differing bills attempting to accomplish the same thing through different means. This year alone there were approximately 60 energy bills and 40 environmental bills filed.

While many members of the legislature were not prepared to discuss drastic changes in Virginia's energy mix, there were some noteworthy efforts this year. One was Delegate Rasoul's "Off Act," HB1635, which would have created a moratorium on approving any new fossil fuel facilities and other fossil fuel-related activities. It would have also required that retail energy producers sell 80% renewable energy by 2028 and 100% renewable energy by 2036. This bill remarkably made it out of the House Commerce and Labor Committee (which was likely a political move in itself), only to be rejected by the House along party lines.

Other notable efforts came in the form of "Solar Freedom" bills, HB2329 and SB1456. These comprehensive bills tackled issues like removing the cap on net-metering, legalizing power purchase agreements, and decreasing standby charges, among other changes. Both of these bills were met with animosity and killed in committee early on in the session.

This session also saw a number of different bills whose aim was to provide funding for smart energy choices. Some of these solutions came in the form of funding explicitly for solar projects (HB1902) or incentivizing energy efficiency projects (HB2243 & HB2295). None, unfortunately, passed this year. A notable funding bill was HB2165, which would have created a grant program to offset some of the costs of building solar projects on contaminated lands, but this was also removed from the docket in hopes of re-submitting next year.

Despite a slew of defeats, there was one success, in particular, that should be highlighted. A solution to the devastating pollution caused by the coal ash impoundments across Virginia finally emerged. SB1355, which gained bipartisan support, requires the excavation of the over 28 million tons of coal ash Dominion stores at its Chesterfield, Chesapeake, Possum Point, and Bremo power plants.

What really happened...

Despite the immediate need for reform, energy and environmental issues remain, for the most part, fiercely partisan. This is one area in which you can see a clear example of party-line voting and an unwillingness of legislators to reach across the aisle for compromise. Localities all across Virginia are racing to deal with these issues but are often handcuffed by the legislature's inability to create solutions. Many sensible bills are quietly killed off in the Finance and Commerce and Labor Committees before they have the opportunity to be discussed by the legislature as a whole. With the upcoming elections, we expect to see energy and environmental issues among platform priorities.

A bill was proposed in the House, which will prohibit Virginia from joining RGGI (Regional Greenhouse Gas Initiative), a cooperative of states to cap carbon emissions, currently including Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. HB2611 passed both the House and the Senate with ease, on a party-line vote. While this bill is likely to be met with a veto, it shows the unfortunate unwillingness to invest in our energy future.

HIGHLIGHT: Prohibiting Virginia from Joining RGGI

HIGHLIGHT: Plastic Crisis in the Chesapeake Bay

The crisis of plastic waste and microplastics in our waters is far-reaching and now directly impacting Virginia after concerning amounts were found in the Chesapeake Bay. This session saw six different solutions to the crisis, including plastic bag taxes and outright prohibitions of certain plastics. All were defeated. One, in particular, SB1116, would have only taxed plastic bags in the Chesapeake Bay Watershed to help deal with the mounting problem. It too was defeated.

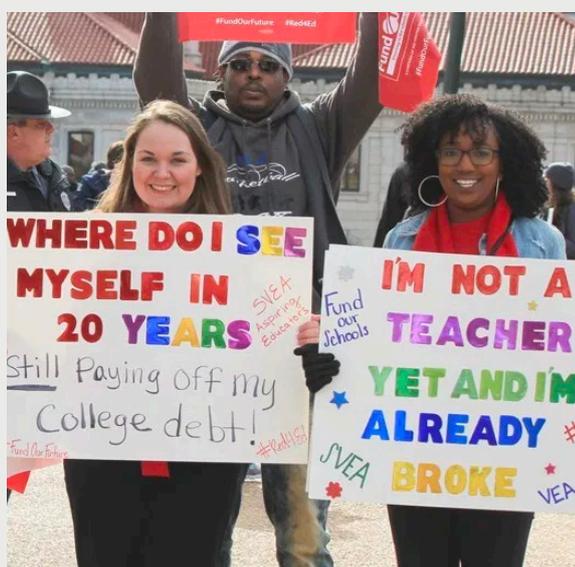
SEE WHERE SB1116 DIED: Senate Finance Committee

Those that voted to kill the bill: Norment (R), Hanger (R), Newman (R), Ruff (R), Wagner (R), McDougle (R), Vogel (R), Carrico (R), Obenshain (R), Dunnivant (R), Stuart (R).



Education

Education was a popular topic at this year's General Assembly session. Massive grassroots efforts, coupled with intense coverage of the strained education system in Virginia, culminated in success for several educational hot topics. Increased teacher funding, an end to the "King's Dominion bill", and additional funds for counselors were some of the many accomplishments championed by legislators and the educational community. Other efforts, however, like those to decriminalize school discipline failed and will have to be revived again next year.



On January 28th, hundreds of teachers marched on the Capitol to demand higher wages. The average teacher in Virginia makes \$51,265 -- more than \$9,200 below the national average -- and as many as 1 in 5 Virginian teachers have a second job to pay their bills. Democratic legislators and Governor Northam suggested a 5% increase, which would require a 2% addition to the 3% raise already written into the current budget. In the midst of the march, Republicans announced that they too supported the 5% budget increase, which ensured its passage. This teacher salary increase is hopefully just the first step in putting Virginia's teachers on par with the rest of the nation and demonstrates strong bipartisan support of education in the Commonwealth.

The overwhelming passage of SB1005 and HB1652 was another demonstration of legislators prioritizing student interests above those of industry. These bills allow schools to begin their academic calendars as soon as 14 days before Labor Day. Previous legislation, passed in 1986 and colloquially referred to as the 'Kings Dominion bill', required schools to remain closed until after Labor Day, in an attempt to promote late summer tourism. Efforts to reverse this bill have been waged for many years, but finally saw bipartisan support in this General Assembly.

Rising college costs have become an increasingly alarming problem in Virginia (along with many other parts of the nation) and were once again considered at this year's session. In a straightforward attempt to ease the financial burdens of attending school, legislators included \$57.7 million in the budget for colleges and universities that agree to freeze their tuition rates in 2020. Legislators also agreed to \$15 million in additional funding sought by the Governor for need-based financial aid. Although many creative pieces of legislation intended to keep college tuition at reasonable rates were shot down, SB1118 passed both chambers unanimously and will at least require colleges in Virginia to hold public comment before increasing their tuition costs.

Finally, with SB1406 and HB2053, the General Assembly increased the student-to-counselor ratio in Virginia schools. These bills, which will be paired with an additional \$12 million in funding, will increase the number of counselors in Virginia schools. Although a promising measure, they are only the first step in the right direction. The American School Counselors Association says that schools should have one counselor for every 250 students, which would cost Virginia an estimated \$85 million to achieve.



HIGHLIGHT: Minimal Support for School Modernization

Virginia's schools have been slowly crumbling for many years. A 2013 report found that more than 40% of Virginia's public school buildings and facilities were built at least 50 years ago, while another 20% were constructed at least 40 years ago. The problems are only exacerbated in rural communities and inner city schools. Although many argue about the extent of the deterioration, stories of moldy classrooms and collapsing roofs plagued the General Assembly halls this year. Championing the efforts to address this problem was Senator Bill Stanley, who sought three different solutions for the problem. Only one survived.

Senator Stanley's flagship legislation was SB1330, which would have created a statewide referendum to decide whether the General Assembly should issue \$3 billion worth of state general obligation bonds for the purpose of funding school building construction and repair. Although the outcome of the referendum would not have been binding, it would have allowed Virginians to weigh in on this serious issue. The legislation was killed by the Senate Finance Committee. Senator Stanley's next attempt was SB1702, which would have created the Public School Assistance Fund and Program for the sole purpose of providing grants to school boards to repair or replace school roofs. This simple piece of legislation passed the Senate unanimously, only to be inexplicably left in the House Appropriations subcommittee. Senator Stanley's final piece of legislation, SB1331, was an interesting hybrid bill to address school modernization and renewable energy. It will allow localities to enter into lease-purchase agreements with private developers to build solar-powered schools — with the developers taking advantage of tax credits for solar energy and the potential to sell excess solar power into the utility grid. This refreshing piece of legislation survived both chambers of the General Assembly to become law, but unfortunately only addresses localities that wish to build new schools - not those that need renovations.

To the detriment of many of Virginia's students, the issue of school modernization was mostly ignored by this year's General Assembly. \$35 million of funds to help with school modernization were ultimately approved, which was an alarmingly small amount compared to the total need, which previous administrations have estimated at more than \$18 billion.

SEE WHERE SB1330 DIED: Senate Finance Committee

Those that voted to kill the bill: Norment (R), Hanger (R), Howell (D), Saslaw (D), Lucas (D), Newman (R), Ruff (R), Wagner (R), Vogel (R), Obenshain (R), Barker (D), Dunnivant (R), Stuart (R), Dance (D).

SEE WHERE SB1702 DIED: Left in House Elementary & Secondary Education Appropriations Subcommittee

Members of the Subcommittee: Peace (Chairman) (R), Landes (R), Knight (R), Rush (R), Pillion (R), McQuinn (D), Aird (D), Bell, John J. (R), Jones, S.C. (R)

What really happened...

Education was clearly a priority in the 2019 General Assembly and some obvious headway was made on some pressing issues. However, many of these actions were simply the first steps on the path to truly correcting the deeper educational disparities.

Voter Empowerment



HIGHLIGHT: Efforts to Make Election Day a Holiday Fail

In addition to these failed efforts, HB1984 would have removed Lee-Jackson Day as a state holiday and replaced it with Election Day. This would guarantee that polling places, like schools, were closed on voting days, while also giving many members of the public the whole day to vote. Similar efforts have succeeded in several other states, including West Virginia and Delaware.

**SEE WHERE HB1984
DIED: House Privileges
and Elections
Subcommittee #2**

Those that voted to kill the bill: Leftwich (R), Landes (R), Adams, L.R. (R), McGuire (R)

By controlling which citizens can vote, when they can vote, whom they can vote for, and even what can be done with campaign funds, the members of the General Assembly have the complex responsibility of regulating themselves and their own activities. This year's session was no different and ended with some interesting outcomes that could shape the General Assembly for the next decade.

One of the biggest issues that arose at this year's General Assembly was redistricting reform and an attempt to create an independent commission to oversee the process moving forward. After several statewide lawsuits and an overwhelming amount of press coverage, the pressure was mounting at the General Assembly to address heavily gerrymandered voting districts in Virginia. To address the claims of partisan gerrymandering, both chambers passed legislation to create an independent 16-member commission made up of 8 citizens and 8 legislators (4 from the Senate and 4 from the House), who will draw new district lines after the 2020 census. The legislation had unanimous support in the Senate but did draw criticism from the African-American caucus in the House of Delegates, who were concerned that the commission would have no African-American representation.

The passage of this legislation was momentous, but only the first step in a multiyear process to officially amend the state constitution. The General Assembly will have to pass the same measure in next year's session, which will then be followed by a statewide ballot referendum for all Virginians in the fall of 2020. The legislation must pass both hurdles before being cemented into the Virginia constitution in time for the 2020 census results. If recognized, these changes will dramatically reshape Virginia's political map.

Another issue that garnered attention at this year's session was voting rights. Virginia historically has very tight voting restrictions, despite its high voter turnout, which has led many legislators to pursue various expansions of voting opportunities. Although many pieces of legislation did not make it through this year, SB1026 and HB2790 were passed and will allow people to vote in-person, without an excuse, for a week preceding elections. Although this legislation will not go into effect until 2020, it will give Virginians far more opportunities to vote in the future.

What really happened...

As is often the case in Virginia, the expansion of no-excuse in-person voting was just the tip of a much bigger push for voting rights expansion. Despite its success, dozens of other bills failed - most often in the House and Senate Privileges and Elections committees. Below is a rundown of some of the bills that did not survive this year's session:

HB1794 would have created a 15-day window for any registered voter in Virginia to vote before an election.

SEE WHERE HB1794 DIED: House Privileges and Elections Subcommittee #1

Those that voted to kill the bill: Ransone (R), Fowler (R), Ingram (R), McGuire (R), Sickles (D), Van-Valkenburg (D)

HB1795 would have required schools to provide students of voting age with voter registration materials.

SEE WHERE HB1795 DIED: House Privileges and Elections Subcommittee #1

Those that voted to kill the bill: Ransone (R), Fowler (R), Ingram (R), McGuire (R)

HB2130 would have required employers to give employees time off to vote.

SEE WHERE HB2130 DIED: House Commerce and Labor Subcommittee #1

Those that voted to kill the bill: Byron (R), O'Quinn (R), Ransone (R), Webert (R), Kilgore (R)

SB1063 would have allowed the Department of Motor Vehicles to automatically transfer information to the Department of Elections to automatically register people to vote.

SEE WHERE SB1063 DIED: Senate Privileges and Elections Committee

Those that voted to kill the bill: Vogel (R), Reeves (R), Chafin (R), DeSteph (R), Chase (R), Ruff (R), Cosgrove (R), Peake (R)

HIGHLIGHT:

Candidates Can Still Use Campaign Funds for Personal Use



Despite a multi-year debate to end the practice and calls from the Commission on Integrity and Public Confidence in State Government to pass legislation, HB1617, which would have banned politicians from using campaign funds for personal use, failed again this year. The bill, which passed the House of Delegates with unanimous support, was simply left in the Senate Rules Committee, where it was never brought to a vote and simply died at the end of the session.

SEE WHERE HB1617 DIED: Senate Rules Committee

Members of the Senate Rules Committee: McDougle (Chairman) (R), Norment (R), Hanger (R), Newman (R), Ruff (R), Wagner (R), Obenshain (R), Vogel (R), Stuart (R), Stanley (R), Carrico (R), Reeves (R), Saslaw (D), Locke (D), Howell (D).

Thriving Economy

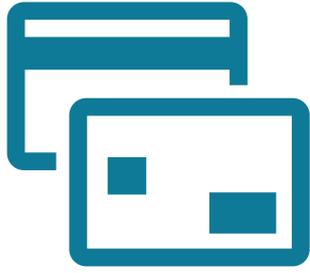
Despite the fact that it was an odd-numbered year in which the state's budget was not to be discussed, several extenuating circumstances meant that major economic decisions were a focus for the 2019 General Assembly.

After recent changes to the federal tax code, which led to an excess of tax funds, Virginia had to decide whether to use the extra tax money for statewide projects or return the money to citizens. The General Assembly came to a mostly bipartisan agreement, with HB2529 and SB1372, to conform the state tax code to the federal code and give the money back to Virginians. Although the session began with disagreements about where the newfound tax dollars should go, Governor Northam agreed in mid-February to conform to a majority of the Republicans' plan. As a result, Virginians will get an additional refund of \$110 per individual and \$220 per couple in the fall of 2019.

In addition to its tax conformity, Virginia signed bipartisan legislation to carry out its promises to Amazon. The company, which chose to locate one of its newest \$2.5 billion facilities in the Crystal City area of Arlington County, was promised \$750 million in cash incentives four years after their creation of 37,850 new jobs. The deal was generally heralded as a major success for the Virginian economy.

The General Assembly also took serious action this year to address issues in Virginia's housing policies. A Princeton University study, released in 2018, showed that Richmond had the nation's second-highest eviction rate, followed closely by Hampton, Newport News, Norfolk, and Chesapeake. The report, which was greeted with alarm all across Virginia, led to calls by the Governor and local mayors to remedy the situation. In response, the General Assembly passed seven bills - all based on recommendations from the Virginia Housing Commission - to address the issue. These measures, which passed nearly unanimously, will give tenants more time to pay all amounts owed before eviction, limit the actions a landlord can take to remove a tenant, and require landlords to provide tenants with a lease agreement.





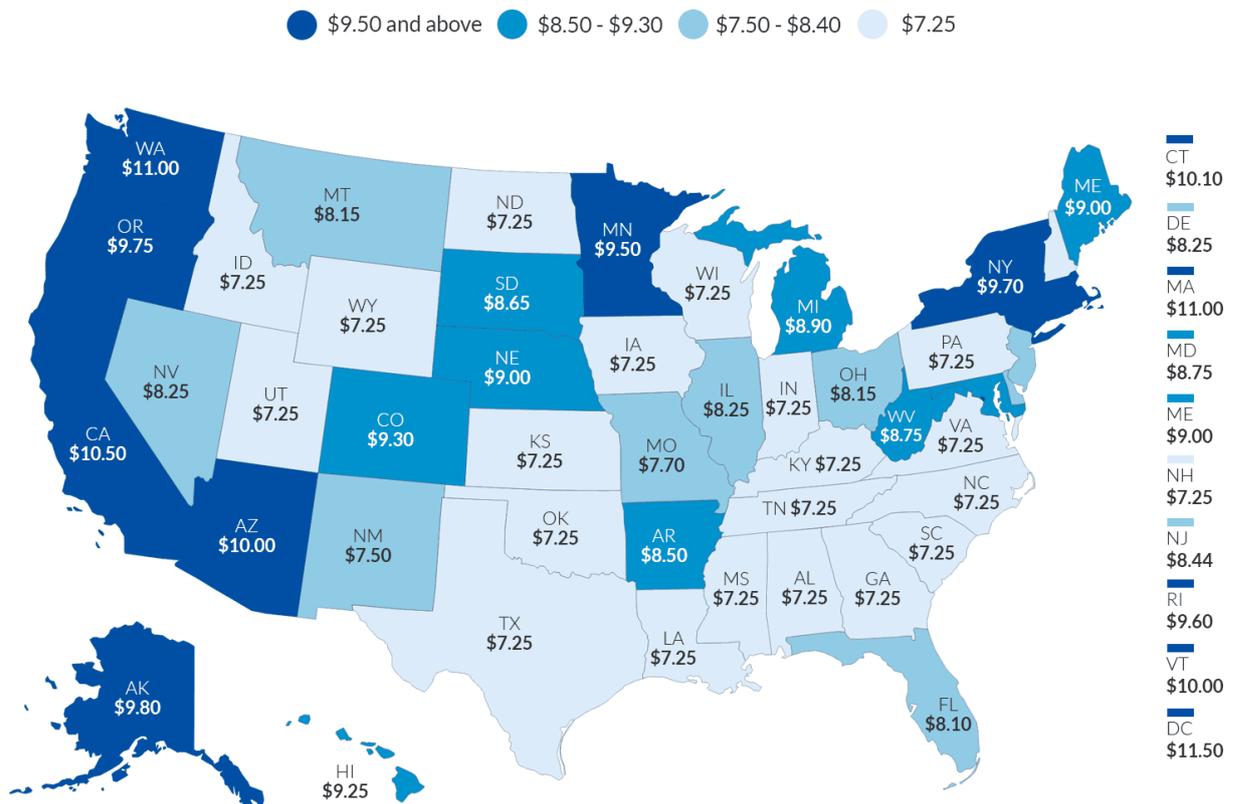
\$15,080

The salary of a Virginian living on minimum wage

HIGHLIGHT: Minimum Wage Remains at \$7.25/hour

Despite successes in several other economic areas, the General Assembly dodged any efforts to increase the minimum wage in this year's session. Virginia's current minimum wage stands at \$7.25 per hour, which amounts to an annual salary of \$15,080 for a person working 40 hours each week for 52 weeks of the year. To remedy this situation and ensure that all working Virginians can support a family, several bills were proposed to increase the minimum wage. All were rejected. The bills called for various increases and a majority of the bills requested a gradual increase over several years before the final minimum wage would be implemented. All the bills failed. Virginia is currently one of only 14 states with a minimum wage that matches the federal minimum wage. Thirty states have opted for minimum wages above the federal level.

In spite of its rejection of the minimum wage increase, the General Assembly did pass SB1079, which helped to remove an outdated limitation on some wage earners. The previous legislation, which was a remnant of the Jim Crow era, allowed employers to pay less than minimum wage to "newsboys, shoe-shine boys, ushers, doormen, concession attendants, and theater cashiers" - positions typically held by African-Americans. SB1079 rescinds these exemptions and ensures that every Virginian is making at least the minimum wage.



Healthcare

With last year's successful passage of Medicaid expansion and spotlight on the opioid crisis, healthcare reforms took a backseat in 2019.

That said, an impressively bipartisan effort to raise the age limit for purchasing tobacco and nicotine vapor products from 18 to 21 passed this year. HB2748 was a direct response to the growing number of teens who are becoming addicted to such products. The US Center for Disease Control has reported that the percentage of high school seniors who have used an e-cigarette in the last 30 days has risen from 11% in 2017 to 20% in 2018. Use at a young age often leads to lifelong addictions. This bill gained particular support from House Speaker Kirk Cox, who was a teacher and is familiar with the mounting number of tobacco addictions.

The legislature also began to tackle what is sure to be a more complex issue in the future: telemedicine. Telemedicine is the practice of remotely caring for a patient, generally through video-conferencing and internet and phone communications. This has the potential to expand access to medical services, especially primary care services. SB1221 removes some barriers to telemedicine and requires that insurance cover certain aspects of it. While this industry will certainly require careful regulation, it seems to be an important step towards opening access to healthcare.

In a sweeping bipartisan effort, both chambers of the General Assembly also backed measures to remove the age cap on required insurance coverage for the diagnosis and treatment of autism. SB1693 and HB2577 will remedy previous legislation that had set the cap at just 10 years of age.

What really happened...

Healthcare was a prominent issue in last year's General Assembly session, with Medicaid expansion and opioid reform at the forefront. There were far fewer attempts at reforming healthcare this session, and it is important for our legislators not to rest on their laurels. Approximately 323,000 Virginians will continue to be uninsured and will still have to rely on free clinics and emergency rooms, while many more will struggle to pay high insurance premiums, even with government assistance. Further still, those who do not qualify for government assistance and do not have an option through an employer will struggle to find reasonably-priced insurance coverage. Opioid deaths are still ravaging Virginia, especially in rural areas. Our hope is that these issues and more will be addressed by the legislature next session.



HIGHLIGHT: Opioid Addiction Treatment for Medicaid Recipients

One of the only pieces of opioid-related legislation this session was HB2558. This bill is intended to expand access to services for opioid addiction by prohibiting doctors from requiring these patients to pay for such services out of pocket. It passed both chambers with wide, bipartisan support.

One health-related issue that did arise at this year's General Assembly session was paid parental leave for employees. Several attempts were made to introduce these policies to all Virginians. HB2120 would have required the Virginia Employment Commission to establish and administer a paid family and medical leave program with benefits effective January 1, 2022. HB2261 would have required employees with 15 or more employees to provide to each employee paid medical and family leave. Both bills were left in the House Commerce and Labor committees.

However, SB1581 did pass. This bill provides parental leave to state employees, consisting of eight weeks (320 hours) of paid leave, in addition to leave provided under other state and federal programs. The bill requires that parental leave be available following the birth, adoption, or foster placement of a child under age 18 and be available to both parents of such child if both are state employees.



HIGHLIGHT: Paid Parental Leave for State Employees



VIRGINIA
NEEDS
COMMON-
SENSE
REFORM
FROM
BOTH SIDES
OF THE
AISLE

As all these issues demonstrate the Virginia General Assembly can be a complicated place where the average Virginian can sometimes be forgotten. Political partisanship and legislative bartering can lead to outcomes that don't always recognize the needs of residents of the Commonwealth. These outcomes often transpire because Virginians do not - or cannot - actively participate in the process.

VaOurWay (www.VaOurWay.org) hopes to shed light on many of these issues and give the average Virginian a way to monitor legislation that affects them in real-time. Whether it comes from the right or left side of the political spectrum, VaOurWay seeks to support legislation and legislators with common-sense solutions to the real problems that hard-working Virginians experience. Sign up today and make sure that you know what's happening in 2020.





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