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## VIRGINIA'S 2018 GENERAL ASSEMBLY SESSION IN REVIEW

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## ABSTRACT

*The 2018 General Assembly session came on the heels of what many deemed a shocking 2017 election cycle. Democrats gained a surprising number of seats in the General Assembly, creating the need for bipartisan compromise throughout the 2018 session. It is when compromise occurred that deals were made and laws were passed to benefit Virginians. This does not mean that tensions did not flare at times. Ideological differences were certainly on display in debates surrounding Confederate monuments and gun control. But beyond ideological differences, the General Assembly was able to raise the felony-larceny threshold and to end a rate freeze on electric prices throughout the state. Additionally, education reform bills were highly successful because of the bipartisan support they garnered. What has been seen as one of the most significant achievements of the 2018 session, though, was the expansion of Medicaid in Virginia. That could not have been achieved without support from both sides of the aisle. While vetoes were abundant and partisan efforts were certainly a feature of the session, working together for the betterment of Virginia was a driving factor for many legislators as was clear from the progress they made this session.*

## INTRODUCTION

In 2017, a year after the U.S. Presidential election, Virginia residents took to the polls to vote for their Governor and for some members of the General Assembly.<sup>1</sup> The Virginia General Assembly was founded in 1619, which makes it the oldest law-making body in the Western-Hemisphere.<sup>2</sup> The 2018 General Assembly session was described as “business as usual” for the modern General Assembly.<sup>3</sup> However, the 2017 election that preceded the 2018 session was a heated one, exhibiting the polarized reality that is American politics in 2018.<sup>4</sup> On election night the results rolled in,

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<sup>1</sup> See Martin Austermuhle, *Why Does Virginia Hold Elections In Off-Off Years?*, WAMU (Sept. 13, 2017), <https://wamu.org/story/17/09/13/virginia-hold-elections-off-off-years/>.

<sup>2</sup> NAT’L PARKS SERV., *THE FIRST GENERAL ASSEMBLY, PAST AND PRESENT: A BRIEF HISTORY AND BIBLIOGRAPHY* (2017); The Virginian-Pilot Editorial Bd., *General Assembly Working Towards Openness*, VIRGINIAN-PILOT (May 22, 2018), [https://pilotonline.com/opinion/editorial/article\\_0bef015c-523e-11e8-b9d2-777da8b4e1ec.html](https://pilotonline.com/opinion/editorial/article_0bef015c-523e-11e8-b9d2-777da8b4e1ec.html).

<sup>3</sup> See The Virginian-Pilot Editorial Bd., *Election Districts Must Be Fair, Equitable*, VIRGINIAN-PILOT (Aug. 29, 2018), [https://pilotonline.com/opinion/editorial/article\\_a6381880-aad0-11e8-a21e-03e046ded1ed.html](https://pilotonline.com/opinion/editorial/article_a6381880-aad0-11e8-a21e-03e046ded1ed.html).

<sup>4</sup> See Becca Mitchell, *All Eyes on Virginia’s Heated Governor’s Race*, WTKR (Nov. 7, 2017), <https://wtkr.com/2017/11/07/all-eyes-on-virginias-heated-governors-race/>.

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with local news declaring Democrats Ralph Northam as the next Governor, Justin Fairfax as Lieutenant Governor, and Mark Herring as Attorney General. But another surprise rocked the state. The most recent Republican (and widely-held) majority of 66-34 in the House of Delegates was reduced to a mere simple majority of 51-49 when Democrats flipped fifteen seats.<sup>5</sup> The Virginia Senate majority stayed a simple majority of Republicans, at 21-19 majority.<sup>6</sup> These results would set the tone of the 2018 session. Bipartisanship was the buzzword, but the issues many candidates ran on demonstrated how difficult it was for Virginia's lawmakers to find common ground on major issues.

This article will outline notable legislation introduced during the 2018 General Assembly session. Part I will discuss the major shift in the House of Delegates, including moves made by freshman delegates and the major milestones they achieved by their elections. The recent tragedies, such as the Charlottesville, Virginia Unite the Right Rally in August 2017 and the school shooting in Parkland, Florida in February 2018, that led to many debates and demands for change in the Virginia legislature will be discussed in Part II. Part III will discuss two major deals negotiated by Governor Northam's administration, raising the grand larceny threshold and ending the utility rate freeze. The ultimately unsuccessful fights to end discrimination on the basis of sexual orientation and gender identity in housing and public employment and ending driver's licenses suspensions for unpaid court fines are discussed in Part IV. Part V discusses bills relating to education, including school suspension and tuition freeze bills. Other memorable bills, including those that concerned animals and the decriminalization of marijuana, will be discussed in Part VI. Part VII will discuss three major groups of bills Governor Northam vetoed this year. Finally, this paper will end with a brief conclusion summarizing the 2018 General Assembly session and looking ahead to the 2019 session.

## I. HISTORIC CHANGES USHERED IN BY THE 2017 ELECTION

With the influx of freshman delegates, nineteen new delegates total, came a shift in perspective.<sup>7</sup> The new class of delegates in 2018 made history: the first openly transgender legislator in Virginia and the United States,

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<sup>5</sup> Justin Mattingly, *Virginia Legislators Launch New Caucus Aimed at Tackling Millennial Issues*, RICH. TIMES-DISPATCH (Feb. 14, 2018), [https://www.richmond.com/news/virginia/government-politics/general-assembly/virginia-legislators-launch-new-caucus-aimed-at-tackling-millennial-issues/article\\_9754d508-8339-5a98-87c9-b92ec675f906.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/virginia-legislators-launch-new-caucus-aimed-at-tackling-millennial-issues/article_9754d508-8339-5a98-87c9-b92ec675f906.html).

<sup>6</sup> *Seniority*, SENATE VA., <https://apps.senate.virginia.gov/Senator/seniority.php> (last visited Sept. 16, 2018).

<sup>7</sup> Mattingly, *supra* note 5.

Danica Roem (D-Prince William); Virginia's first two Latina legislators, Elizabeth Guzman (D-Prince William) and Hala Ayala (D-Woodbridge); and Virginia's first female Asian American legislator, Kathy Tran (D-Fairfax).<sup>8</sup> Also, many of the newly elected Democratic delegates decided not to take any corporate money, particularly from Dominion Energy, the state's largest and most powerful corporation. A new bipartisan caucus was also created to focus on issuing facing millennials.<sup>9</sup> This caucus was composed of legislators under the age of forty-five who hope to tackle issues facing young people in Virginia.<sup>10</sup>

Despite the energy of the freshman delegates, most of the bills introduced by the freshman Democratic members never passed.<sup>11</sup> The Republican freshman delegates only did slightly better.<sup>12</sup> But the razor thin majority in the House of Delegates that resulted from the 2017 election made it more important for Republicans to follow through on the party line votes.<sup>13</sup> When Republicans failed to do so, their bills failed by a slim majority.<sup>14</sup> Every Republican vote mattered this session.<sup>15</sup> The House Majority Leader reportedly kept an eye on delegates, even sending "staffers to find Republicans who are on bathroom breaks and ordering delegates to sit back down if they try to walk away from their desks at the wrong time."<sup>16</sup>

## II. TRAGEDY SPURS DEBATE

In addition to attempting to address the seemingly run-of-the-mill challenges facing Virginians, legislators in 2018 had the challenging task of responding to two national tragedies. One of these tragedies occurred before session began and the other occurred during the session. Both, though, ignited heated debate and motivated some legislators to introduce potentially transformative legislation.

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<sup>8</sup> Ned Oliver, *Virginia House Candidates Make History: Transgender Woman, Two Latinas, Out Lesbian to Serve in General Assembly*, RICH. TIMES-DISPATCH (Nov. 7, 2017), [https://www.richmond.com/news/local/city-of-richmond/virginia-house-candidates-make-history-transgender-woman-two-latinas-out/article\\_785d2926-7e3e-59a0-a9b3-d24ab65f4b80.html](https://www.richmond.com/news/local/city-of-richmond/virginia-house-candidates-make-history-transgender-woman-two-latinas-out/article_785d2926-7e3e-59a0-a9b3-d24ab65f4b80.html).

<sup>9</sup> Mattingly, *supra* note 5.

<sup>10</sup> *Id.*

<sup>11</sup> Graham Moomaw, *After Thrills of Wave Election, Virginia's Freshmen Democrats See Most of Their Bills Die in GOP-Controlled House*, RICH. TIMES DISPATCH (Feb. 17, 2018), [https://www.richmond.com/news/virginia/government-politics/general-assembly/after-thrills-of-wave-election-virginia-s-freshmen-democrats-see/article\\_dc818fbf-6fbd-5018-ba20-b009f10b63e6.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/after-thrills-of-wave-election-virginia-s-freshmen-democrats-see/article_dc818fbf-6fbd-5018-ba20-b009f10b63e6.html).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *See id.*

<sup>15</sup> *See id.*

<sup>16</sup> *Id.*

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### A. Unite the Right and Confederate Monuments

First, the events of a Unite the Right Rally in Charlottesville, Virginia in August 2017 left one young woman and two state police officers dead and weighed heavily on the minds of several legislators.<sup>17</sup> As a result, several bills were introduced this session to prohibit impersonating a law enforcement officer at public events and to enable localities to choose whether or not to take down confederate monuments that stand throughout Virginia.<sup>18</sup> Though the Governor and many Democrats, including House Minority Leader, Delegate David Toscano from Charlottesville, urged the removal of such monuments after the rally and during the 2017 campaign, the bills that would allow localities to make that decision failed to make it out of committee.<sup>19</sup>

A House subcommittee voted down two bills, on 5-1 and 6-1 votes, concluding that “the [confederate] statues are history worth preserving.”<sup>20</sup> Delegate Toscano’s bill would have allowed individual localities to decide what to do with the war memorial monuments, thus amending state law barring localities from making these decisions and enabling the community to be involved in such decisions.<sup>21</sup> His bill would have excluded monuments that have “National Landmark Status,” leaving the monuments on Richmond’s famous Monument Avenue untouched.<sup>22</sup> Another bill, introduced by Delegate Mark Levine (D-Alexandria), would have created a commission whose responsibility it would be to remove such monuments and move them to a museum. That bill would have included the Robert E. Lee monument that currently resides in the Virginia Capitol.<sup>23</sup>

### B. Tragedy in Parkland, Florida

The second tragedy that sparked legislative action was the mass shooting at a high school in Parkland, Florida on February 14, 2018. There were sev-

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<sup>17</sup> See Graham Moomaw, *'We're Going to Have to Make Do:' Virginia General Assembly Rejects Bills Tied to Violent Charlottesville Rally*, RICH. TIMES DISPATCH (March 7, 2018), [https://www.richmond.com/news/virginia/government-politics/general-assembly/we-re-going-to-have-to-make-do-virginia-general/article\\_20373954-6700-538c-ae9f-2a53841f704d.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/we-re-going-to-have-to-make-do-virginia-general/article_20373954-6700-538c-ae9f-2a53841f704d.html).

<sup>18</sup> *Id.*

<sup>19</sup> *See id.*

<sup>20</sup> Graham Moomaw, *Virginia General Assembly Kills Legislation to Let Cities Remove Confederate Statues*, RICH. TIMES-DISPATCH (Jan. 31, 2018), [https://www.richmond.com/news/virginia/government-politics/general-assembly/virginia-general-assembly-kills-legislation-to-let-cities-remove-confederate/article\\_6ccc1469-8035-5c28-b932-c12983ddfa2f.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/virginia-general-assembly-kills-legislation-to-let-cities-remove-confederate/article_6ccc1469-8035-5c28-b932-c12983ddfa2f.html).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> H.B. 1099, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); *id.*

eral bills concerning gun control that failed to make it out of committee or were left behind by the February 13<sup>th</sup> crossover<sup>24</sup> deadline before the Parkland shooting happened.<sup>25</sup> But after the events of February 14<sup>th</sup>, the Democrats revisited those bills and insisted on debating the topic on the floor of both chambers.<sup>26</sup> House Democrats, in a late-February news conference, publicly opposed arming teachers, “called for raising the minimum age to buy AR-15s [the kind of gun used in the Parkland shooting] to 21,” and urged Speaker Kirk Cox (R-Colonial Heights) to “revive several gun control bills in response” to Parkland.<sup>27</sup> Republicans reportedly argued that “there was not enough time left in the session to take up such an emotional and complex issue.”<sup>28</sup> One Republican delegate, Brenda Pogge (R-James City), in a memorable floor speech, blamed the use of video games for violent behaviors, warning parents to “watch what your kids are looking at on the video screen, on the Babylonian idiot box.”<sup>29</sup> There were impassioned speeches on both sides of the aisle after the Parkland tragedy occurred, and it weighed heavily on those watching the debates. Particularly because Virginia is no stranger to mass shootings, as many Virginians still remember when a gunman killed thirty-three students and faculty at Virginia Tech in 2007.<sup>30</sup>

The issue would not disappear, but the bills would.<sup>31</sup> No gun control bills passed in the 2018 session, even after a Las Vegas shooting survivor and Virginia resident testified in both the House and Senate subcommittees on bills to prohibit bump stocks, devices that increase the rate of fire in a semi-automatic weapon.<sup>32</sup> Neither subcommittee was persuaded, and the bills

<sup>24</sup> “Crossover” refers to the mid-point of the Virginia General Assembly. At that point bills introduced in one chamber must be voted on by the whole chamber and if passed, will then cross-over to the other chamber to be passed, amended, or killed.

<sup>25</sup> See, e.g., H.B. 198, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); H.B. 273, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); H.B. 353, 2018 Gen. Assemb., Reg. Sess. (Va. 2018).

<sup>26</sup> Graham Moomaw, *After Florida Shooting, Virginia Democrats Make Late Push on Proposal to Seize Guns from Dangerous People*, RICH. TIMES-DISPATCH (Mar. 1, 2018), [https://www.richmond.com/news/virginia/government-politics/general-assembly/after-florida-shooting-virginia-democrats-make-late-push-on-proposal/article\\_47814626-959e-5cc1-a922-dd87ea7a70a8.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/after-florida-shooting-virginia-democrats-make-late-push-on-proposal/article_47814626-959e-5cc1-a922-dd87ea7a70a8.html).

<sup>27</sup> Graham Moomaw, *Virginia House Creates Select Committee on School Safety, But it Won't Focus on Guns*, RICH. TIMES-DISPATCH (Mar. 8, 2018), [https://www.richmond.com/news/virginia/government-politics/general-assembly/virginia-house-creates-select-committee-on-school-safety-but-it/article\\_1d73859a-da06-5b93-8a92-0be4917520f9.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/virginia-house-creates-select-committee-on-school-safety-but-it/article_1d73859a-da06-5b93-8a92-0be4917520f9.html); *id.*

<sup>28</sup> Moomaw, *supra* note 27.

<sup>29</sup> Moomaw, *supra* note 26.

<sup>30</sup> Christine Hauser & Anahad O'Connor, *Virginia Tech Shooting Leaves 33 Dead*, N.Y. TIMES (Apr. 16, 2007), <https://www.nytimes.com/2007/04/16/us/16cnd-shooting.html>.

<sup>31</sup> See Bonnie Berkowitz et al., *The Terrible Numbers That Grow with Each Mass Shooting*, WASH. POST (Sept. 14, 2018), <https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/>.

<sup>32</sup> Graham Moomaw, *House Panel Votes Against Bill to Ban Bump Stocks in Virginia*, RICH. TIMES-DISPATCH (Jan. 25, 2018), <https://www.richmond.com/news/virginia/government-politics/general->

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died on party-line votes (4-2 and 3-2).<sup>33</sup> Notably, a bill that would have repealed the Virginia law that prohibits guns in churches also failed to pass this session.<sup>34</sup>

Other gun reform bills that failed this session include a bill to require parental approval before a minor could keep guns in the home, a bill requiring “licensed home day-care facilities to keep guns locked up while children were being cared for,” and a bill prohibiting the carrying of ammunition or firearms at major public events.<sup>35</sup> All of these bills were introduced by Democrats and inspired by a particular event that sparked fear of death or violence.<sup>36</sup> Such events include a constituent complaint about “being unable to take away guns from a child who had fallen in with a bad crowd” and reports of “a 4-year-old boy accidentally sho[oting] and kill[ing] himself with a gun he found at day care.”<sup>37</sup> The bill to add a “Stop Gun Violence” license plate to Virginia’s license plate options was passed, but only after Republicans required the funds raised through the plate go to mental health services<sup>38</sup>

The General Assembly did establish a special committee on school safety this session in response to the Parkland shooting.<sup>39</sup> However, the goal of the committee is to boost school security and not to address gun safety in schools.<sup>40</sup> Speaker Cox noted that it has “been more than 150 years since the House last formed a select committee,” marking this committee as a big step for the General Assembly in addressing the problem of school security and finding solutions to security issues in schools.<sup>41</sup> The committee will fo-

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assembly/house-panel-votes-against-bill-to-ban-bump-stocks-in/article\_c33c32d6-72eb-514b-bbb0-616a1c3c2870.html; Patrick Wilson, *Senate Republicans Kill Bill to Ban Firearm ‘Bump Stocks’*, RICH. TIMES-DISPATCH (Jan. 31, 2018), [https://www.richmond.com/news/virginia/government-politics/general-assembly/senate-republicans-kill-bill-to-ban-firearm-bump-stocks/article\\_d95a0b4a-7bab-58de-898c-0853c5347796.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/senate-republicans-kill-bill-to-ban-firearm-bump-stocks/article_d95a0b4a-7bab-58de-898c-0853c5347796.html).

<sup>33</sup> Graham Moomaw, *supra* note 32 (explaining that the House Militia, Police and Public Safety subcommittee voted down a bill to ban bump stocks by a vote of 4-2 along party lines); Wilson, *supra* note 32 (explaining that Senate Bill 1, introduced by Senator Adam Ebbins, was struck down by a vote of 3-2).

<sup>34</sup> S.B. 372, 2018 Gen. Assemb., Reg. Sess. (Va. 2018) (“Section 18.2-283 of the Code of Virginia is repealed.”); *SB 372 Place of Religious Worship, Carrying Dangerous Weapon*, VA. LEGIS. INFO. SYS., <https://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+SB372> (last visited Oct. 9, 2018); *see* VA. CODE § 18.2-283 (2018).

<sup>35</sup> Gregory S. Schneider, *Bipartisanship in Virginia Does Not Extend to Gun Legislation*, WASH. POST (Feb. 15, 2018), [https://www.washingtonpost.com/local/virginia-politics/bipartisanship-in-virginia-does-not-extend-to-gun-legislation/2018/02/15/df1ead18-1268-11e8-9570-29c9830535e5\\_story.html?noredirect=on](https://www.washingtonpost.com/local/virginia-politics/bipartisanship-in-virginia-does-not-extend-to-gun-legislation/2018/02/15/df1ead18-1268-11e8-9570-29c9830535e5_story.html?noredirect=on).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Moomaw, *supra* note 27.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*



cus on working to “strengthen[] emergency preparedness, harden[] school security infrastructure, implement[] security best practices, deploy[] additional security personnel, provid[e] additional behavioral health resources for students, and develop[] prevention protocols at primary and secondary institutions across the Commonwealth.”<sup>42</sup>

### III. DEALS MADE IN 2018

Two major deals were negotiated and agreed upon during the 2018 session. First, a deal to raise the grand larceny threshold from \$200 to \$500 passed both chambers and was signed into law by the Governor.<sup>43</sup> The Governor considers this deal a start to planned criminal justice reform, as the administration was hoping to negotiate a raise of the threshold to \$1,000.<sup>44</sup> Before the increase, Virginia was tied with New Jersey for having the lowest threshold in the country.<sup>45</sup> The threshold had not been changed since its enactment in 1980.<sup>46</sup> Thus, it had not risen with inflation in the United States economy. The equivalent of \$200 in 1980 is around \$630 today, according to the U.S. Bureau of Labor Statistics’ Consumer Price Index inflation calculator.<sup>47</sup>

Governor Northam was able to secure this increase by promising support for a Republican bill mandating restitution payments to victims of crimes.<sup>48</sup> That legislation requires criminal defendants to stay on probation until they have paid in full any restitution owed to their victims.<sup>49</sup> If a defendant is able to make payments and still refuses, a judge may hold them in contempt

<sup>42</sup> Laura Vozzella, *Va. House Speaker Looks to Boost School Security, In a Year, Without Wading into Gun Debate*, WASH. POST (Mar. 8, 2018), [https://www.washingtonpost.com/local/virginia-politics/va-house-speaker-looks-to-boost-school-security-without-wading-into-gun-debate/2018/03/08/2d4938a6-22d5-11e8-badd-7c9f29a55815\\_story.html](https://www.washingtonpost.com/local/virginia-politics/va-house-speaker-looks-to-boost-school-security-without-wading-into-gun-debate/2018/03/08/2d4938a6-22d5-11e8-badd-7c9f29a55815_story.html).

<sup>43</sup> See VA. CODE § 18.2-95 (2018); S.B. 105, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); H.B. 1550, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); *Procedural History of S.B. 105*, VA. LEGIS. INFO. SYS., <https://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+SB105> (last visited Sept. 23, 2018); see also Robert Zullo, *Virginia Raises Larceny Threshold for the First Time Since 1980*, RICH. TIMES-DISPATCH (Apr. 4, 2018), [https://www.richmond.com/news/virginia/virginia-raises-larceny-threshold-for-the-first-time-since/article\\_acf8dbcf-d6b0-514e-9977-1b78fc5d22ad.html](https://www.richmond.com/news/virginia/virginia-raises-larceny-threshold-for-the-first-time-since/article_acf8dbcf-d6b0-514e-9977-1b78fc5d22ad.html).

<sup>44</sup> See Zullo, *supra* note 43; see also Bill Rice, *A Reform Long Overdue: Raising Virginia’s Felony Grand Larceny Threshold*, 21 RICH. PUB. INT. L. REV. 5 (2017) (referencing a bill that would have raised the felony larceny threshold to \$1000 and was rejected by the General Assembly).

<sup>45</sup> Graham Moomaw, *Northam, Cox Announce Deal to Raise Virginia’s Felony Larceny Threshold from \$200 to \$500*, RICH. TIMES-DISPATCH (Feb. 8, 2018), [https://www.richmond.com/news/virginia/government-politics/general-assembly/northam-cox-announce-deal-to-raise-virginia-s-felony-larceny/article\\_26cbe9e2-1b71-5955-aba9-a88c1b7eb54d.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/northam-cox-announce-deal-to-raise-virginia-s-felony-larceny/article_26cbe9e2-1b71-5955-aba9-a88c1b7eb54d.html).

<sup>46</sup> Zullo, *supra* note 43.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> Moomaw, *supra* note 45.

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and send them to jail.<sup>50</sup> Governor Terry McAuliffe vetoed this same bill during the 2017 session, saying it would “move Virginia toward criminalizing the inability to pay restitution” and interfere with his plan to restore voting rights to nonviolent felons.<sup>51</sup>

The second deal the Governor made was with Virginia's most powerful corporation, Dominion Energy.<sup>52</sup> In 2015, the General Assembly passed bipartisan legislation to freeze “base electric rates for seven years.”<sup>53</sup> This applied to the only two energy companies who serve Virginia: Dominion Energy, which services two-thirds of the state, and Appalachian Power Company, which services the remaining one-third of customers in southwestern Virginia.<sup>54</sup> The legislation was motivated by the fear that Virginia's power companies would suffer as a result of the Obama administration's uncertain enforcement of the Clean Power Plan.<sup>55</sup> The rate freeze meant Dominion “could not charge customers more [] but they also [c]ouldn't charge them less, or issue rebates.”<sup>56</sup> However, in 2017, the Trump administration made clear that the Clean Power Plan would no longer be enforced, making the rate freeze a political issue again.<sup>57</sup> In a review of the power companies' profits during the freeze, the Virginia State Corporation Commission (SCC) discovered that the two power companies “had earned hundreds of millions in excess profits during the freeze.”<sup>58</sup> This caused some Virginia legislators, as well as the power companies, to insist on an end to the rate freeze.<sup>59</sup>

The Grid Transformation and Security Act (GTSA) changed several policies relating to the regulation of utilities in Virginia.<sup>60</sup> Under the GTSA, the

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<sup>50</sup> Zullo, *supra* note 43.

<sup>51</sup> Moomaw, *supra* note 45; *see Governor's Veto, H.B. 1856*, VA. LEGIS. INFO. SYS., <https://lis.virginia.gov/cgi-bin/legp604.exe?171+amd+HB1856AG> (last visited Sept. 23, 2018) (emphasizing that “[the administration's approach to public safety has emphasized community-based law enforcement practices, successful prisoner re-entry, and increased economic opportunities for all Virginians”).

<sup>52</sup> *See* Gregory S. Schneider, *Pending Va. Law Will Affect Utility Bills for a Decade. Here's What You Need to Know*, WASH. POST (Feb. 21, 2018), [https://www.washingtonpost.com/local/virginia-politics/pending-va-law-will-affect-utility-bills-for-a-decade-heres-what-you-need-to-know/2018/02/21/eed8b620-15c1-11e8-92c9-376b4fe57ff7\\_story.html?noredirect=on&utm\\_term=.aa3ee305de62](https://www.washingtonpost.com/local/virginia-politics/pending-va-law-will-affect-utility-bills-for-a-decade-heres-what-you-need-to-know/2018/02/21/eed8b620-15c1-11e8-92c9-376b4fe57ff7_story.html?noredirect=on&utm_term=.aa3ee305de62).

<sup>53</sup> *Id.*

<sup>54</sup> *See id.*

<sup>55</sup> *Id.*

<sup>56</sup> Gregory S. Schneider, *The Giant Company That Could: How Dominion Turned Scorn into a Big Payday*, WASH. POST (Mar. 9, 2018), [https://www.washingtonpost.com/local/virginia-politics/2018/02/28/14773b9e-1730-11e8-8b08-027a6ccb38eb\\_story.html?utm\\_term=.01ec832f5a64](https://www.washingtonpost.com/local/virginia-politics/2018/02/28/14773b9e-1730-11e8-8b08-027a6ccb38eb_story.html?utm_term=.01ec832f5a64).

<sup>57</sup> Schneider, *supra* note 52.

<sup>58</sup> *Id.*

<sup>59</sup> *See id.*

<sup>60</sup> *See generally* S. 966, 2018 Gen. Assemb., Reg. Sess. (Va. 2018) (outlining various changes under the

SCC will review rates every three years, a year longer than before the rate freeze law went into effect in 2015. If the SCC determines that the power companies made more money than they were supposed to, the companies can invest that money in renewable sources of energy or efforts to modernize the power grids, instead of returning that money to customers.<sup>61</sup> The bill had wide support, not only from Dominion Energy, but also from consumer advocates and environmental groups.<sup>62</sup> One provision of the bill that did not have support from Dominion Energy, but passed anyway, prevents the power companies from charging customers twice, by “making investments in renewable [energy] and put[ting] those investments into base rates.”<sup>63</sup> The deal also requires the power companies to return the \$200 million (including Dominion’s corporate tax cut of \$125 million) of overpayments made between 2015 and 2017 to their customers, resulting in about a six dollar saving per month for the average customer.<sup>64</sup>

#### IV. ATTEMPTS TO END UNFAIR PRACTICES

There were also bills aimed at prohibiting unfair practices in housing and the practice of suspending drivers’ licenses for unpaid court fines. Virginia still falls behind other states in the protection of the LGBTQ+ community from certain kinds of discrimination.<sup>65</sup> Several bills were introduced this General Assembly session to prevent discrimination on the basis of sexual orientation and gender identity in housing and public employment.<sup>66</sup> Even with the recent elections of more LGBTQ+ legislators to the General Assembly, the vote came down to party lines.<sup>67</sup> A House of Delegates General Laws subcommittee was assigned to hear testimony and vote on these bills, deciding whether to continue moving in the legislative process or to end the legislative process.<sup>68</sup> The subcommittee held a hearing combining all of the LGBTQ+ bills on housing and public employment and was reportedly

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Grid Transformation and Security Act).

<sup>61</sup> Schneider, *supra* note 56.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> See Alissa Skelton, *LGBT Activists Turn Up the Heat on Virginia Beach GOP Legislators*, VIRGINIAN-PILOT (July 20, 2018), [https://pilotonline.com/news/government/local/article\\_67c06548-8b9b-11e8-a399-2385e02aa800.html](https://pilotonline.com/news/government/local/article_67c06548-8b9b-11e8-a399-2385e02aa800.html).

<sup>66</sup> Laura Vozzella, *Va. House Panel Kills Bills to Ban Anti-LGBT Discrimination in Housing and Jobs*, WASH. POST (Feb. 8, 2018), [https://www.washingtonpost.com/local/virginia-politics/va-house-panel-kills-bills-to-ban-anti-lgbt-](https://www.washingtonpost.com/local/virginia-politics/va-house-panel-kills-bills-to-ban-anti-lgbt-discrimination-in-housing-and-jobs/2018/02/08/17051270-0d15-11e8-8b0d-891602206fb7_story.html?noredirect=on&utm_term=.9d6c95e39903)

[discrimination-in-housing-and-jobs/2018/02/08/17051270-0d15-11e8-8b0d-891602206fb7\\_story.html?noredirect=on&utm\\_term=.9d6c95e39903](https://www.washingtonpost.com/local/virginia-politics/va-house-panel-kills-bills-to-ban-anti-lgbt-discrimination-in-housing-and-jobs/2018/02/08/17051270-0d15-11e8-8b0d-891602206fb7_story.html?noredirect=on&utm_term=.9d6c95e39903).

<sup>67</sup> *Id.*

<sup>68</sup> See *id.*

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packed with advocates and parents of victims and victims of discrimination, who urged the subcommittee to pass a bill that would treat everyone equally.<sup>69</sup> When the votes were announced to kill these bills, the audience chanted “Shame!” in the packed committee room.<sup>70</sup>

Another bill that gained attention during the 2018 session was Senate Bill 181, a bill to end the suspension of driver’s licenses for people who are unable to pay court fines.<sup>71</sup> Reforms to the court fines system took effect last year, requiring courts to offer defendants who cannot pay their fines a 30-day deferment or access to a payment plan before suspending their driver’s license.<sup>72</sup> However, the reason for failing to pay the fines is not a part of the court’s consideration when it suspends a driver’s license.<sup>73</sup> Reportedly, nearly one million Virginia driver’s licenses are currently suspended for failure to pay fines.<sup>74</sup> This accounts for almost one in six drivers.<sup>75</sup> Supporters of Senate Bill 181 argued that the payment plan system failed to inform the judge whether the defendant had the ability to pay or not, and the suspension of a driver’s license caused other problems, like criminal charges for driving on a suspended license when low-income families have no other way to get to work or take their children to school.<sup>76</sup> The bill passed the Senate, but failed to make it out of a House Finance subcommittee and will be carried over to the 2019 session.<sup>77</sup> The advocates for this bill plan to revive the bill in the 2019 session and hope to end the suspension of driver’s licenses for many low income Virginians.<sup>78</sup>

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<sup>69</sup> *See id.*

<sup>70</sup> *Id.*

<sup>71</sup> *See* S.B. 181, 2018 Gen. Assemb., Reg. Sess. (Va. 2018).

<sup>72</sup> Frank Green, *Year After Rule Change, 1 in 6 Driver’s Licenses Suspended in Virginia*, RICH. TIMES-DISPATCH (Jan. 24, 2018), [https://www.richmond.com/news/local/crime/year-after-rule-change-in-driver-s-licenses-suspended-in/article\\_b24814ea-5ede-5eea-9ef6-90f004ee9637.html](https://www.richmond.com/news/local/crime/year-after-rule-change-in-driver-s-licenses-suspended-in/article_b24814ea-5ede-5eea-9ef6-90f004ee9637.html).

<sup>73</sup> *See id.* (explaining that a review of courts’ payment plan policies gave no indication of how or whether a court evaluates ability or inability to pay and that a significant number of courts do not consider debtors’ financial situations).

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *See* S.B. 181, 2018 Gen. Assemb., Reg. Sess. (Va. 2018) (showing the version of the bill that passed the Senate and will be carried over); *Procedural History of S.B. 181*, VA. LEGIS. INFO. SYS., <https://lis.virginia.gov/cgi-bin/legp604.exe?181+cab+HC10214SB0181+SB1REF> (last visited Sept. 14, 2018).

<sup>78</sup> *See* Green, *supra* note 72 (citing the Legal Aid Justice Center’s advocacy for the repeal of the law revoking licenses for default on court debts).

## V. EDUCATION BILLS

Several education bills gained traction throughout the 2018 session as well. Most notable were the school suspension bills. A bill introduced by Senator Bill Stanley (R-Franklin County) prohibits students in preschool through third grade from being “suspended or expelled,” in excess of three days, “except for drug and firearm offenses.”<sup>79</sup> Stanley says he introduced the bill to “stop the schoolhouse to courthouse pipeline” and to “make sure that we’re correcting [children’s] behavior and not punishing them.”<sup>80</sup> Suspensions in this age group total over 17,300 for both short-term and long-term suspensions, the vast majority being short-term suspensions.<sup>81</sup> This bill was passed by both chambers and signed into law by the Governor.<sup>82</sup> Another bill passed by the General Assembly and signed into law by the Governor changes the length of long-term suspensions in Virginia schools.<sup>83</sup> Previously, suspensions could range from eleven school days to 364 calendar days.<sup>84</sup> The bill limits long-term suspensions to forty-five school days.<sup>85</sup> A school, though, can still suspend a student for over 364 calendar days if there are “aggravating circumstances” or the student receives two long-term suspensions in the same school year.<sup>86</sup>

In an effort to save students and their parents money, two delegates (one from each side of the aisle) proposed tuition freeze bills. One of these bills would require tuition to remain the same for all four years of college.<sup>87</sup> That legislation was sponsored by Delegate Jason Miyares (R-Virginia Beach).<sup>88</sup>

<sup>79</sup> S.B. 170, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Justin Mattingly, *Senate Passes Bill Barring Pre-K Through 3rd Grade Suspensions*, RICH. TIMES-DISPATCH (Feb. 13, 2018), [https://www.richmond.com/news/virginia/government-politics/general-assembly/senate-passes-bill-barring-pre-k-through-rd-grade-suspensions/article\\_6ac290ea-16c6-581c-9a28-bd38d9daed41.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/senate-passes-bill-barring-pre-k-through-rd-grade-suspensions/article_6ac290ea-16c6-581c-9a28-bd38d9daed41.html).

<sup>80</sup> Mattingly, *supra* note 79.

<sup>81</sup> AMY WOOLARD, LEGAL AID JUSTICE CTR., *SUSPENDED PROGRESS 2017* (2017), <https://www.justice4all.org/wp-content/uploads/2016/04/Suspended-Progress-2017.pdf>; Mattingly, *supra* note 79.

<sup>82</sup> *Procedural History of H.B. 1600*, VA. LEGIS. INFO. SYS., <https://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+HB1600> (last visited Sep. 24, 2018).

<sup>83</sup> H.B. 1600, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Justin Mattingly, *Senate Panel Approves Long-Term Suspension Bill*, RICH. TIMES-DISPATCH (Feb. 22, 2018), [https://www.richmond.com/news/virginia/government-politics/general-assembly/senate-panel-approves-long-term-suspension-bill/article\\_fed38114-58e7-54e5-8cc2-c0813e8ce918.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/senate-panel-approves-long-term-suspension-bill/article_fed38114-58e7-54e5-8cc2-c0813e8ce918.html).

<sup>84</sup> Mattingly, *supra* note 83.

<sup>85</sup> H.B. 1600, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); *id.*

<sup>86</sup> Mattingly, *supra* note 83.

<sup>87</sup> H.B. 249, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); H.B. 351, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Justin Mattingly, *How Education Bills Fared This Virginia General Assembly Session*, RICH. TIMES-DISPATCH (Mar. 17, 2018), [https://www.richmond.com/news/virginia/government-politics/how-education-bills-fared-this-virginia-general-assembly-session/article\\_2f000f63-dfa2-5f61-8e82-50404df71d8a.html](https://www.richmond.com/news/virginia/government-politics/how-education-bills-fared-this-virginia-general-assembly-session/article_2f000f63-dfa2-5f61-8e82-50404df71d8a.html).

<sup>88</sup> H.B. 249, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Mattingly, *supra* note 87.

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The second bill, which caps the tuition rate at the student's first academic term, was sponsored by Delegate David Reid (D-Loudoun).<sup>89</sup> The bill championed by Delegate Miyares received special attention because it requires the governing board of colleges to host a public comment meeting before voting to raise tuition in the future.<sup>90</sup> It passed the House 99-0, but died in the Senate Finance committee.<sup>91</sup> Delegate Miyares attempted to appeal to the Senators on the committee, arguing that they as parents have probably felt the anxiety of wondering how they were going to pay for their child's college.<sup>92</sup> However, this strategy proved unsuccessful. Representatives from the University of Virginia and the College of William & Mary were present at the hearing and spoke against the bill, arguing that their boards "engage with parents and students throughout the year," and one public hearing was not an adequate substitute for their public comment meetings.<sup>93</sup> The bill failed in committee on a 6-4 vote.<sup>94</sup>

Another notable bill, introduced to help Virginia's college students, detailed the creation of the Office of the Qualified Education Loan Ombudsman (QELO).<sup>95</sup> QELO, proposed by Senator Janet Howell (D-Fairfax) and Delegate Marcia Price (D-Newport News), aims to help student loan borrowers understand their rights and address their complaints.<sup>96</sup> The Senate bill passed unanimously, the House bill passed on a 94-5 vote, and the bill was signed by the Governor.<sup>97</sup>

Additionally, a bill to prevent "lunch shaming" passed both chambers and was signed by the Governor this year.<sup>98</sup> The new law now requires "Virginia school boards to adopt policies that prohibit school employees from publicly identifying or shaming a student in the division who cannot pay for a school meal or has a meal debt."<sup>99</sup> The bill also included a provision that would require schools to adopt policies to prohibit employees from

<sup>89</sup> H.B. 351, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Mattingly, *supra* note 87.

<sup>90</sup> Patrick Wilson, *This Tuition-Control Bill Passed the House 99-0. Then it Went to the Senate Finance Committee*, RICH. TIMES-DISPATCH (Feb. 20, 2018), [https://www.richmond.com/news/virginia/government-politics/general-assembly/this-tuition-control-bill-passed-the-house---then/article\\_95d2d8f4-2061-572c-9541-9c1f97711b2b.html](https://www.richmond.com/news/virginia/government-politics/general-assembly/this-tuition-control-bill-passed-the-house---then/article_95d2d8f4-2061-572c-9541-9c1f97711b2b.html).

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> S.B. 394, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Mattingly, *supra* note 87.

<sup>96</sup> H.B. 1138, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Mattingly, *supra* note 79.

<sup>97</sup> Mattingly, *supra* note 79.

<sup>98</sup> S.B. 840, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); H.B. 50, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Mattingly, *supra* note 87.

<sup>99</sup> Mattingly, *supra* note 87.

“making students do chores to pay for their meal debt.”<sup>100</sup> Overall, the bills focusing on education in the 2018 session were the least polarizing of the bills enacted because both parties agreed that education reform was needed in Virginia.

## VI. BILLS ON ANIMALS AND MARIJUANA

There were several animal welfare bills introduced during the 2018 session. The one bill that passed both chambers and was signed by the Governor required any government custodian taking custody of an animal to “ask and document whether, if known, the dog or cat has bitten a person or other animal and the circumstances and date of such bite.”<sup>101</sup> This bill makes sure adopters are informed of any “previous violent incidents” involving the pet.<sup>102</sup> Additionally, Senator Bill Stanley (R-Moneta) gained attention this session when he offered three bills on the welfare of animals.<sup>103</sup> One bill would require the Virginia State Police to establish and maintain a database of convicted animal cruelty felons.<sup>104</sup> Senator Stanley suggests that organizations, such as animal shelters or rescue groups, could then have the ability to screen adopters.<sup>105</sup> Those organizations could help prevent further abuse and the public could even monitor behavior and “alert authorities if they saw any signs of that [abusive] behavior occurring again.”<sup>106</sup> However, this bill was not passed this session.<sup>107</sup> Another animal-related bill that Senator Stanley offered this session had passed the Senate in 2017 but failed to pass in the 2018 session.<sup>108</sup> It would have required shelters to “wait three days before euthanizing an animal[] if an outside party has indicated they want to adopt.”<sup>109</sup> The last animal-related bill proposed by Senator Stanley passed both chambers and was signed into law by the Governor.<sup>110</sup> It prevents the

<sup>100</sup> Mattingly, *supra* note 79.

<sup>101</sup> S.B. 571, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); see Jordan Pascale, *It's Halftime in the 2018 Virginia General Assembly. Here's What You Need to Know*, VIRGINIAN-PILOT (Feb. 14, 2018), [https://pilotonline.com/news/government/virginia/article\\_155fbab6-0a17-5398-964a-216f44985f33.html](https://pilotonline.com/news/government/virginia/article_155fbab6-0a17-5398-964a-216f44985f33.html).

<sup>102</sup> Pascale, *supra* note 101.

<sup>103</sup> Trevor Metcalfe, *Three Bills Submitted to Virginia General Assembly Deal with Animal Welfare*, GODANRIVER.COM (Jan. 21, 2018), [https://www.godanriver.com/news/danville/three-bills-submitted-to-virginia-general-assembly-deal-with-animal/article\\_bef1e786-fd7c-11e7-9e48-077ec376f571.html](https://www.godanriver.com/news/danville/three-bills-submitted-to-virginia-general-assembly-deal-with-animal/article_bef1e786-fd7c-11e7-9e48-077ec376f571.html).

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> See *SB 32 Animal Cruelty Conviction List; Established*, VA. LEGIS. INFO. SYS., <http://lis.virginia.gov/cgi-bin/legp604.exe?181+vot+S05V0046+SB0032> (last visited Oct. 9, 2018).

<sup>108</sup> Metcalfe, *supra* note 103.

<sup>109</sup> *Id.*

<sup>110</sup> S.B. 28, 2018 Gen. Assemb., Reg. Sess. (Va. 2018).

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use of any public money to “directly fund medically unnecessary research classified under pain and distress [] on animal subjects.”<sup>111</sup>

Another set of interesting bills that came up in the 2018 session focus on marijuana decriminalization. In the past few years, several states and the District of Columbia have decriminalized the use of marijuana for recreational and medicinal purposes.<sup>112</sup> Delegate Steve Heretick (D-Portsmouth) offered a bill to decriminalize marijuana in Virginia.<sup>113</sup> The bill provided a civil penalty for marijuana possession, instead of a criminal one, in the form of a fine but no jail time.<sup>114</sup> The proposed fine would be no more than \$250 for a first violation and \$1,000 for a second or subsequent violation; the bill aimed to create a “rebuttable presumption that a person who possesses no more than one-half ounce of marijuana possesses it for personal use.”<sup>115</sup> The bill also only required a suspended sentence, substance abuse screening, and periodic substance abuse tests for criminal convictions or civil convictions of minors.<sup>116</sup> The bill notably decreased the level of marijuana that triggers a felony for a distribution charge to more than a half-ounce and up to five pounds.<sup>117</sup> This bill died in a House subcommittee on a 7-1 vote.<sup>118</sup> However, a bill allowing the prescription of cannabidiol oil (or THC-A oil) passed both chambers and was signed by the Governor.<sup>119</sup> Virginia law previously only permitted such oils to be prescribed to relieve symptoms of intractable epilepsy.<sup>120</sup> Now, doctors may prescribe for any “diagnosed condition or disease” that the practitioner believes the patient will benefit from the use of such oil.<sup>121</sup>

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<sup>111</sup> *Id.*

<sup>112</sup> *Marijuana Overview*, NAT'L CONFERENCE STATE LEGISLATURES (Oct. 4, 2018), <http://www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx>.

<sup>113</sup> H.B. 1063, 2018 Gen. Assemb., Reg. Sess. (Va. 2018).

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *See id.*

<sup>118</sup> *HB 1063 Marijuana; Decriminalization of Simple Possession*, VA. LEGIS. INFO. SYS., <https://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+HB1063> (last visited Oct. 9, 2018).

<sup>119</sup> VA. CODE § 54.1-4308.3 (2018); *see* H.B. 1251, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); S.B. 726, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Nick Boykin, *Ralph Northam Approves Groundbreaking Medical Marijuana Legislation*, WTKR NEWS 3 (Mar. 12, 2018), <https://wtkr.com/2018/03/11/ralph-northam-approves-groundbreaking-medical-marijuana-legislation/>.

<sup>120</sup> VA. CODE § 54.1-4308.3 (2017) (current version at VA. CODE § 54.1-4308.3 (2018)).

<sup>121</sup> H.B. 1251, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); S.B. 726, 2018 Gen. Assemb., Reg. Sess. (Va. 2018).



## VII. GOVERNOR NORTHAM'S VETOES

The Governor used his veto power on twenty bills during the 2018 General Assembly.<sup>122</sup> Most notably, the Governor vetoed a bill that banned the use of sanctuary city status in Virginia.<sup>123</sup> The General Assembly passed House Bill 1257, stating in its entirety, “[n]o locality shall adopt any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws.”<sup>124</sup> The bill was introduced by Delegate Ben Cline (R-Rockbridge) in the House of Delegates and was intended to “ban localities from interfering with federal immigration actions, not press them into service.”<sup>125</sup> However, the Governor viewed it as an attempt to ban the practice of allowing localities to create sanctuary cities and argued the legislation “would [have] force[d] local law enforcement agencies to use precious resources to perform functions that are the responsibility of federal immigration enforcement agencies.”<sup>126</sup> The House even attempted to override the Governor’s veto, which requires a two-thirds vote.<sup>127</sup> However, the House failed to meet this threshold with a 51-48 vote.<sup>128</sup>

Governor Northam also vetoed bills that concentrated on elections and redistricting. One bill required the person who assists in the completion of a voter’s registration application to disclose their name, telephone number, and group affiliation on the registration application.<sup>129</sup> Northam vetoed this bill, saying it was “unnecessary” to put this information on the application itself because the law already requires this information to be reported elsewhere and it could result in delayed or denied voter applications.<sup>130</sup> Another bill proposed to force local elections boards to “investigate” registered voters lists when the number exceeds the estimated number of people over the

<sup>122</sup> 2018 Session Bill List: Vetoed by Governor, VA. LEGIS. INFO. SYS., <https://lis.virginia.gov/cgi-bin/legp604.exe?181+lst+VET> (last visited Sept. 21, 2018) [hereinafter 2018 Session Bill List LIS].

<sup>123</sup> HB 1257 Sanctuary Policies; Enforcement of Federal Immigration Laws, VA. LEGIS. INFO. SYS., <https://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+HB1257> (last visited Oct. 9, 2018) [hereinafter HB 1257 LIS].

<sup>124</sup> H.B. 1257, 2018 Gen. Assemb., Reg. Sess. (Va. 2018).

<sup>125</sup> Laura Vozzella, *Va. Gov. Northam Vetoes Bill Banning Sanctuary Cities*, WASH. POST (April 9, 2018), [https://www.washingtonpost.com/local/virginia-politics/va-gov-northam-vetoes-bill-banning-sanctuary-cities/2018/04/09/0bb29baa-3c3a-11e8-8d53-eba0ed2371cc\\_story.html?utm\\_term=.5c2a342f2564](https://www.washingtonpost.com/local/virginia-politics/va-gov-northam-vetoes-bill-banning-sanctuary-cities/2018/04/09/0bb29baa-3c3a-11e8-8d53-eba0ed2371cc_story.html?utm_term=.5c2a342f2564).

<sup>126</sup> *Id.*

<sup>127</sup> HB 1257 LIS, *supra* note 123.

<sup>128</sup> *Id.*

<sup>129</sup> H.B. 1144, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Press Release, Office of the Governor, Governor Northam Vetoes Legislation that Unnecessarily Interferes with Voter Registration Process (May 18, 2018) (available at <https://www.governor.virginia.gov/newsroom/allreleases/2018/may/headline-825686-en.html>).

<sup>130</sup> *See* Press Release, Office of the Governor, *supra* note 129.

age of eighteen in a locality.<sup>131</sup> Northam vetoed the bill because it is “unnecessary and places onerous responsibilities on local election officials” considering Virginia already has procedures in place to cross check its lists and ensure “maintenance of its voter lists.”<sup>132</sup> The Governor also vetoed a bill he believed violated Article II, Section 6 of the Virginia Constitution, which states “[t]he General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter.”<sup>133</sup> The bill allowed the General Assembly to make “technical adjustments” to district boundaries for the sole purpose of coinciding legislative district boundaries with local voting precinct boundaries.<sup>134</sup> In the Governor’s explanation, he asserted that the law permitted the General Assembly to “reapportion at any time of its choosing, regardless of the Constitutional mandate” and “jeopardize[d] a Virginian’s constitutional right to equal apportionment.”<sup>135</sup>

The Governor also vetoed a set of bills relating to healthcare. Medicaid expansion was a major issue this session and Governor Northam killed a group of healthcare bills that “undermine[d] efforts to ensure access to quality, affordable health care for all Virginians.”<sup>136</sup> The first bill allowed health insurers to offer short-term plans for less than 364 days.<sup>137</sup> The second bill permitted “non-profit associations to sell health insurance plans to their members, exempt from state taxation and insurance regulations.”<sup>138</sup> A third bill enabled health insurers to offer “catastrophic plans” to all individuals.<sup>139</sup> These plans would have “provided essential health benefits and coverage for at least three primary care visits per policy year” with a high deductible.<sup>140</sup> The Governor vetoed these bills because he believed they would “place consumers at risk of being underinsured and would fragment Virginia’s federal Marketplace risk pool, leading to rapidly increasing premi-

<sup>131</sup> S.B. 521, 2018 Gen. Assemb., Reg. Sess. (Va. 2018).

<sup>132</sup> Press Release, Office of the Governor, Governor Northam Vetoes Legislation Burdening Local Election Officials with Redundant Requirements (Apr. 9, 2018) (available at <https://www.governor.virginia.gov/newsroom/all-releases/2018/april/headline-822591-en.html>).

<sup>133</sup> VA. CONST. art. II, § 6; H.B. 158, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); *id.*

<sup>134</sup> H.B. 158, 2018 Gen. Assemb., Reg. Sess. (Va. 2018).

<sup>135</sup> Press Release, Office of the Governor, *supra* note 132.

<sup>136</sup> S.B. 844, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Press Release, Office of the Governor, *supra* note 129 (noting the Governor’s veto of Senate Bill 844).

<sup>137</sup> S.B. 844, 2018 Gen. Assemb., Reg. Sess. (Va. 2018).

<sup>138</sup> S.B. 934, 2018 Gen. Assemb., Reg. Sess. (Va. 2018); Press Release, Office of the Governor, *supra* note 129.

<sup>139</sup> S.B. 964, 2018 Gen. Assemb., Reg. Sess. (Va. 2018).

<sup>140</sup> *SB 964 Health Insurance; Catastrophic Health Plans*, VA. LEGIS. INFO. SYS., <https://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+SB964> (last visited Sep. 18, 2018) (bill summary); S.B. 964, 2018 Gen. Assemb., Reg. Sess. (Va. 2018).

ums.”<sup>141</sup> Even in his veto statements, Governor Northam advocated for the expansion of Medicaid in order to “make [healthcare] more affordable for all Virginians.”<sup>142</sup> The Governor succeeded in securing an expansion to Medicaid in May 2018, over two months after the regular General Assembly session ended, during the special session intended to pass a budget.<sup>143</sup> Though the Governor used the veto power liberally in the first session of his term, the General Assembly was unable to override any vetoes and many of the new administration’s goals were achieved.

### CONCLUSION

The 2018 General Assembly session was full of surprises, change, heated debates, and deals. New members in the House of Delegates kept tensions high and the focus on important votes. However, Virginia’s 2018 General Assembly session did not appear to favor one political party over the other. Compromises were made on both sides of the aisle. These compromises allowed for once divisive issues to result in bipartisan compromises, even when parties appeared to dig in on other issues that previously felt like much easier compromises. The most progressive bills sponsored by newly elected Democratic delegates died at a significantly higher rate than other bills, but the new delegates’ spirits did not fail.<sup>144</sup> Political tensions across the aisle were high and most frequently on display in debates on gun control<sup>145</sup> and confederate monuments.<sup>146</sup> The tragedies that sparked these tense debates did not end in changes adopted into the law. Still, Virginians did see two deals succeed, one with the state’s largest and most powerful corporation, Dominion Energy, to end the rate freeze,<sup>147</sup> and one raising the felony larceny threshold.<sup>148</sup> School suspensions are now shorter<sup>149</sup> and animals are much safer from medical experimentation.<sup>150</sup> The Governor vetoed twenty bills this session,<sup>151</sup> but Medicaid was finally expanded.<sup>152</sup> In the end, Virginia is still a mixed bag of beliefs and issues. Those undecided is-

<sup>141</sup> Press Release, Office of the Governor, *supra* note 129.

<sup>142</sup> *Id.*

<sup>143</sup> See Abby Goodnough, *After Years of Trying, Virginia Finally Will Expand Medicaid*, N.Y. TIMES (May 30, 2018), <https://www.nytimes.com/2018/05/30/health/medicaid-expansion-virginia.html>.

<sup>144</sup> Moomaw, *supra* note 11.

<sup>145</sup> See Schneider, *supra* note 35.

<sup>146</sup> See Moomaw, *supra* note 17.

<sup>147</sup> Schneider, *supra* note 52.

<sup>148</sup> Zullo, *supra* note 43.

<sup>149</sup> Mattingly, *supra* note 83.

<sup>150</sup> Metcalfe, *supra* note 103.

<sup>151</sup> 2018 Session Bill List LIS, *supra* note 122.

<sup>152</sup> Goodnough, *supra* note 143.

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sues will undoubtedly come up again in the 2019 session. For now, the laws passed in 2018 have gone into effect and Virginia's legislators are preparing for the 2019 session with hopes that it will be as exciting the as 2018 session.

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