

Dave Ress government writing

Running out of time: life and death of bills in the General Assembly

Feb. 24, 2023

Sometimes, what a legislator thinks is a bright idea for a new law just runs out of time at the Virginia General Assembly.

This year, it happened to [Del. Les Adams](#), R-Pittsylvania, with a [measure](#) aimed at opening a way for the local teams that coordinate services for troubled children and youth to share highly sensitive information with police and school threat assessment teams. and [another](#) on sanctioning people for technical violations of probation.

It happened to [Del. Keith Hodges](#), R-Middlesex, with a [bill](#) that would give state regulators a look-in when it takes more than a week for a pharmacy to fill a prescription.

And it came close for a [bill](#) from [Del. Karrie Delaney](#), D-Fairfax, to expand the use of closed-circuit television for teenagers testifying in court. That was the last non-procedural matter at the end of a nine-hour day when [Senate Minority Leader Tommy Norment](#), R-James City, moved to re-refer the measure to the Senate Judiciary Committee.

On Thursday, lawmakers rushed to meet a deadline to clear the decks for work on the budget and other bills in conference committees, which resolve differences between House and Senate versions of measures. All that remained on the legislative calendar Friday were bills in conference, resolutions to commend individuals and organizations, and memorial resolutions celebrating notable Virginians who have died.

Lawmakers had been scheduled to adjourn the legislative session on Saturday, but without a budget agreement they could be heading for overtime.

Delaney's bill had sailed through the House, 99-0, and the Senate committee, with support from Norment and state Sen. Scott Surovell, D-Fairfax. But between those votes and its arrival before the Senate on Thursday, Norment and Surovell had second thoughts.

Their concern was that the Bill of Rights guarantees accused people the right to confront their accusers, and the bill's language seemed out of step to them with U.S. Supreme Court opinions on when remote testimony can be used in criminal trials.

Senators — including state Sen. Janet Howell, D-Fairfax, who shared that abuse when she was young still traumatized her decades later — argued that the measure is needed to protect children and assure justice.

Finally, after a half-hour of lawmakers walking draft amendments around, and huddles of senators with different views on the issue, the Senate agreed on a wording change and passed the measure. Over the next half-hour, the Senate and the House completed the usual exchanges that send a bill to a conference committee.

Sometimes, the clock runs out because of someone's memory.

[Sen. Lionel Spruill Sr.](#), D-Chesapeake, wanted the state to license mold inspectors and remediators; the Senate agreed 31-7, and so did the House General Laws Committee on a vote of 21-1.

But Del. Michael Webert, R-Fauquier, remembered something no one else did – a law he sponsored that requires a review by the Department of Professional and Occupational Regulation before the General Assembly requires additional licensing.

So Webert moved Thursday to send the bill back to the General Laws Committee and, with two days to go before the scheduled end of the session and no committee meeting scheduled, the clock ran out on this bill.

And time ran out for another [measure](#) Webert asked to send back to committee.

Under this bill, disbarred attorneys seeking reinstatement could ask a three-judge panel to consider their case as an alternative to a disciplinary committee of the State Bar.

While the one legislator it could affect, state Sen. Joe Morrissey, D-Richmond, abstained, many legislators believe it was aimed at helping him. The measure's sponsor, Surovell, said no one approached him to introduce the bill.

Legislators meet for 60 days in even-numbered years in which they consider a new two-year state budget. They meet for 46 days in odd-numbered years in which they consider budget amendments, then adjourn and focus on legislative elections. This year, all 140 House and Senate seats are up in November.

With a ticking clock in an election-year short session, Adams', Hodges' and Delaney's bills all involved complex balancing acts.

The sheer volume of bills and resolutions, more than 2,800 this year, means some measures, like the bill on mold inspectors, do not run into problems until the very last moment.

Some more political issues swirled around a bill, sponsored by [Del. Marie March](#), R-Floyd, that would state that life begins at conception and repeal Virginia's abortion law. The House Rules Committee opted to deliberately run out the clock, leaving the bill in the panel without a vote.

The measure would have been a sure-fire feature on election mailers this year for Democrats eager to make abortion rights a centerpiece of their campaigns. It could have put Republicans on the spot no matter which way they voted.

Time is the key.

For Adams' bill on troubled children and threat assessment teams, the one-vote margins on which it eked through a subcommittee and then the House Health, Welfare and Institutions Committee three weeks ago were early signs of the complications it raised.

Teams that bring together social services, school, juvenile justice and behavioral health specialists with family members to delve deep into what troubled children and the families need, deal with extremely personal and sensitive information, including psychiatric examinations, said Valerie L'Herrou, an attorney with the Virginia Poverty Law Center who specializes in child welfare issues.

Adams proposed that if such teams find there's a risk a child will be violent or physically harm others, they be allowed to share that information with police or threat assessment teams.

"This is super-dangerous," said state Sen. Monty Mason, D-Williamsburg, raising privacy considerations as Adams outlined his proposal.

"Look at the professions out there [in the hearing room]. I think they're saying it really scares the heck out of them," he said.

The Senate Rehabilitation and Social Services Committee recently spent most of an hour wrangling over the bill. It discussed rules that would keep police from sharing information with still others and pressed Adams about what actions police could take knowing the information. The panel finally added a line that police could use the information to secure a red flag order. The aim was to limit what police could do with the information and, with that, the committee passed the measure.

But members kept brooding about the measure.

"Confidentiality is so important," Mason said – but his focus went beyond the issue of where police could share information they got from such teams, or even L'Herrou's concern about access to psychiatric exams.

Mason, because he had been able to sit in on some such meetings, knew that getting families to participate is often key – helping troubled children, sometimes in difficulties because of family issues, necessarily involves family members, and some of what the teams deal with are matters that are hard to confront.

“We want families there,” he said. “What’s going to happen if you slap down a waiver and say your information could be shared with police? ... We just need more time to think everything through and find the right balance.”

So when the bill came up for final passage, the committee chair, Sen. Barbara Favola, D-Arlington, asked the Senate to send it back to her committee for more work – even though, with just a few days to go before Saturday’s scheduled adjournment, the committee was not scheduled to meet again.

Many bills set different interests in opposition: It happened, for instance, with Hodges’ bill on pharmacy regulation.

It started off requiring pharmacies that take more than two days to fill a prescription to report their backlog of unfilled prescriptions to the Board of Pharmacy. They also would have to submit a formal plan detailing staffing, workflow and technology they would deploy to bring down the backlog.

It also required pharmacies that process prescriptions in a remote or centralized manner – that is, mail order pharmacies — to register their technicians with the board.

Hodges, who had run community pharmacies in the Middle Peninsula, has long tried to rein in the big mail order operations and the pharmacy benefit managers that insurers use to control prices and access to medication.

His latest effort brought out legislative heavy hitters and, while it made it out of the House with almost unanimous support, it ran into trouble in a Senate Education and Health subcommittee.

Hodges offered a substitute when the measure came before the full committee. He walked back the bill’s provisions, with a proposal that the pharmacy board promulgate regulations for central-fill operations and the technicians they employ, as well as setting up a study group to review issues with processing delays.

The committee approved it 11-3, with one abstention.

The idea was to send a radically different bill back to the House and send the matter into a conference committee to see if negotiators from both chambers could agree on an approach.

But lobbying continued that Friday and over a weekend. The following Monday, Sen. Louise Lucas, D-Portsmouth, chair of the Senate Education and Health Committee, asked the Senate to send it back to her committee.

“We did not have time” to really look at Hodges’ substitute, she said.

To persuade her fellow senators to stop the clock on Hodges' effort, as they did, Lucas cited a decades-old catchphrase that members of the General Assembly use in brokering deals between competing special interests.

"There is no peace in the valley," she said.

In Virginia politics, the pros dig in deeper — and it's big business

Oct. 27, 2023

The race for the [General Assembly](#) is growing commercial.

Even in this off- off- off-year election, with no elections for president, governor or Congress at the top of the ticket, campaigning is a more that \$80 million business in Virginia.

That is a third more than farmers get for the state's iconic tobacco crop, according to a Richmond Times-Dispatch analysis of more than 44,000 spending items on legislative candidates' [campaign finance reports](#) and hundreds more items on [political party groups' reports](#).

And the businesses making money from elections are changing the way candidates talk about issues and policies.

"Virginia is really the land of no-limits money, and with elections every year, you can really stay on the gravy train," said Stephen Farnsworth, a political scientist at the University of Mary Washington.

That gravy train is making Virginia politics look a lot more like Washington, said John McGlennon, a government professor at the College of William and Mary.

"We've seen that increasing professionalism on Congressional races, and it means campaign messages are much more standardized," he said.

At least in this cycle, it's also led to the homogenization of campaigns. Since the vast majority of competitive races are in suburban/exurban areas, the campaigns on both sides tend to look very similar. And while there are local issues that could have a decisive impact (such as data centers in Prince William County) the campaigns are on each side are uniform in issues and tone.

"If there are big bucks involved you're going to do what they tell you," Farnsworth said.

For Democrats, for instance, the pros say defending Virginia's current law allowing abortion during the first two trimesters, is a vote-winner.

For most Republicans, even those with the strongest anti-abortion views, it's that Gov. Glenn Youngkin's proposal to bar most abortions after 15 weeks, with exceptions for rape, incest and the life of the mother, is a reasonable compromise.

Farnsworth said there's so much money available in Virginia politics that candidates aren't focusing on what are the most effective ways of reaching voters.

"Does it make sense to make an expensive TV buy for a candidate in a district that's only a sliver of a TV market?" he said.

"What's the marginal utility of the 30th flyer clogging your mailbox?"

Flyers, consultants

But there's a lot of money in flyers: candidates have so far spent \$10.7 million, with \$8.9 million going to political consultancies. Party organizations spent about \$7.6 million.

Candidates paid political professionals and consultant companies more than \$6.6 million for their advice. Party organizations, caucuses and leadership committees paid more than \$7 million more. Those professionals — who generally work with candidates from one party — along with several party groups, donated consulting services to various campaigns that cost them an additional \$866,000.

The biggest payments came from Del. Karen Greenhalgh, R-Virginia Beach, who won her first term in the House by a 115-vote margin. She paid consultants more than \$517,000.

State Sen. Louise Lucas, D-Portsmouth, paid PocketAces Consulting more than \$129,000 for campaign services.

Political professionals do more than give advice.

Richmond-based Creative Direct took in more than \$1.1 million handling mailings for Republican candidates; Connecticut-based Mission Control almost as much doing the same for Democrats.

Uplift Campaigns, a California firm, was paid more than \$898,000 for digital ads for several Democrats. Gen2 Solutions and FP1 Strategies received more than \$401,000 and \$379,000 respectively for digital ads for Republicans.

Political professionals also took in more than \$225,000 from campaigns for polling and \$95,000 for texting services. Party groups and leadership committees paid about \$1.5 million.

Robo-calling firms, which deliver voters automated messages, collected more than \$800,000 from candidates.

While candidates still seek volunteers, especially to knock on doors, campaigns and outside political groups paid canvassers more than \$598,000.

In all, paid staff time exceeded \$18.3 million: more than \$15 million paid by the campaigns themselves and an additional \$3.3 million of costs that political groups assumed and then donated to the campaigns.

While campaign reports show the sums of money going into Virginia elections keep rising, “this campaign season has made yet another revelation — that political professionals and groups and their candidates have got even smarter on how to bend the rule without really breaking it,” said Olusoji Akomolafe, executive director of the Center for African American Public Policy and chair of the political science department at Norfolk State University.

“The revolving door between the services they provide and the money they donate is a prime example,” he said.

Ad spending

TV and radio advertising remains the biggest item on candidates’ shopping lists.

They’ve spent \$22 million through Sept. 30 to produce ads and then book air time.

Only three of the top 20 firms they spend money with are in Virginia. The biggest, Sage Media of Washington D.C., received \$5.2 million, all from Democrats’ campaigns.

Hampton Roads has borne the brunt of this. Federal Communications Commission and social media data compiled by the Virginia Public Access project say candidates and supporters have dropped more than \$10.8 million on TV, radio and social media ads.

The region has a tight state Senate race in [District 24](#) between state Sen. Monty Mason, D-Williamsburg, and former York-Poquoson Sheriff Danny Diggs, and a tight House of Delegates race in [District 97](#) between Del. Karen Greenhalgh, R-Virginia Beach, and Democrat Michael Feggans, an Air Force veteran. Mason and Diggs have spent a combined \$4.6 million, Greenhalgh and Feggans an additional \$2.6 million.

But candidates in Suffolk-based districts, Del. Emily Brewer, R-Suffolk, against Del. Clinton Jenkins, D-Suffolk for a state Senate seat in [District 17](#), Democrat Nadarius Clark versus Republican Michael Dillender in House [District 84](#) and Democrat Karen Jenkins against Republican Baxter Ennis in House [District 89](#), have spent a total of an additional \$3.7 million

Richmond area

Ad spending exceeded \$7.6 million in metro Richmond.

Del. Schuyler VanValkenburg, D-Henrico, is challenging state Sen. Siobhan Dunnavant, R-Henrico, in Senate [District 16](#).

The area also has three hotly contested House races — in the Petersburg area between Del. Kim Taylor, R-Dinwiddie, and Democrat Kimberly Pope Adams in [District 82](#) — and in Henrico County, where Democrat Susanna Gibson and Republican David Owen are vying in House [District 57](#) and Del. Rodney Willett, D-Henrico, faces Republican Riley Shaia in House [District 58](#).

“Clearly the funds spent are extraordinary — when you have two races that have already passed the \$6 million dollar mark for a job that pays \$18 thousand, it’s amazing,” said Bob Holsworth, a longtime Virginia political analyst.

“There are plenty of individuals, specialized campaign firms, and advertising venues that are doing extraordinarily well as a result of politics,” he said.

Virginia's big political lessons for Youngkin - and for the nation

Nov. 9, 2023

Tuesday’s [General Assembly election](#) saw [Gov. Glenn Youngkin](#) invest an unprecedented amount of political fundraising muscle and — more importantly — his own time and energy, in an effort to secure Republican majorities.

And the narrow Democratic majorities for the state Senate and House of Delegates that resulted are set to shake up Virginia politics — and possibly national politics, too — for some time to come.

This isn’t just a question of the way big GOP donors and influencers, including media magnate Rupert Murdoch and billionaire Thomas Peterffy, wooed Youngkin for a potential White House run.

“The luster of his political star has been tarnished tremendously ... up to now he’s been the darling of the donor class,” said Bob Holsworth, a longtime Virginia political analyst and a former dean at Virginia Commonwealth University. “He was seen as successful in turning a blue state around, but that wasn’t the case this time.”

Tuesday’s results might also send signals about what’s on suburban voters’ minds. Political scientists say two things that might not have been were Youngkin’s argument that Virginians, like most Americans, want a middle ground on abortion, and that parents are feeling too shut out of school decisions about what’s taught and what’s handed out for reading.

“His political stature nationally is diminished, as he could not deliver GOP majorities in his own state,” said Mark Rozell, dean of the Schar School of Policy and Government at George Mason University.

“He had a chance to go presidential, but he decided instead to focus on the Virginia elections this year. I do not expect to hear much talk anymore about a Youngkin late entrance in the GOP primaries.”

Youngkin says his view about a presidential bid hasn't changed.

“I have answered this question the same way for a long time, which is I am focused on Virginia,” he told reporters Wednesday outside the state Capitol.

“I have been in Virginia. My name is not on the ballot in New Hampshire. I have not been in Iowa. I'm not in South Carolina. I am in Virginia, and I look forward to staying focused on Virginia just like I have,” he said.

As for Tuesday's results: “I'm a little disappointed, to be clear,” Youngkin said. “But we step back and we realize that, boy, this was a razor thin set of decisions.

“And I think it underpins the fact that Virginia is clearly a state than has historically moved back and forth for control of one party in the legislature to control of the other in the governor's office, with very, very thin margins.”

Coming up short

Olusoji Akomolafe, chairman of Norfolk State University's political science department, was also struck by the tightness of the contest, despite Youngkin's high-profile campaigning.

“To count him out at this point may be unwise. I will go out on limb to say that while in the short run, he may have lost, in my opinion, he lives to fight another day,” Akomolafe said.

Still, it was an extraordinarily bold commitment of political capital, which still did not pay off.

The governor's Spirit of Virginia political action committee raised \$28.3 million through Friday and through October it had given \$15.1 million to Republican candidates and GOP groups backing the party's candidates.

“There was a tsunami in Henrico; he put a lot of effort, a lot of money, personal appearances for Siobhan Dunnivant, and she lost by nearly 10 points,” Holsworth said of the two-term state senator who lost to Del. Schuyler VanValkenburg, D-Henrico.

Youngkin argued for tighter restrictions on abortion — to bar most procedures at 15 weeks, with exceptions for rape, incest and the life of the pregnant person — on the grounds that in 2021 Virginians elected in him a “pro-life governor.”

Democrats' challenges that this meant an unwarranted government intrusion on private health care decisions was decisive in suburban Virginia, political scientists said.

"The election was about abortion rights — period," Rozell said. Voters doubted Republican majorities would really stop at 15 weeks, he said.

"When you have people say they're 100% pro-life and then support a 15-week ban, that makes people wonder what you really want ... with Youngkin and the Republicans, people were skeptical about what they really wanted," said Stephen Farnsworth, a political scientist at the University of Mary Washington.

Abortion

Akomolafe said the vote overturns one longstanding political notion.

"For the first time, we are now realizing that some issues are capable of defeating dollars," he said. "Youngkin is a relatively popular, middle-of-the-road politician, who probably could have succeeded in flipping the Senate, had it not been for the abortion issue," he said.

Youngkin said he still believes there's a middle ground on abortion that moves away from Virginia's current law, which allows abortions through the second trimester, or 26 weeks, and says the rare third trimester operation can be performed if two doctors agree with the pregnant woman's physician that it is needed.

"The one thing that we know is that abortion is a really difficult topic, that there is a place to come together around a reasonable limit," Youngkin said Wednesday.

"And I think Virginians can come there. And that's something that I continue to be committed to work on with our legislature in order to see if we can find it," he said.

Youngkin, like most GOP legislative candidates, had said he was hearing on the campaign trail that voters were not much interested in abortion or concerned about his 15-week proposal.

But he apparently decided to tackle Democratic messaging that he was really after a more restrictive ban when internal polling suggested he ought to, said John McGlennon, a College of William and Mary government professor who recently was re-elected as a Democratic member of the James City County board of supervisors.

That polling-inspired effort, through a high profile ad campaign, just ended up confirming abortion as the central issue, McGlennon said.

Parents' rights

Polling hints may also be why the parents' rights issue, which national GOP donors have seen as a potential vote-getter across the nation, fell by the wayside in the 2023 Virginia election, McGlennon said.

School board elections seem to confirm that voters balked as some parents' rights advocates pushed for book bans, he said.

"I think that issue in 2021 just captured parents' frustration with 18 months of remote learning," rather than tapping into any concerns about critical race theory or books in school reading lists, Holsworth said.

Inflation and the economy also didn't seem to swing too many suburban voters, he said.

Like abortion and parents' right issues that played poorly in Virginia suburbs, tax relief seemed to spark only muted enthusiasm in even the wealthier stretches of Northern Virginia and western Henrico, he said.

"He won in 2021 by ramping up the rural, Republican vote," Holsworth said. "But running against Terry McAuliffe in Loudoun, he got a smaller share of the vote than [conservative Attorney General] Ken Cuccinelli did running against McAuliffe" for governor in 2013, he said.

In that race two years ago, in the wealthy Northern Virginia county that spurred the parents' rights push, Youngkin received 44.2% of the vote to McAuliffe's 49.7%; in 2013, Cuccinelli got 45.4% of votes cast to McAuliffe's 49.6%.

And this year Loudoun voted decisively for Democratic candidates for the state Senate and House.

"Voters were really engaged. ... We saw some big turnout in competitive races, and I think some of that was just fatigue with all the rhetoric," McGlennon said.

Casino

Richmond's big turnout to reject for the second time a high-pressure, big-spending campaign urging voters to approve a casino, which saw voters' mailboxes flooded with a stream of pro-casino flyers, was an example of that, he said.

"I think all the chaos, all the antics in the House of Representatives, all the chaos from Trump, may have been a factor, too," Sen. Mark Warner, D-Va., said in an interview.

"Virginians want pragmatic politics," he said. "You saw that with Russet Perry's win" over Republican Juan Pablo Segura in a state Senate district anchored in Loudoun County, Warner said.

Voters' desires for a focus on issues of daily life — like traffic on Northern Virginia's Rte 28 — helped Del. Danica Roem, D-Prince William, fend off a heavily financed GOP effort to defeat her in her bid for a state Senate seat," Warner said.

"When I called her last night to congratulate her, she said we've got phase one of Route 28, now what can you do about phase two?" Warner said Wednesday, referring to a Northern Virginia artery that goes through Prince William County.

"The old political saw about how all politics is local really resonated in this election," Farnsworth said.

Future tense

The degree of Youngkin's interest in pragmatic efforts, as well as whatever interest he has in national affairs will set the tone for the final two years of the single term the state Constitution allows a governor, political analysts said.

"Virginia governors for the last 20 years have had to work with divided government; Mark Warner did it, Bob McDonnell, with transportation," Holsworth said.

"He'll have to reach out to Democrats, but he's not going to be able to do that and then go on Fox news in the evening to claim credit for everything, or say Democrats are standing in the way," he said.

But there are areas where Youngkin and the General Assembly could work together on the kind of legacy-style initiatives that governors typically seek, McGlennon said.

Those likely won't include big efforts to cut taxes or government, but could include economic development efforts, public school funding and moves to transform Virginia's overwhelmed mental health system, he said.

"Whether we'll see that, or lots of vetoes, depends on what his political aspirations are," McGlennon said.

And though Youngkin often highlights initiatives that won Democratic support, including the \$5 billion of tax relief lawmakers approved in the 2022 and 2023 sessions and increased funding for behavioral health and public schools, it's not clear that Democrats share that feeling that all sides are working together

"If that's what he wanted, he should have started two years ago," Farnsworth said. "But he's governed in a highly partisan way and he could find Democrats aren't feeling all that cooperative."

While Youngkin's next step could be the one a number of recent one-term governors have opted for — George Allen, Warner and Tim Kaine won U.S. Senate campaigns after their terms — the 2023 election signals that could be a stretch, Holsworth said.

“He’d be a likely possibility for the Republicans, but whether he could win is another question,” Holsworth said.

And that could come down to a question that goes far beyond Virginia.

“When it comes to the Senate these days, I don’t think people think so much about the candidate but whether they’d support Mitch McConnell or Chuck Schumer,” said McGlennon, referring to the Republican and Democratic U.S. Senate leaders.