



## *Legislative Report – 2008 General Assembly Session*

Over the course of the 2008 Regular Session of the Virginia General Assembly (January 9 to March 13) and the one-day Reconvened Session on April 23, the Virginia Catholic Conference (VCC) monitored approximately 50 legislative and budgetary measures. The primary focal points of the VCC's 2008 advocacy before the state legislature are described below.

### **Budget Items:**

**Taxpayer Conscience Protections.** Through two separate budget amendments initiated by the VCC, the House of Delegates approved provisions that would have banned state funding for (1) abortions and (2) research that requires a human embryo to be destroyed or a baby to be aborted. Although the Senate's version of the budget did not include these items, the full Senate did vote to prohibit Planned Parenthood from receiving state money, as proposed in a floor amendment. However, a House-Senate conference committee, assembled to reconcile numerous differences, did not include any of those three taxpayer-conscience protections in the version of the budget that was ultimately sent to Governor Kaine's desk.

The VCC then urged Governor Kaine to add the same provisions that were considered but ultimately rejected by the legislature's conference committee, to ensure that taxpayers would not be forced to fund abortions, Planned Parenthood, or life-destructive research. But the Governor did not add the three VCC-supported conscience protections to the final budget that was eventually adopted by the General Assembly on April 23<sup>rd</sup>.

**Individuals with Disabilities.** Virginia ranks 48<sup>th</sup> in the nation in funding community-based services for individuals with intellectual disabilities. As of December 17, 2007, the day the Governor's budget was initially proposed, there was a waiting list for Virginia's "Mental Retardation Waiver" program of 3,893

persons, over half of whom have been identified as having an “urgent need.” Those served by this program (funded by state and federal dollars) waive their right to live in an institution, and are instead provided a community-based home and support services to help them live successfully in the community. The Governor’s proposed budget sought to add 150 more MR Waiver slots over the course of the next two fiscal years. The legislature increased this proposal by 450, for a total of 600 new slots. The VCC supported all proposals to expand access to the MR Waiver program.

**Prenatal Care.** Under a Virginia health program, pregnant women at or below 185 percent of the federal poverty level qualify for full prenatal care. A budget initiative proposed by Governor Kaine and supported by the VCC sought to expand eligibility up to 200 percent of the poverty level (to provide access to over 400 additional women per year beginning on July 1, 2008). In the final budget approved by the General Assembly and the Governor, money was included for this expansion, but its implementation was delayed until July 1, 2009.

**Abstinence Education.** Last October, the Governor eliminated \$275,000 in annual state matching funds for federally supported abstinence education for youth. A VCC-supported budget amendment to restore this money was debated on the Senate floor but was rejected by one vote. No similar amendment was considered in the House.

**TANF Benefits.** VCC-endorsed budget items introduced in the House and the Senate would have provided a 15-percent cost-of-living adjustment in benefits for Virginia households on Temporary Assistance for Needy Families (TANF). But although TANF payments have been increased only two times since 1974 (while the inflation rate over that same period is 95 percent), the General Assembly declined to provide any cost-of-living increase.

**Rental Housing.** Introduced House and Senate budget items (backed by the VCC) sought start-up funding for a pilot project to provide temporary rental assistance to fill the gap many workers experience between income and housing costs. These items were not included in the final budget.

**Child Care.** Governor Kaine’s proposed budget included a \$17-million increase in funding for child-care subsidies to assist low-income working parents. This VCC-endorsed funding expansion was preserved in the final budget.

## **Legislation:**

**Abortion and Conscience Protections.** As in previous years, abortion-related bills supported by the VCC passed the House by large margins but were

subsequently rejected by the Senate Committee on Education and Health (“E & H”). Among the VCC-supported bills defeated in E & H was one that would have required abortion clinics to be licensed by the state and subject to regulations applicable to other ambulatory surgery centers; and another that would have required only that abortion clinics be licensed, inspected at least once every two years, and have emergency equipment on hand. Another measure endorsed by the VCC would have improved Virginia’s “informed consent” law by requiring that every pregnant woman considering an abortion first be given the opportunity to view an ultrasound image of her unborn child. After passing the House, this bill suffered the same fate as the clinic-licensing measures in E & H.

Legislation considered by a Senate committee proposed that health-care plans be mandated to cover infertility treatments, including IVF and artificial insemination. The committee referred this VCC-opposed measure (which contained no conscience provision exempting employers with moral objections to those procedures) to the state Mandated Benefits Commission for post-session study. The VCC will monitor the Commission’s study and provide input at the appropriate time.

**Death Penalty.** For the second straight year, VCC-opposed measures that sought to broaden considerably the circumstances under which accomplices (*i.e.*, those other than the “triggerman”) would be eligible for the death penalty passed both chambers of the General Assembly by large margins. As he did in 2007, the Governor vetoed those measures again this year. The Senate upheld his vetoes.

**Immigrant Policy.** The legislature considered over 100 pieces of legislation related in various ways to the state’s growing immigrant community. The VCC focused particular attention on three areas. One of them was a bill that stated (in part) that “no organization receiving state or local funds shall use the funds to provide the type of benefits or assistance to those persons who are otherwise ineligible [for state or local benefits].” Because it threatened the ability of charities receiving government funding to provide emergency services to individuals in immediate need without first checking their immigration status, the VCC opposed the measure, which stalled in the House Committee on Rules.

The second area of focus was higher education. Bills that would have prohibited children of undocumented immigrants (who entered the U.S. with their parents) from attending Virginia’s public colleges and universities, even if they graduate from Virginia high schools, were opposed by the VCC because they would have penalized those children for decisions made exclusively by their parents. Those bills were defeated in the Senate Committee on Education and Health.

The third focus was VCC-supported legislation that would have created a new state Office of Immigrant Assistance to help individuals who lawfully immigrate to the U.S., by providing assistance with the citizenship application process and with locating employment, housing, and other needed services. The proposal passed the House but was referred by the Senate Committee on Finance to the state Commission on Immigration for interim study. The VCC will monitor this study and provide appropriate input.

**Economic Justice / Low-Income Families.** In Virginia, small loans are generally regulated by the Consumer Finance Act, which caps their annual percentage rates (APRs) at 36 percent. But in 2002, the General Assembly carved out a special exception for the payday lending industry (the Payday Lending Act) that exempts it from this cap. [Payday lenders offer short-term loans (with high fees) secured by a personal check from the borrower.] As a result, payday lenders can charge APRs of over 390 percent. The VCC supports requiring payday lenders to operate under the Consumer Finance Act just like all other small-loan lenders, and to charge interest of no more than 36 percent APR. The present system permits the lending industry to charge exorbitant interest rates to customers who can least afford them and who become entangled in a cycle of debt. Numerous bills were introduced to remedy to the problems associated with payday lending by capping the interest payday lenders could charge at 36 percent APR. Legislative negotiations, however, resulted in bills that accomplished limited improvements while maintaining extremely high fees for borrowers.

Several VCC-supported bills would have earmarked state revenue for affordable housing developments for low-income and moderate-income households, but they were tabled until 2009 because of the shortage of funds available in the budget.

**Parents and Schools.** Current Virginia law permits the state Board of Education to develop a family-life education curriculum that focuses on abstinence from sexual activity as a centerpiece of the teaching effort in the Commonwealth's public schools. But a VCC-opposed legislative initiative would have required the Board also to include teaching on FDA-approved contraceptive methods within its standards of learning and curriculum guidelines. The Senate Committee on Education and Health advanced the measure to the Senate floor by a 9-6 vote, but the full Senate then defeated it 22-17. During the floor debate, one Senator who opposed the bill pointed out that the FDA's approved list even includes surgical sterilizations, the morning-after pill, and a spermicide that both the Centers for Disease Control and the World Health Organization have warned against using.

Delegate Mark Cole (R - Fredericksburg), who had also patroned the successfully enacted "bus bill" spearheaded by the VCC in 2007, introduced textbook-procurement legislation at the encouragement of the VCC and the Offices of

Catholic Schools of both Virginia dioceses. As originally drafted, the bill sought to permit nonpublic schools, at their request, to become co-parties to textbook-purchasing contracts negotiated on behalf of public schools. Existing law requires that the contract price agreed to by the public-school system and the textbook publisher not exceed the lowest wholesale price offered by the publisher anywhere in the United States. By giving nonpublic schools the option of becoming co-parties to these contracts, the initiative sought to provide nonpublic schools access to the same low prices that public schools now pay. After passing the House, a Senate subcommittee amended the legislation to say that a nonpublic school may purchase from the contract of the local school board, but only if the local school board and the publisher both consent. The Senate subcommittee approved the significantly “watered down” version of the bill unanimously, as did the full Senate Committee on Education and Health. The measure also received unanimous approval on the Senate floor, was signed by the Governor, and goes into effect on July 1. As signed into law, the bill also contains a provision (potentially helpful to Catholic schools) stating that the Board of Education "shall publish a list of all approved [for public school use] textbooks on its website and shall list the publisher and the current lowest wholesale prices of such textbooks."

Other education-related legislation introduced in the House and endorsed by the VCC would have established income tax credits for business entities and individuals who make contributions to either public-school foundations or scholarship foundations. This proposal narrowly passed the House (50-48) before being defeated 11-3 in the Senate Committee on Finance. Another tax-credit bill, also supported by the VCC, would have created an educational-expenses tax credit for parents of children who attend a public or nonpublic school or who are home schooled. For school parents, the tax credit (up to \$3,000) would assist with expenses related to tuition and fees charged by schools. This measure was rejected by a House Finance subcommittee without a recorded vote.

Since June 2006, when the Food and Drug Administration (FDA) approved Gardasil, a vaccine that prevents four potentially cancer-causing strains of human papillomavirus (HPV) infection, there has been much public debate regarding the government’s role in promoting or mandating the vaccine for school-aged girls. In Virginia, debate about Gardasil led to the General Assembly’s quick enactment last year of legislation requiring the parents of girls about to enter the sixth grade to receive information from the state describing the link between HPV and cervical cancer. [The decision about whether a girl should receive the HPV vaccine would be left within the sole discretion of her parents after they reviewed this information.] This new policy is scheduled to go into effect in October 1, 2008. During the 2008 General Assembly session, a bill was introduced to delay this start date until July 1, 2010, so that the legislature and state health officials would have more time to gather information about this new vaccine and assess any

risks that may be associated with it. In response to concerns expressed by many parents that the long-term safety and effectiveness of the vaccine are unknown, the House of Delegates approved this measure, but the Senate Committee on Education and Health rejected it. The VCC supported the bill as a sensible approach to give health experts a chance to collect more reliable data, and General Assembly members a chance after that to make any necessary adjustments in the law as new information comes to light.