MEMORANDUM

TO: VLA Council
FROM: Phil Abraham
CC: Tom Shepley
     Lisa Varga
DATE: May 11, 2022
RE: Legislative Update – 2022 Virginia General Assembly Session

While I hope to have the opportunity later this year, as in the past, to present an update in-person or by Zoom, I wanted to provide you with a written legislative update at this time on the 2022 General Assembly Session. We are in the unusual but not unprecedented situation where the General Assembly adjourned sine die on March 12, 2022 from its regular session without a budget. In doing so, the General Assembly continued the proposed budget bills into a Special Session that began April 4, 2022.

The purpose of the Special Session is to: (1) complete work on the budget; (2) consider any bills that remained in conference at adjournment of the 2022 Regular Session; (3) make any agreed upon judicial appointments and (4) consider any legislation requested by the Governor. As of this date, there has been no conference report agreed upon on the budget. However, it appears the sides are getting closer and conventional wisdom is that there will be an agreement that can be voted on sometime between the week of May 16 and the first week of June. The current budget expires on June 30, 2022. The General Assembly has never failed to pass a new budget by June 30.

The budget stalemate results from Virginia Republicans sweeping all 3 statewide offices as well as retaking the majority in the House of Delegates that they lost in 2020 while the Senate remained under the control of Virginia Democrats. The split in control of the General Assembly between the Senate Democrats and the House Republicans assured gridlock on many key issues in 2022, including adoption of a final budget. House Republicans now hold a 52-48 majority and Senate Democrats a 21-19 majority.

The new House and Senate districts that will be elected in 2023 (and still possibly in 2022 for the House if ordered by the federal courts) could produce further changes in control or widen existing majorities. The election of Governor Youngkin in November 2021 also has resulted in considerable change in 2022 within the Executive Branch of Virginia State Government. About 70% of previous agency heads serving at the pleasure of the Governor were not reappointed.

Unfortunately for libraries, a bill that was twice vetoed by Governor McAuliffe, and that was characterized as increasing parental rights regarding books their children must read in the classroom, became a central focus of the Governor’s campaign. Many believe former Governor McAuliffe’s debate comments on the issue, and the use of those comments against him in television ads, was a key element of Governor Youngkin’s victory. This issue would continue to reverberate through the 2022 General Assembly session that followed two months later.
As always, my work on behalf of VLA focused first on achieving a significant budget increase for State Aid to Local Public Libraries. Because of the focus many legislators gave to issues surrounding books in school classrooms and school libraries that resulted from the Governor’s race, I also spent considerable time during the 2022 Session opposing a variety of bills that could have negatively impacted school libraries.

**State Aid to Local Public Libraries:** We were successful in getting introduced in the House and Senate VLA’s budget amendment proposing a $2.5 million increase in state aid to local public libraries in the first year of the new biennium and continuing that increase in the second year. The proposed amendment would result in a total increase of $5 million in funding for the program during the next biennium. It also included language saying this increase was the first in a four year phase-in of full funding by FY 2026.

The proposed budget amendments were introduced in the Senate by Senator Mamie Locke (D-Hampton) (Chair of the Virginia Senate Democratic Caucus) and Senator Tommy Norment (R-James City) (Senate Republican Leader), both of whom serve on the Senate Finance and Appropriations Committee. It was introduced in the House by Delegate Betsy Carr (D-Richmond) (Immediate-past Chair of the Higher Education Subcommittee of the House Appropriations Committee).

Due to the change in House control, and the failure to appoint subcommittee chairs before the deadline for introduction of budget amendments, we did not have a Republican patron for the budget amendment. We did, however, during the course of the 2022 Session identify some good potential House champions for local public libraries within the Republican leadership ranks in Delegate Glenn Davis (R-Virginia Beach), who is on the Higher Education Subcommittee of Appropriations and also chairs the House Education Committee, and Delegate Will Morefield (R-Tazwell) who chairs the Higher Education Subcommittee of House Appropriations.

When the House and Senate money committees issued their reports for amendments to the proposed budget, the Senate included VLA’s budget amendment in its entirety in their proposed budget bill. Unfortunately, the House Appropriations Committee proposed no increase in state aid to local public libraries. The Senate in recent memory has always been a stronger supporter of state aid to local public libraries and this proved the case again in 2022. However, House funding was strictly limited in most areas because of its adoption of the tax relief proposed by Governor Youngkin that left little funding available for any new spending by the House. It is our hope that the budget conferees agree to the Senate position and the $5 million increase for state aid to local libraries when a conference report is agreed upon.

**Restrictions on School Libraries:**

Three bills were introduced at the 2022 General Assembly that would have placed significant restrictions on school libraries, in two cases on the books that could be circulated by school
libraries. The only Senate bill on this issue (SB 275-DeSteph) contained many parts and different versions were proposed. The bill would have required parental consent before a child could access in a school library any materials “that could be considered” to be “grooming materials” as that phrase is explicitly defined in state criminal law. The bill would have further required removal from school libraries of any such material. It also would have required new procedures for parental involvement before new materials are evaluated and purchased for school libraries. I joined school librarians in speaking against the bill in subcommittee and it was narrowly defeated by one vote when heard by a subcommittee and then (without further public testimony) by the full Senate Education and Health Committee.

An even more burdensome House bill was introduced (HB 1032-LaRock) and it would have required the State Department of Education to establish mandatory statewide standards to be adopted by local school divisions for evaluating, classifying, and removing from any public elementary or secondary school library any sexually explicit material. The bill also requires a process for the review and approval of library materials by parents, including requiring the parents of all students who attend a public elementary or secondary school to comprise the Parental Review and Approval Committee for such school to review and vote to approve or disapprove each item on a list of proposed library materials from the school. I lobbied against this bill, it had little support and died in a House subcommittee.

The third bill impacting school libraries (HB 1126-Avoli) would have established a “Parental Bill of Rights” for school parents. It included provisions relating to the ability of parents to review the books available in school libraries. It also was defeated in House subcommittee.

Restrictions on Books in School Classrooms

This update ends with the actions taken on the key issue from the Governor's campaign, parental consent requirements for books with sexual content that are taught in the classroom. While there were five bills introduced on this topic, two identical bills were introduced at the request of Governor Youngkin (SB 656-Dunnivant and HB 1009-Durant). At various points in the process one Senate Democrat either voted for the Senate version of the bill or did not vote. This allowed SB 275 to pass 8-7 in the Senate Education and Health Committee and the full Senate on a 20-18 vote. The House version was defeated in the same Senate Committee that passed it by one vote earlier in the session. Governor Youngkin signed SB 275 into law and school boards must adopt the required parental consent policies by January 1, 2023. The final version of the bill states its provisions “shall not be construed as requiring or providing for the censoring of books in public elementary and secondary schools”.

While the books in classroom bill passed, no legislation passed in 2022 that put restrictions on school libraries or any other library. I believe this firewall remains strong and VLA is well-positioned to defeat any such proposals in the future. I hope you find this information helpful. Please let me know if you have questions and I hope to see you in person later this year.