

**LEGISLATIVE REPORT #1
AAUP/FSVA/VCU FACULTY SENATE
JANUARY 26, 2024**

Dear colleagues,

Some 40 faculty and students met in Richmond on January 11 for the annual Virginia Higher Education Advocacy Day. Thanks to Carmen Rodriguez, President of the Faculty Senate of Virginia and professor at VCU, we convened in the lovely and convenient Library of Virginia, and thanks to support from the Faculty Senate of VCU, Maria Rivera, President, we were well hosted with pastries and lunch boxes. Our advocates met with the offices of at least ten Senators and 20 Delegates to discuss legislation currently before the 2024 session of the Virginia General Assembly. The new General Assembly Building is spacious and much easier to navigate than the Pocahontas Building, which housed the General Assembly for the past several years.

We expected a slew of “culture war” bills following the trend in 2022 and 2023 across the country, but with the Democrats in charge of both chambers that has not materialized. The closing date for bills to be filed was January 19, so we know which measures are before the House of Delegates and the Senate. Legislators still attempt to legislate through the budget amendment process, so we will be tracking that throughout the session. Crossover Day, the day legislation passed in one chamber crosses over to the other chamber, is February 14, so the legislative committees are working through over 2,000 bills to complete work by February 13. Adjournment of the session is scheduled for March 9.

OUR POSITIONS ON HIGHER EDUCATION

BILLS WE SUPPORT

HB 1001 (Tran) and SB 374 (Boysko) Collective bargaining possible for all public employees

These companion bills remove the limits on collective bargaining (forming unions) to only local government employees where the local government has approved ordinances permitting public sector unions. The bills explicitly include employees of institutions of higher education, including graduate students. Faculty unions are associated with higher salaries and stronger protections of academic freedom and shared governance. Permissive legislation does not mean that unions must be organized, but it allows for faculty (and other employees) to make the choice themselves.

HB 1001 was approved by the House Committee on Labor and Commerce, Subcommittee #2, on January 25, on a party-line 5-3 vote. It has been referred to the Committee on Appropriations, where it will face intense scrutiny for its financial impact. I spoke in favor of the bill, as did a variety of union leaders. The only speaker against the whole bill (several spoke about narrow concerns that can be addressed) was a representative of the National Right to Work Committee. **SB 374** is scheduled to be heard before the full Senate Committee on Commerce and Labor on Monday afternoon, January 29.

SB 506 (Surovell) Duties and powers of Boards of Visitors

This bill is a direct answer to Attorney General Jason Miyares' October 2 advisory opinion, prepared at the behest of Governor Youngkin, stating that the "primary duty of the board of visitors of each Virginia public institution of higher education is to the Commonwealth," i.e. the temporary political majority of the moment. SB 506 would place into the Code of Virginia explicit language that the BOVs "duty of loyalty (is) owed primarily to such institution and secondarily to the citizens of the Commonwealth." The bill liberates the public institutions from the legal counsel of the Attorney General's office, which is an important reform to protect the autonomy of these institutions. The bill will be heard Monday morning, January 29, before the Committee on Education's Higher Education subcommittee.

HB 1467 (Laufer) Faculty and staff representatives on BOVs

This bill mandates that BOVs will have a non-voting faculty member and non-voting staff member on the BOV, selected by the faculty and staff respectively as their representative. The bill is currently before the Committee on Education, I believe awaiting assignment to the Higher Education subcommittee.

BILLS OF INTEREST

BIENNIAL BUDGET (HB 30 and SB 30)

Governor Youngkin's proposed biennial budget (Fiscal Years 2025 and 2026) provides modest increases in support for institutions. According to The Commonwealth Institute's analysis, the major increases in funding are \$16.6 million for campus safety and security, \$9.2 million for the New Economy Workforce Credential Grant, \$7.8 million to the VCCS for regional career placement centers, and \$6.0 million for student mental health program.

The governor's announced fiscal policies to lower income taxes would reduce tax revenue by \$1.1 billion in FY 2025 and \$2.3 billion in FY 2026, according to The Commonwealth Institute analysis conducted with the Institute on Taxation and Economic Policy. How much of that loss would be recovered by proposed increases in sales taxes and digital sales taxes is not clear, nor is it determined whether new tax revenues would be dedicated to support localities or for other purposes. We do not have a position on tax policy, but we are concerned that reduced revenues will lead to budget cuts in many important state programs. Higher education is often one of the first such programs to face reductions in state support, transferring costs to students in tuition increases and forcing institutions to cut valuable educational programs.

More detailed reporting on the budget will come in later Legislative Reports.

SB 46 (VanValkenburg) Prohibits legacy admissions at public institutions

This and similar bills are sailing through the legislature. This particular bill has already cleared the Senate without opposition.

BILLS WE OPPOSE

There are a handful of these I am tracking, but none touch on our core issues, and none are moving fast or far through the General Assembly. More on these next time