



WILLIAM & MARY GOVERNMENT RELATIONS

Highlights from the 2020 General Assembly Session

The Virginia General Assembly completed its 60-day legislative session in early March after completing work on a record number of introduced bills and finalizing a budget conference report. The General Assembly adjourned just as the COVID-19 pandemic began to overwhelm the United States, so the late-April reconvene session of the General Assembly required significant work from the body in considering Governor Northam's amendments to legislation and the budget bills.

William & Mary had several institution-specific priorities we were successful in achieving during the lengthy legislative cycle. Below is a snapshot of those priorities and their outcomes. Additionally, several legislative developments of note for the broader higher education community are summarized.

William & Mary Priorities

Enrollment flexibility: Recognizing that W&M draws talent from across the country and the world to the benefit of its students and the Commonwealth, the university sought flexibility to exceed the existing 35% cap on out-of-state undergraduate students. The General Assembly adopted provisions to allow institutions that are presently limited by the cap to grow their out-of-state student proportion by 1% annually so long as the shift supports the workforce development needs of the Commonwealth as identified in consultation with the Virginia Economic Development Partnership.

Supplemental funding for Fine & Performing Arts construction: Construction costs of the new Fine & Performing Arts facilities exceeded original budgets, halting the project. After working closely with the Governor's budget staff, his introduced budget included an estimated \$15 million in supplemental funding needed to complete the project, pending final review of the project costs in January. Based on final cost estimates, the General Assembly increased the supplement to \$16.6 million in the final conference budget agreement which was signed by the Governor on April 24, 2020. W&M is awaiting final guidance from the executive branch to re-start construction on the project later this year.

Flexibility to enter into research contracts: Under existing appropriations act language, state agencies are restricted from entering into contracts that require binding arbitration. This restriction has prevented William & Mary's Global Research Institute from partnering with entities such as the World Bank due to contract terms and conditions which require binding arbitration. After advocating for a fix with the Governor's budget staff, his introduced and final budget includes permissive language allowing institutions of higher education to enter into contracts requiring binding arbitration with the approval of the Attorney General's office.



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Outcomes with Significant Impacts on Higher Education

Preserving foundation privacy: In late 2019, the Virginia Supreme Court ruled that the George Mason University Foundation was indeed a separate entity from the university, and foundation records were not subject to FOIA. As a result, there was strong interest from a small group of legislators to pursue other avenues for public disclosure of foundation activities. Ultimately, there was legislation passed into law clarifying FOIA exemptions for donor records and establishing processes for the review and documentation of new gift agreements containing terms and conditions. After much work with the patron, the final legislation preserves safeguards for donor anonymity and generally avoids burdensome administrative requirements.

College sports betting: During the legislative session, the General Assembly passed legislation legalizing and establishing a regulatory framework for casino gaming and online sports betting. Many of Virginia's NCAA Division 1 schools worked together successfully to have language included in the statute prohibiting betting via either online platforms or casino sportsbooks on any competition involving any Virginia institution.

Auxiliary indirect cost recovery flexibility: Typically, E&G programs at institutions must fully recover the indirect costs of auxiliary programs at the institution. However, the initial impact of COVID-19 has put significant financial stress on university auxiliary services. The Governor and General Assembly provided flexibility to institutions to reduce their recovery of indirect auxiliary costs for the remainder of the current fiscal year and for the 2020-2022 biennium.

Public employer collective bargaining: Labor-related measures were a major priority of the new General Assembly majority. Early during the session, one particular bill initially would have permitted public employees of state agencies and local governments to collectively bargain. Through the legislative process, however, the measure was amended to maintain the existing prohibition on public employees at state agencies from collectively bargaining while still permitting public employees of localities in Virginia to do so if approved via local ordinance.