

March 2010

We began this process looking at a \$4 billion shortfall in the budget, reflective of the dramatic decrease in state revenues brought on by the national recession. Deep cuts in all state core services, from education to public safety to health and human services, were proposed. These proposals were especially devastating to people with disabilities, as Virginia already ranks near the bottom in its delivery of such services.

The final budget compromise, while by no means ideal, did hold Medicaid eligibility at its current levels, allowing thousands of Virginians to continue receiving very basic services. The budget does reduce state funding over the next two years by \$360 million; however, that will be largely restored by using federal stimulus funds from the recent extension of the higher federal match for medical assistance. These additional federal dollars will mitigate Medicaid reimbursement cuts to hospitals, doctors and other health professionals, restore funding to free clinics and community health centers, and add an additional 250 waiver slots for children with intellectual disabilities so that they may receive treatment at home or in community based centers. The final budget also restores funding for respite care, a critical service that makes it possible for families to keep their loved ones at home.

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HB505 to allow a person with a conceal-carry permit to bring a concealed weapon into a restaurant or club where alcohol is served was heard in the House Militia, Police and Public Safety Committee, where it easily passed. It also passed in the full House by a wide margin of 67-27.

Opponents of this bill included the Virginia Hospitality & Travel Association, an association that represents Virginia's restaurant and bar owners; the Hotel & Lodging Association of Virginia; the Restaurant Association of Virginia; and the Travel Association of Virginia. They argued handguns and alcohol are a dangerous mix. It was pointed out that of the over 350,000 concealed weapons permits issued in Virginia since 1995, more than 1,600 have been revoked for unlawful conduct by the permit holder. While the vast majority of conceal-carry permit holders are law-abiding citizens, unfortunately, not all are. A tragic recent example is Christopher Speight who is accused of killing eight people in Appomattox Virginia on January 19, 2010.

Restaurant representatives also were extremely concerned that, at the very least, managers must be informed of who was coming in conceal-carry, especially since HB505 states that any person who conceal-carries into a bar or restaurant cannot consume alcohol. Will the establishment be held responsible if, in fact, the person does drink? Could they lose their liquor license? These questions were not addressed. The Senate did amend HB505 to put a criminal penalty on the person who drinks making it a Class 2 misdemeanor, which could be punished by jail time and/or a fine of up to \$1,000. The Senate passed the bill 25 to 15 and the Governor has already indicated that he will sign it, even though law enforcement spokesmen such as the Sheriffs' Association are urging him to veto it.

My perspective on this issue has been shaped, not only by constituent letters and contacts, but by a range of experiences from serving as Virginia's Secretary of Transportation and Public Safety to being the daughter of a Great Lakes sailor. As Secretary, I participated in a privately-financed exchange between Virginia and Israel. On the Public Safety side of my dual Secretariat, we were fascinated that in Israel, a country of 4.5 million people with most adults owning a gun, there had been only 81 murders including terrorist attacks in 1987. In Virginia, a state of 5.5 million people at the time, there had been **over 800**. The only answer the Israelis could offer was that each Israeli had been given a gun within the context of intensive training focused on using it only for cause.

However, when I visited Israel, in my talks with the Transportation Minister, another very important factor emerged. In response to my questions about drunk driving, he observed that Israel actually did not have a serious problem because both the Jewish and the Muslim religions did not condone excessive drinking: it just wasn't done. This gave me an explanation of their extremely low murder rate that was in line with the Justice Department statistics that over half of the murders in the United States are committed by someone under the influence of

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alcohol. Recent statistics document that over 70% of stranger murders in the United States happen under the influence of alcohol.

I certainly recognize your right and desire to protect yourself and your family. Nevertheless, I must candidly observe that while my father on occasion took me into a bar, it was always in the middle to the day. I also learned over the years that my father had a reputation for knowing when to leave – before trouble got out of hand. I am strongly influenced by his example: stay out of or get out of bars you have that gut feeling are un-safe and, certainly, such places are no place to bring a family.

With these perspectives, I simply could not support HB505. I am particularly concerned that there is no requirement in this year's bill that a person must inform the restaurant or club manager that he is carrying a concealed weapon. This will make it virtually impossible to stop someone who is conceal-carrying from consuming alcohol. Prohibiting guns where alcohol is consumed is possible and I believe it is a vital public safety measure that makes common sense.

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K-12 funding is our number one priority and we've avoided any cuts...until now. However, even though Virginia is one of the best fiscally managed states and we began making repeated budget cuts as early as 2007, the continuing deep national recession resulted in this Session's budget having to be the most austere in recent history.

The final budget compromise, while by no means ideal, did go a significant distance to restore some of the more egregious proposed cuts in K-12 funding. The first cut to be restored was a proposed freeze on updating the Local Composite Index which measures a locality's ability to pay for its schools. This would have been the first time since the formula was adopted over 40 years ago that the LCI wouldn't be updated. It would have hurt Northern Virginia where falling real estate values have really undercut our local tax base.

Unfortunately, to fund the LCI update, the House Budget took money away from other school programs, such as at-risk students, the Northern Virginia cost-of-living differential, and state support for school personnel retirement contributions. The House Budget proposed a total cut to next year's K-12 funding of over \$472 million more than Governor Kaine's budget had proposed. I voted against the House Budget.

I did vote for the Senate Budget which "only" made \$132 million more in total cuts to K-12 than Kaine's budget. I did this because the Senate restored the NV cost-of-living adjustment and funded programs for at-risk students, which are particularly critical to the part of Fairfax County that I represent: 5 of my 11 elementary schools have 50% to 80% of their students who qualify for free and reduced lunch.

The final compromise budget ended up with \$181 million in K-12 cuts over Kaine's budget because less money than the Senate proposed will go to localities whose LCI ability-to-pay has increased. Nevertheless, I voted for the final budget because it will increase K-12 state funding to Fairfax County next year by over \$39 million or 9.1%.

Given the incredibly difficult economic times we are experiencing, the House, I believe this compromise budget represents the best outcome possible. Besides at-risk programs and class sizes, Northern Virginia was treated equitably.

It is also important to note that significant changes were made in the Virginia Retirement System. These changes need to be very closely tracked to make sure that VRS remains sound and that changes for school personnel and state employees hired after July 1, 2010 are never used in the future to change agreements with those currently employed. (Changes include: highest pay based on consecutive 60 months rather than 36 months; early retirement at full benefits raised to 90 years of service and age combined; normal retirement tied to the Social Security Act; and inflationary benefit increases lowered.)

Besides each person's enhanced quality of life, Virginia's economy benefits from a well-educated workforce and excellent educational opportunities that have made it a desirable place for businesses to locate and Fairfax County's schools have consistently ranked among the best in the nation. I look forward to the day when there is wider understanding of the need to invest in our economy and our future by investing in education.

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HB171, would have allowed gun owners to lock weapons in their vehicles on private property no matter what the property owner may wish. The bill would have provided civil immunity to the gun owner, property owner, tenants, employers, or business owners for any occurrence connected to the use of a lawfully stored firearm unless the person committed a criminal act or was grossly negligent.

There was intense debate on this bill in the House, both in committee and on the floor. Supporters of the bill, such as the NRA and the Virginia Civil Defense League, argued that law abiding citizens should be allowed access to legally owned and responsibly stored firearms. Opponents included the Virginia Chamber of Commerce and the Hospitality and Travel Association who were concerned about potential dangers, questions of liability, and private property rights.

My perspective has been shaped by constituent letters and contacts and by my work with law enforcement. Most recently, my concerns were confirmed on the Virginia Civil Defense League website: “Finally, if some restaurant employee still wants you to put your gun in your car after getting the letters, VERY POLITELY explain that it is unsafe to leave the gun unattended in the car.”

I certainly recognize your right and desire to protect yourself and your family. Nevertheless, I must respectfully disagree with the patron of this bill, who stated on the House floor that the rights of the gun owner under the Second Amendment were more important than the First Amendment Rights of the property owner. While the bill did pass easily in the House by a vote of 72 to 27, I did not support it. As you probably know, it died in a Senate Courts of Justice sub-committee.

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HB10 declaring that no Virginia law would require any citizen to purchase health care coverage or to participate in any particular health care system or plan. By the end of the Session, the following exceptions were included in either HB10 or the three similar Senate bills or both:

- Medicaid providing healthcare to low income elderly, those in poverty or disabled,
- FAMIS providing healthcare to children of working families,
 - Medicare providing supplemental healthcare to seniors,
- Court-ordered health coverage in divorce cases, and
 - Universities and colleges requirements that students carry health coverage.

First, in view of the fact that these exceptions cover a wide-swath of Virginia's population, I felt it would be disingenuous to declare that no other justification could ever exist to require another group to share a portion of the cost in order to receive benefits. Second, I strongly support insurance companies covering pre-existing conditions and know that, without requiring that all individuals carry insurance and not wait until they need major health care, covering pre-existing conditions would bankrupt the insurance business. Third, I believe that health insurance should remain in the private sector and not be taken over by government, which makes it necessary for individuals to buy insurance to get coverage. For these three reasons, I voted against those bills.