

Virginia General Assembly

2006 Report from Delegate

Vivian Watts



For the 3rd time in 5 years, the General Assembly failed to pass the state budget on time. This year we were inches from shutting down state government. Even with the months of delay, no agreement was reached on transportation. Hopefully, we'll act this fall. As a former Secretary of Transportation (20 years ago, the last time we took meaningful action!) I have never felt more frustrated.

Transportation

In last year's newsletter, I didn't pull punches when I stated headlines about an \$848 million 2-year funding package were nothing more than headlines. Only \$108 million was new funding; the rest was re-arranging deck chairs on the Titanic.

This year it is even worse.

Each year, Virginia's Department of Transportation (VDOT) puts out a plan for construction activity over the next 6 years. It includes projects to be completed (eg, I-95/I-395 mixing bowl), projects under construction (eg, intersection improvements on Rt. 236), and, typically, projects under design (with little money for future construction, this has shrunk from 10% of the budget to less than 1%.) The 6-Year Plan doesn't include many equally essential projects (eg, a grade-separated interchange for Greenspring area and the Fairfax Parkway.)

At today's costs, it will take \$17.8 billion dollars to complete just those projects currently on the statewide 6-Year Plan. We need at least \$1 billion every year in state funds, with the remainder from federal, private, and local sources.

The longer we wait, the more costs go up (eg, buying right-of-way for the I-66 Gainesville interchange went up 65%.) The longer we wait, the more local taxes are burdened with the full cost of Metro (eg, Virginia's share of local/state costs dropped to only 21%, the lowest in decades.) The longer we wait, the sooner all transportation revenue will be eaten up by maintenance, leaving nothing for construction.



Use General Budget Surplus – Absolutely! ...providing it is truly surplus and not required for Medicaid, increasing school and college enrollments from children of the baby boomers, and federal mandates. If we were serious about enacting adequate, ongoing transportation funding, the best use of the current \$340 million surplus would be to spend it on engineering design work so that projects would be ready to go to bid when new revenue is available.

Change the Formula – I did the last formula change that doubled Fairfax County's share and tied it to annual population growth. Northern Virginia's share including transit now about equals N.V.'s population. I've continued to try to gain more, through legislation to distribute funds based on congestion. However, I can't agree with legislators who refuse to vote for new revenue until NV gets a bigger share. This is penny-wise and pound-foolish. Without enough money for the basics, N.V. construction funds are being taken to pay for maintenance statewide. We're losing almost 50¢ on the dollar!



Raise New Funds Just for N.V. – The pressure is on to match \$1.5 billion in federal funds for Metro or lose it. N.V. legislators have carefully crafted bills to ensure that, if we raise additional local transportation funds, they stay in N.V. However, many legislators throughout Virginia are reluctant to give us power to help ourselves. They're afraid we won't also vote to meet statewide needs. The fact is N.V. also needs state funds. Even with local bonding of major projects, state funding is critical to cover many "routine" bottlenecks and needed improvements.

Improve VDOT – We'll continue the reform initiated 4 years ago. 82% of projects are now on time and 88% on budget, compared to 20% and 50% in 2001. The private sector and local governments now carry out 87% of the work done. But, no one can run a marathon on starvation rations.

Public Safety



The introduced budget used \$340 million of the surplus for transportation. The House proposal used \$550 million, principally by shifting higher education and parks maintenance to long term bonds and by giving teachers only a 2% increase while state employees got 3%. The final budget we adopted went back to just using \$340 million of the surplus and dropping the \$900 million in transportation taxes proposed by the Senate.

Public Schools – State funds for Fairfax schools increased \$13 million to over \$467 million. Most of the statewide \$1.55 billion, 2.9% increase was driven by enrollment and pension costs.

Higher Education – Funding for undergraduate financial aid increased by \$21.7 million for public institutions and by \$17.3 million for undergraduate tuition assistance grants at private colleges. \$3 million will go to a public-private partnership to address the nursing shortage. We also focused on making research departments of our major universities more competitive to spur economic development statewide.

Mandates – Medicaid growth and Medicare prescription drug increases continue to be a major factor in budget increases. This year, increases totaled \$684 million.

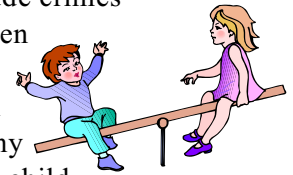
State Workers – To compensate for 3 years of no salary increases during the budget crisis, state employees and teachers will get a 4% salary increase in December, which will cost \$120 million. It will cost \$3 million to pay the federal mileage reimbursement rate for required official travel. Over \$10 million is required to adequately fund the state's retirement account.

Rainy Day Fund – As required by the 1992 Constitutional amendment, \$138 million will be set aside in the “Revenue Stabilization Fund.” Money was drawn from this fund to get us through the recent budget crisis. This discipline helps keep our enviable AAA bond rating and rank of “Best Managed State in the Nation.”



Sex Offenders – Significant new spending will put teeth in Virginia's sex offender laws. Almost \$9 million will go to add 45 State Police officers and administrative staff to actually enforce the requirement that predatory sex offenders register where they are living. Technology for global positioning monitoring and for improved notification of victims also was funded.

Criminal laws were toughened. Abduction or kidnaping that involves sexual victimization will carry a 25-year mandatory minimum sentence. Perpetrators can be sent back to prison if they go on school grounds. A suspended sentence for any predatory sex crime can't be less than the maximum prison sentence. Sexually violent offenses, for which someone may be civilly committed after they've completed their prison sentence, were expanded to include crimes against any minor, not just children under age 13. Finally, my bill (HB1066) expands the definition of child abuse/neglect to cover any parent or custodian who allows a child to be alone with someone who is required to register as a sexual offender.



Brandishing a Machete – With strong help from Fairfax County police, I got a bill (HB588) passed making “brandishing” a machete a crime. Previous law only covered having a concealed machete, which has little to do with the real world of gangs. Rural legislators, however, were concerned that someone simply carrying a machete to clear brush could be charged. We ended up using “the intent to intimidate” language found in Virginia's law against cross burning. Gangs definitely use machetes as symbols to intimidate. The more brutal the attacks, the more powerful the symbol becomes. Police welcome this additional law to help break up gangs.

Vicious Dogs – Vicious dog laws were totally revised following the mauling death of an 82-year-old woman by dogs that had previously attacked and killed neighborhood cats. A dog will now be termed “a dangerous dog” after the first killing of or serious attack on another dog or cat off its property. Its owner must carry a \$100,000 insurance policy and keep the dog leashed and muzzled or confined at all times. If a dangerous dog attacks again or any dog (not defending itself, home, or another person) seriously injures a person, it will be euthanized as “a vicious dog.”

Health

Women's Health – Breast and cervical cancer screening and treatment will be covered under Virginia's Medicaid program.

Long-term Care Insurance – If you don't qualify for the federal tax deduction, you may qualify for a 15% Virginia tax credit for a policy purchased after January 1, 2006.

Small Business Health Coverage – A business with fewer than 50 employees may establish a cooperative for group health insurance.

Mental Health – A major budget increase of \$127 million will take 214 persons off waiting lists for community mental retardation services, provide services for 149 being discharged from state facilities, and eliminate the waiting list for children under 6.

Nursing Home Staffing – Most states have minimum staffing standards, but once again my bill was rejected because it would add \$24 million in state Medicaid costs. Instead of totally eliminating the estate tax, which gives \$45 million a year to the heirs of about 15 estates of over \$10 million, I believe our priority should have been to provide humane staffing for the over 30,000 elderly in Virginia's nursing homes.



Bear Gallbladders – The acid in bear gallbladders has long been recognized in Asian medicine. However, my bill for the licensed sale of gallbladders for the sole use of Virginia residents was strongly opposed. I am working with Virginia hunting associations to see if donations for free distribution can be arranged.

Family

Adoption – Significant changes will remove time-consuming roadblocks. Legal notices in newspapers (virtually useless in bringing forth birth fathers while creating a source of embarrassment for the mother) are replaced by a registry that men can use to request notification if a woman with whom he's had sex places a child up for adoption. Efforts no longer have to be made to find a parent who hasn't contacted the child for 6 months without just cause. An element of open adoption will allow a birth parent to designate the adoptive parents; however, she may keep her identity from being recorded. After 10 days, parental placement cannot be revoked.

The Marriage Amendment – The original wording of the amendment you'll be voting on this November simply defined marriage as between one man and one woman. It did not override any other contractual arrangements. Instead it stated, "Any other right, benefit, obligation, or legal status pertaining to persons not married is otherwise not altered or abridged." I voted for it.

However, I voted against every version since and urge you to very carefully read what it now says:

Virginia "...shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, **OR** effects of marriage. Nor... another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, **OR** effects of marriage."

I emphasized "or" to make sure you understand that any one item could void a contract between two people (same sex or not) or be the basis of challenging an inheritance. This is overkill that will cause great hardship for people, like sisters-in-law living together, and goes far beyond what most states have passed.

Vivian, the two issues I'm most concerned about are:

- Transportation K-12 Education Health Care Crime Mental Health/Mental Retardation
 Environment Higher Education Taxes Veteran Services Other _____

My concerns about #1 are _____

My concerns about #2 are _____