

Virginia General Assembly

2008 Report from Delegate

Vivian Watts



My annual newsletter is coming to you later than normal. I'd hoped to report on long overdue progress from the summer's Transportation Special Session, but productive talks just didn't happen. Then unprecedented national economic news colored all else. Like you, a state must balance its budget. The challenge is to make sure our decisions are for the greatest common good.

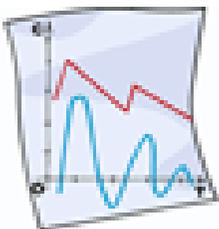
The Economy

We passed a balanced budget this spring. Now, it's close to \$3 billion out-of-balance. The budget was conservatively* based on revenues growing 2.2%. (*State revenue growth is typically 6-7%.) However, thus far, there's been **no** revenue growth. Income, sales, and transportation taxes are all below last year.

The Governor ordered all agencies to prepare suggestions for budget cuts of 5%, 10%, or 15%. This information will be shared with the General Assembly. I believe it is critical not to make across-the-board cuts, but to examine each agency, critical services, and long term consequences. At the same time, the sooner we begin reducing spending, the less drastic cutbacks will have to be.

Where does your money go? Of each state income and sales tax dollar, 35¢ goes to localities for K-12 education, 15¢ to match federal Medicaid, 10¢ for higher education, 6¢ for car tax relief, and 5¢ for prisons. Any other program (mental health, courts, law enforcement, environment, etc.) gets less than 2¢. In addition, some programs have dedicated funding from tuition, fees, or transportation taxes.

We just handled a \$6 billion budget shortfall in 2002-2004, won't that get us through? The 5,000 employees we cut from the state payroll, by and large, weren't replaced. Therefore, further spending cuts will have to go deeper. On the revenue side, much of the ½ cent sales tax increase ultimately was used for tax cuts – ending the estate tax, indexing income tax deductions, reducing the food tax, and giving conservation tax credits – as well as shifting general funds to transportation.



Mental Health

Sometimes we work together to produce sound public policy ... sometimes we don't. Working on mental health reform was a privilege ... transportation remains complete frustration.

Several General Assembly members have significant experience in mental health. Mine includes 30 hours of college courses focused on scientific research on brain functioning. I also headed a non-profit that worked with the mental trauma of child abuse and neglect.



Long before the inconceivable tragedy of Virginia Tech, informed members knew Virginia lagged far behind. Mental health services weren't a priority. Access to help and accountability vary tremendously statewide. Reluctance and shame still stifle discussion.

Before the Session, commissions and legislative committees spent countless hours looking at what Virginia Tech revealed about our mental health system. During the Session, I was part of numerous long meetings trying to truly understand the ramifications of reform proposals. It was bi-partisan ... it was constructive ... it was inclusive of those affected and of those who must carry out the reform.

We passed laws to change the **commitment standard** to respond better to potential danger. We spelled out **oversight responsibility** for out-patient tracking. I particularly focused on better **information sharing**. Despite a tight budget, we added funding for 40 mental health service **providers**. We also funded the **Wounded Warrior initiative** to provide mental health services to veterans, guardsmen, and reservists.

We made significant progress in mental health reform. Equally important, many of us are committed to continue to review and strengthen what the 2008 Session produced ... to continue the hard work of legislating.

Transportation

Addressing our critical transportation needs has been anything but good legislating – especially in the House of Delegates. Year after year after year, perceived partisan advantage has overpowered informed discussion. The result is virtually zero progress. Some progress in tying land use decisions and transportation, yes, and 8 audits since 2001 helped produce real VDOT reform.

But, instead of sustained funding to meet our needs: the 2006 abusive driver fees came and went; the Virginia Supreme Court **unanimously** declared the 2007 regional tax structure



unconstitutional; and the only funding scheme to pass the House in 2008 was to use sales taxes on those goods sold only to Virginia residents out of all the goods shipped daily into Dulles and the Hampton Roads ports. Think for a moment about looking at a shipment of flowers and deciding which bouquets Giant is going to sell in Virginia versus Maryland. Serious solutions must have serious, inclusive thinking.

Doing nothing (1) assures **congestion** will continue to get worse, (2) increases the Northern Virginia **construction money taken to maintain roads** in the rest of the State, and (3) **reduces public accountability**.

Let me expand on this third point. On the heels of Springfield residents having to endure federal Mixing Bowl decisions because there was no state money to go beyond federal decisions, I now have over 30% of the Beltway HOT lanes cutting through my district. I will repeat what I wrote in December 2005:

*“If nothing is done to increase state transportation revenues, the only projects will be those initiated by the private sector or the federal government (although we will soon run out of funds to pay the required state match.) I believe **continuing down this path puts too much focus on mega projects and takes more and more control away from state and local decisions.**”* (Emphasis added)

There are no easy answers. The hard work of determining sound transportation policy still awaits.

The issues that follow underscore the disregard for citizen concerns that results when lack of state funds keeps the State from going beyond what private, federal, or local funders can or will do.

Beltway HOT Lanes

While this private, for-profit project will provide a transit corridor between Tysons and Springfield and will take only 12 properties compared to over 300 in the original VDOT design, the neighborhoods impacted by noise, loss of trees, and cut-through traffic will benefit least. Just two examples:

- State funds are directed only at replacing aging overpasses. Private operation of the HOT lanes has dictated no local access will be provided at Rt 236, at Rt 50, or to Fairfax Hospital from the south.
- We will finally get adequate soundwalls for North Springfield Elementary School, but all other soundwalls will be built to **minimum** federal requirements. No landscaping is in the budget.

BRAC

Rolling Road – After decades of unsuccessful negotiations with the Department of Defense, shifting 1000's of jobs to Ft. Belvoir's Engineering Proving Grounds (EPG) gave the Army a vested interest in finally completing the Fairfax County Parkway (Rt 7100) across EPG. That's the good news.

The bad news is that, due to inflation, there aren't enough state funds to complete the Parkway as designed. In a bi-partisan effort, all of us representing the EPG area are working to re-direct money from other projects to the **major** safety issues caused by dumping Fullerton Industrial Park traffic onto 2-lane, unimproved Rolling Road and by not dealing with residents' need to cross the Parkway.



Spring Village Dr / Bonniemill – When the Fairfax Parkway was built over 20 years ago, it was determined that a grade-separated intersection was needed for the safety of existing neighborhoods. With over 2000 residents now in Greenspring Village, it is even more critical. My request for funding was considered as part of EPG but unfortunately did not meet the federal BRAC-impact policy threshold. I'm working on re-signage to improve the safety of left turns across 4 lanes of on-coming traffic, but it's a poor substitute for what should be done.

Law Enforcement

Sexual Violence – Successful bills from the Sexual Violence Criminal Law subcommittee, which I chaired, included not making victims pay for medical services following rape, not requiring an initial victim polygraph, and removing subsequent marriage to a 14-year-old as a defense against prosecution for rape.

Animal Fighting – Following the grotesque actions exposed with Michael Vick’s arrest, we significantly changed Virginia’s laws to protect animals as well as keep out related criminal activity.

Drunk Driving – Underage drinking and driving laws are much tougher. Drinking even one beer will exceed the new .02 Blood Alcohol Content standard for drivers under age 21, and these young drivers will lose their license for one year plus a mandatory \$500 fine or 50 hours of community service. The underage drinker could also face jail time and up to a \$2500 fine.

Overcrowding – Fairfax legislators and supervisors worked together to close loopholes in prosecuting people running boarding houses in single family homes. My bill keeps violators from delaying enforcement by selling the property.

Firearms – Anyone ordered to receive mental health treatment including outpatient services cannot possess a firearm. This includes people who voluntarily agree to treatment before a commitment hearing. It is also now against Virginia law to sell a firearm to any person not lawfully present in the U.S.

Family

Child Custody – We reversed a recent law that denied court access to adult mental health records in making child custody decisions. A new law also assures parental rights of divorced military parents called away on active duty are not arbitrarily reduced.

Education

K-12 – Every 2 years, state funding to local public schools is adjusted to reflect inflation. This is, by far, the biggest driver of budget growth, totaling close to \$1 billion. Indeed, because the Governor announced (as of this writing) that K-12 funding will not be cut to cover the pending shortfall, most state agencies will have to take much bigger cuts.

Higher Education – Public colleges and universities must have a number of **written** policies, including:

- crisis and emergency management plans;
- informing parents of mental health treatment;
- response to reports of sexual assault;
- releasing academic records of dependents to parents; and
- student loan options which also spell out the illegality of college/university pacts with lenders.



Health

Secondhand Smoke – A bill to ban smoking in restaurants failed, but so did a bill to allow restaurants to eliminate non-smoking sections.

Nursing Homes – The 30,000 people in nursing homes still aren’t protected by even minimal staffing standards. The issue is \$25 million in state funds to match increased federal Medicaid support.

Autism – We launched a major 2-year study of service availability, treatment options, and training of law enforcement as well as service providers.

Contraception – The House again refused to pass legislation guaranteeing that “birth control shall not be considered abortion.” Over 40% of commonly used birth control can “abort” a fertilized egg by keeping it from implanting in the uterus.

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

- Economy** **Transportation** **K-12 Education** **Health Care** **Mental Health**
 Environment **Higher Education** **Taxes** **Immigration** **Other** _____

My concerns about #1 are _____

My concerns about #2 are _____

Military

Wounded Warrior – Five new positions were created to ensure veterans, Guard, and Reserve get help with traumatic and brain injury disorders. State funds match private efforts to put services in place where former combat personnel live, not just in distant VA hospitals.

Turbo Vet – I was very excited about this computer software initiative when it was brought before the Veteran Services Board on which I sit. Many combat veterans are denied disability ratings simply because of confusing paperwork. Turbo Vet will ensure key factors are captured.

Effective Lobbying – The Joint Leadership Council was formed in 2004 with representatives from 23 veterans' organizations. This unified voice has been extremely successful over a wide range of issues, from funding state veteran care centers and adding service officers to the simple gesture of allowing patients in nearby VA hospitals to fish in Virginia without a license.

Environment

Renewable Energy and Conservation – As this issue becomes more prominent, some bills that didn't pass should make it next Session. We did require utilities to report yearly on their progress in meeting deadlines for 7% electric generation from renewable sources and 10% demand reduction. Also, homeowner associations cannot prohibit solar energy devices. Finally, new state construction must meet rigorous LEED energy conservation standards.

✂ Cut here to return questionnaire _____

Tree Conservation – Localities in areas that don't meet Clean Air Standards can now require builders to preserve or replace trees to cover at least 10% of even dense residential or business development. For construction of 2 or fewer houses per acre, the tree cover requirement can be 30%.



Consumer Protection

Contractor Fraud – There are special protections under Virginia law if you use a licensed contractor and I strongly recommend you do so. (dpor.virginia.gov / License Lookup / Compliance) However, until now, the only recourse against unlicensed contractors was to sue based just on the specific problem you experienced. My bill brought unlicensed contractors under the Consumer Protection Act and means:

- shoddy work involving others can be used in evidence;
- if you win you're entitled to attorney's fees and costs;
- you'll be awarded triple damages; and
- Fairfax's Consumer Protection Agency also can go after those who repeatedly fail to carry out the work promised.

Don't miss voting in this historic election!!

Polls are open from 6 a.m. to 7 p.m.

If you are challenged, you're entitled to cast a "Provisional Ballot" so you won't lose your right to vote if the problem is resolved after the election.

You can vote absentee in person at the Govt Centers on Columbia Pike, Franconia Rd, or Rolling Rd.

For more information, call 703-222-0776 or go to fairfaxcounty.gov / Citizenship & Voting.

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