

The HAMILTON HERALD

Effective leadership and representation through "Listening, Learning, and Helping"

For more information visit: www.delegatephilhamilton.org

Hamilton Leads Mental Health Reform

During the 2008 legislative session, House Bill 499, sponsored by Delegate Phillip Hamilton, was introduced as a comprehensive initiative to improve the process and accountability of the Commonwealth's complex mental health structure.

A primary component of this legislation establishes a new standard for involuntary outpatient commitment authorizing involuntary commitment where the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm, or (ii) suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs.

In addition to the change in the commitment criteria, the omnibus Mental Health Law Reform Bill in-



Virginia Governor Timothy M. Kaine congratulates Delegate Phil Hamilton on the passage of comprehensive legislation to improve the mental health structure in the Commonwealth.

Photo by Michaele White, Governor's Office

cludes the following reforms:

- Allows the period of emergency custody to be extended from four hours to six hours, if necessary to complete the required mental health and medical examinations and to locate

an appropriate placement for the individual in need of services;

- Establishes clear procedures for ordering, delivering, and monitoring court-ordered mandatory outpa-

Please see Mental Health, Page 2

Hamilton Seeks Lower-Cost HRBT Solution

In March, Delegate Phillip Hamilton (R-Newport News) and Delegate Glenn Oder (R-Newport News) sent a formal request to Secretary of Transportation, Pierce Homer, for VDOT to prepare a conceptual engineering study for the expansion of the Hampton Roads Bridge Tunnel.

The legislators made this request based on the fact that a previously generated HRBT study envisioned a ten-lane, bridge-tunnel that would result in an extensive and expensive property condemnation process which

-
- ▶ Budget Update, Page 3
 - ▶ Passed & Failed Bills, Page 4
 - ▶ Contact Del. Hamilton, Page 5
 - ▶ Restricting Payday Lenders, Page 6
-

would tremendously increase the cost projection for making the improvements needed to relieve traffic congestion between the Peninsula and South Hampton Roads.

According to Hamilton, the addition of a single two-lane bridge tunnel with the necessary I-64 improvements would provide significant traffic congestion relief, raise the HRBT to a level "C" transportation corridor, and can be constructed within the existing right-of-way.

Subsequent to the March letter requesting the VDOT study, Hamilton sent another letter in April requesting that the Transportation

Please see HRBT, Page 2

Secretary issue a Request For Proposal (RFP) for a 50-year transportation concession for the construction of this new, two-lane bridge tunnel and maintenance of the entire Hampton Roads Bridge Tunnel facility.

The transportation concession would be based on allowing the contractor to receive the tolling revenue for 50 years in exchange for the construction of a new, two-lane bridge tunnel within the existing HRBT right-of-way and maintenance of the new and existing HRBT structures.

According to Hamilton, a \$2.00 toll each way would generate approximately \$70 million per year. Over 50 years, this would generate \$3 - 4 billion.

In the letter, Hamilton also suggests a \$2.00 toll for the Monitor-Merrimac Bridge Tunnel. According to Hamilton such a toll could begin generating revenue for the widening of I-664, improvements to the Bowers Hill interchange, and a new high-rise bridge in Chesapeake, which should also become a tolled facility.

Hamilton indicated that the James River Bridge should remain a toll-free alternative for access from the Peninsula to the southside of Hampton Roads.

“Because of the time it will take to expand the HRBT, the time for action on the HRBT is now. If new, additional transportation funding above and beyond what is currently available does not materialize, the state must engage the private sector more aggressively to begin addressing these critical Hampton Roads congestion choke points, Hamilton said.”

Hamilton also indicated that without additional tax revenues, the users of the roads must be willing to pay a user fee for new or improved roads.

“Tolls are the ultimate user fee. Tolls are a way of life in the Richmond area and many other metropolitan areas along the East Coast.”

Legislature Addresses Uninsured and Health Care Safety Net

In the 2008 General Assembly session, Delegate Hamilton offered several initiatives to address the health care needs of the uninsured. These include:

HB 397 removes certain limitations on the deductibles that a health maintenance organization may require enrollees to pay. The legislation expands insurance options, increases consumer choice, and promotes insurance transparency.

HB 504 establishes another health insurance option for individuals and employers with the addition of Exclusive Provider Organizations

(EPO). Insurance costs are reduced by not having access to an out-of-network benefit, except for emergency services.

In addition to these statutory initiatives, Hamilton worked to secure \$800,000 in funding for the existing *Virginia Cares Uninsured Program* and the Uninsured Medical Catastrophe Fund. These programs seek to provide assistance and funding to provide a level of health care for Virginia's uninsured population.

In addition to these initiatives, Hamilton was successful in securing \$5.3 million for Virginia's community health centers and free clinics.

Smoking Ban Defeated

On a 7-0 voice vote, a House General Laws subcommittee voted to defeat Delegate Hamilton's legislation to ban smoking in all buildings with open access to the general public.

The most comprehensive of the smoking ban proposals, HB 500, was endorsed by the Medical Society of Virginia, the American Cancer So-

ciety, the Lung Association, the Heart Association, and many other health safety advocates.

Hamilton's legislation was one of several initiatives to address smoking during the 2008 session. While some initiatives passed the Senate, the House General Laws subcommittee defeated all smoking ban efforts.

MENTAL HEALTH

continued from page 1

tient treatment;

- Provides for the sharing of important and relevant health information between appropriate agencies;
- Increases oversight of and accountability for Community Services Boards;
- Clarifies the types of evidence that may be considered during the involuntary commitment process;
- Requires the Community Services Boards to have a representative present, in person or electronically, at every civil commitment hearing;
- Requires that Temporary Detention Orders remain in effect for a

minimum of 24 hours and a maximum of 72 hours unless the detention order covers a weekend or holiday when evaluation services are not available.

As important as these policy changes are, the critical component to any policy is funding. This year, the General Assembly appropriated \$41.7 million to address the projected costs in implementing these reforms.

This funding is a positive first step to what, hopefully, will become a long-term commitment to addressing the community-based infrastructure needs of Virginia's mental health system.



Highlights of the State Budget



Since 2003, Delegate Phillip Hamilton has served as a budget conferee to resolve differences between House and Senate budget proposals. This year because of the economic downturn, the budget process required many tough decisions to be made.

The 2008 legislative session addressed the current budget for FY 2008 and developed a new biennial budget for FY 2009 and FY 2010. The growth in the budget over this three-year period is less than the growth in inflation and population for the same time period.

Once agreement on the revenue forecast was agreed upon, budget conferees were able to resolve spending differences between the House and Senate budgets. The major issues centered on additional funding assistance for the mentally retarded, mental health, the health care safety net, pre-school education, funding for higher education, public safety, transportation, and employee compensation.

Specific funding increases for the FY 2009-2010 biennial budget are as follows:

<p>HEALTH CARE</p> <p>600 Mental Retardation Waivers \$29 million</p> <p>Mental Health Law Reform \$41.7 million</p> <p>Community Health Centers \$ 2.7 million</p> <p>Free Clinics \$ 2.6 million</p> <p>Prenatal care expansion \$ 1.6 million</p> <p>Programs for the Uninsured \$ 800,000</p> <p>Brain Injury Services \$ 400,000</p> <p>PUBLIC EDUCATION</p> <p>Re-benchmarking costs \$ 1.1 billion</p> <p>Pre-school education \$22.0 million</p>	<p>HIGHER EDUCATION</p> <p>Tuition Moderation Fund \$35.0 million</p> <p>Financial Aid \$19.4 million</p> <p>Base funding \$22.0 million</p> <p>Research initiatives \$32.9 million</p> <p>PUBLIC SAFETY</p> <p>Task Forces to address Internet Sex Crimes Against Children \$ 1.5 million</p> <p>Victim Notification System \$ 1.5 million</p> <p>Drug Courts \$ 5.8 million</p> <p>Regional jail openings \$ 2.6 million</p> <p>Law enforcement training \$ 300,000</p>	<p>“Wounded Warriors” (Health care for veterans) \$4.5 million</p> <p>TRANSPORTATION</p> <p>Construction Bonds \$180 million</p> <p>Port Authority Bonds \$155 million</p> <p>Eliminate “Jamestown” license plate fee</p> <p>Eliminate \$10 increase in driver’s license fee</p> <p>COMPENSATION</p> <p>State employees; college faculty; and local, state-supported employees 2% increase (Nov. 08 and Nov. 09)</p> <p>Public school teachers 2% increase (July 09)</p>
--	---	--

Legislature

Approves Capital Improvements

One of the major accomplishments of the 2008 General Assembly was the passage of a comprehensive capital outlay package benefiting Virginia's system of Higher Education, Mental Health facilities, and its State Park system. Besides improvements to the state's capital infrastructure, the \$2.6 billion package promotes job creation, economic development, and improves the quality of life in Virginia.

In addition to the increased funding, the package fundamentally reforms the state capital outlay process by incorporating a business-like approach. It sets out a comprehensive, multi-year capital construction plan that provides greater accountability and supports higher education institutions' strategic plans.

Specifically, the legislation provides \$1.9 billion for higher education, which creates more space to address the steadily increasing numbers of students enrolling at Virginia's public colleges and universities.

On the Peninsula, Christopher Newport University received funding for a new Integrated Science and Math building and funding for planning a new School of Business building. The College of William & Mary received funding for its new School of Education building and other important projects. Thomas Nelson Community College received funding for renovations to its Hampton III building. Also, in the budget, TNCC received \$2.4 million for its Dental Hygiene program.

The capital outlay package also provides funds for the rebuilding of Western State Mental Health Hospital in Staunton, constructs two new state parks, constructs a new school for the Deaf, Blind, and Multi-disabled in Staunton, and provides funding for a new medical school associated with Virginia Tech and expands the Eastern Virginia Medical School in Norfolk.

Other Session Highlights

PASSED

Alcohol sales. The measure allows ABC stores to be open on Sunday in any city with a population of 100,000 or more. Since 2004, ABC stores may be open, at the discretion of the ABC Board, in the counties of Fairfax, Arlington, Loudoun, and Prince William, and in the cities of Alexandria, Fairfax, Manassas, Manassas Park, Norfolk, and Virginia Beach. This legislation extends Sunday ABC sales to the cities of Portsmouth, Hampton, Newport News, Richmond, and Chesapeake.

Animal fighting. As a result of the Michael Vick dog fighting case, legislation was introduced that makes conviction of engaging in the fighting of any animals a Class 1 misdemeanor. Dog fighting remains a Class 6 felony. In addition, possessing any materials intended to enhance the ability of animals to fight, attending an exhibition of animal fighting, or permitting a minor to become involved in animal fighting is a Class 6 felony.

Repeal of abuser fees. The measure repeals the imposition of civil remedial fees (abuser fees) on certain drivers and allows a person who has been ordered to pay the fees to petition the court to vacate the order with respect to the fees. If the order is vacated, the person would be eligible for a refund of any fees already paid.

Social security numbers. The measure prohibits the dissemination of another person's social security number, regardless of whether such number is obtained from a public or private record.

FAILED

Property tax relief. The proposed constitutional amendment would permit localities to provide tax relief for up to 20% of the value of owner-occupied homes. This legislation was defeated by the Senate.

Bipartisan redistricting commission. There were several proposals to establish an independent commission that would produce redistricting proposals for new congressional and General Assembly districts after each decennial census. The commission's proposed plans would then be submitted to the General Assembly which could accept, reject, or amend the plans. The General Assembly would retain final authority over the redistricting process. This legislation was defeated by the House Privileges and Elections Committee.

Weapons in government facilities. The measure provides that the governing body of any locality may, by ordinance, make it unlawful for any person to possess a dangerous weapon upon the property, including buildings and grounds of any facility that is owned or leased by that locality and used by it for governmental purposes. Both House and Senate bills were defeated in their respective committees.

Legislation Assists Emergency Responders

The General Assembly unanimously passed legislation sponsored by Delegate Phillip Hamilton that will protect emergency responders from liability in the course of carrying out their duties during times of a state of emergency in the Commonwealth.

The bill, HB 403, specifically provides that, "in the absence of gross negligence or willful misconduct, health care providers who respond to a disaster are not liable for any injury or wrongful death arising from the delivery or withholding of health care."

In addition, the legislation al-

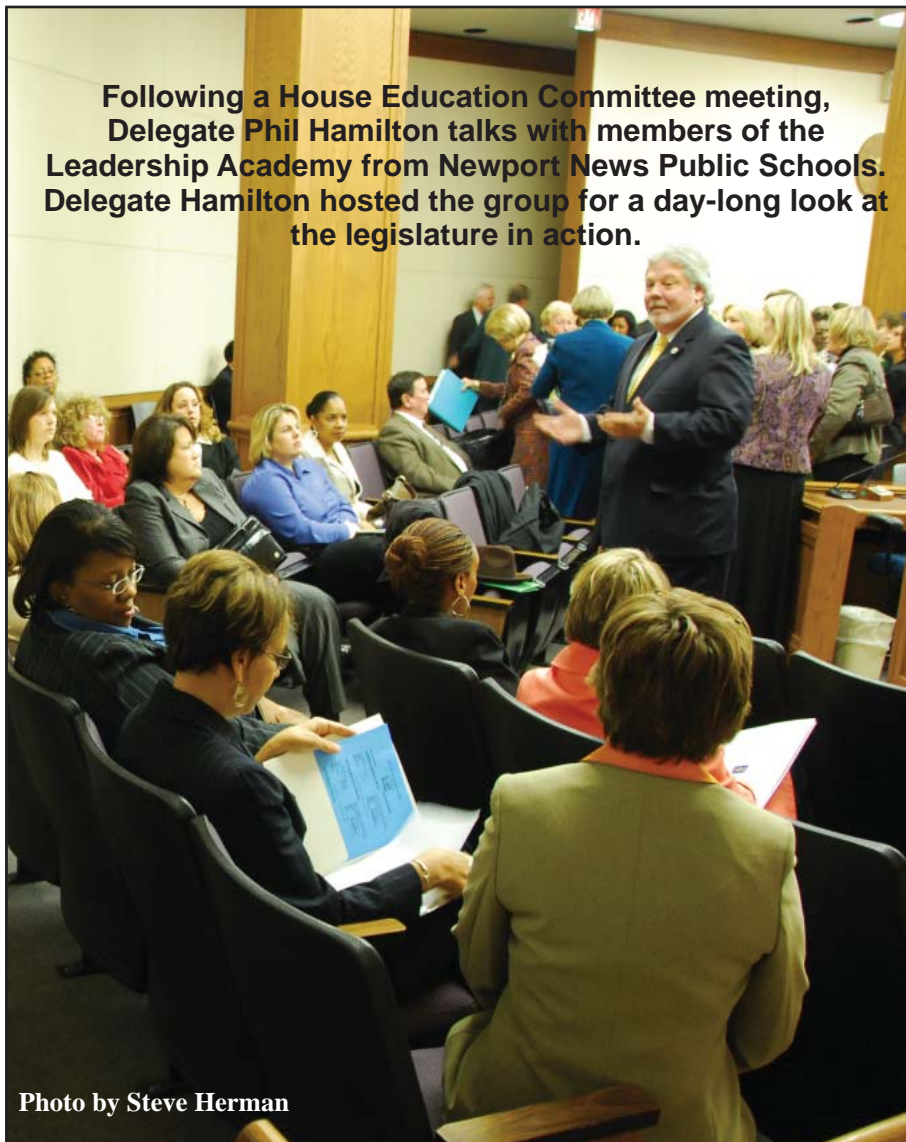


Virginia Attorney General Bob McDonnell commended Delegate Hamilton for "this common-sense measure."

lows persons who hold licenses or certificates evidencing their professional or mechanical skills, who render aid involving that skill during a disaster, to receive reimbursement for their actual and necessary expenses.

Delegate Hamilton was applauded by Virginia Attorney Gen-

eral Bob McDonnell. McDonnell who noted, "I commend Delegate Hamilton for his leadership with respect to this common-sense measure that will ensure that in a time of emergency our first responders, doctors, nurses, and other health care providers will be able to act without fear of costly lawsuits."



Following a House Education Committee meeting, Delegate Phil Hamilton talks with members of the Leadership Academy from Newport News Public Schools. Delegate Hamilton hosted the group for a day-long look at the legislature in action.

Photo by Steve Herman

Delegate Hamilton Wants to Hear from YOU

Newport News

P.O. Box 1585
Newport News, VA 23601
757-249-2580 (phone)
757-595-5008 (fax)
Dphr93nn@aol.com (email)

Richmond

(January - March)

General Assembly Building,
Room 948
910 Capitol Street
Richmond, VA 23219
804-698-1093 (phone)
804-643-2201 (fax)
DelPHamilton@house.state.va.us

Websites

www.Delegatephilhamilton.org
www.leadingvaforward.org

Gun Bill: *GA Approves, Governor Vetoes*

This session legislation was introduced in the Senate (SB 476) to permit a concealed permit owner to carry a concealed handgun onto the premises of a restaurant or club that serves alcohol.

The legislation, however, would prohibit the concealed permit owner from consuming any alcoholic beverages while on the premises.

In addition, a person who carries a concealed handgun onto the premises of a restaurant or club shall inform a designated employee of the restaurant or club of that fact.

A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is

guilty of a Class 1 misdemeanor. The legislation passed the Senate on a vote of 24-15 and the House on a vote of 62-36.

Governor Kaine vetoed the bill and the veto was upheld by the Senate on a vote of 22-18. Because the Senate upheld the veto, the House never had a chance to vote to override the Governor's veto.

Legislation Tightens Restrictions on Payday Lenders

Legislation to place more restrictions on Virginia's payday lending industry passed during the 2008 legislative session.

Although not as restrictive as when it passed the House, HB 12 does impose several restrictions that hopefully will break the cycle of debt that prompted changes to the laws regulat-

ing payday loans.

Prior to the legislative session, Delegate Hamilton indicated that any changes must include the following: a 36 percent interest cap; a limitation to only one loan at a time; a limit on the number of loans a person can have within a certain period of time, and a state-wide database to track payday

loan activity. As passed, HB 12 accomplishes all four of these objectives.

In addition, the legislation increases certain processing fees associated with these short-term loans. As a result, these increased fees might have the effect of discouraging individuals from seeking such loans in the first place.

Effective leadership and representation through "Listening, Learning, and Helping"
Authorized by Delegate Phillip A. Hamilton

Presort Standard
U.S. Postage
PAID
Newport News, VA
Permit No. 294

The HAMILTON HERALD
P.O. Box 1585
Newport News, Virginia 23601
www.delegatephillhamilton.org