

# The HAMILTON HERALD

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

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## Hamilton Fights to Protect Citizens with Disabilities

Once again a Virginia Governor has targeted disabled citizens in his budget proposal.

On Dec. 17, Governor Kaine introduced a budget plan that would close the Southeastern Virginia Training Center (SEVTC) in Chesapeake and two centers that serve emotionally disturbed children in Staunton and Marion by June 30, 2009. In addition, the Governor planned to cancel 200 Mental Retardation waivers for community-based services that were scheduled to be available in April.

On January 9, 2009, Delegate Hamilton wrote a letter to the Governor indicating that he would work to keep SEVTC open until June 30, 2010 and then, only consider its closing if "the facilities, services, and workforce were in place to ensure that the level of

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Photo by Mike Hazlewood

*Delegate Phil Hamilton takes his motto to heart whether he is in Richmond for the General Assembly session or back home by devoting a large part of his time to meeting with constituents to learn about their concerns. Above, Del. Hamilton takes questions from citizens he met with during the 2009 session.*

## Hamilton Leads Effort to Create Jobs in Region

Although Virginia's economic downturn is the result of the national and international economic situation, Delegate Hamilton introduced legislation to facilitate economic activity and job growth in the Commonwealth.

Hamilton's Advanced Shipbuilding legislation (HB 2056) provides performance grant incentives to the Northrop Grumman shipyard in Newport News if it meets the following conditions: (i) a \$300 million capital investment by 2012; (ii) the creation of

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1000 new, full-time jobs; and (iii) the operation of an annual 750-student apprentice program. If these conditions are met, Virginia will potentially provide up to \$50 million in grants

that will be used to build a new Apprentice School facility in Newport News and provide workforce development training in advanced shipbuilding skills. The grant funding is subject to an annual appropriation approval by the General Assembly.

Hamilton is also the co-chief patron of the Major Business Facility Job Tax Credit legislation (HB 2575). This legislation extends the current

*Please see JOBS, Page 2*

# *Hamilton to Seek Re-Election*

Delegate Phillip Hamilton announced that he will seek another two-year term in the Virginia House of Delegates.

Hamilton, who represents a portion of Newport News and the lower portion of James City County, has served in the House of Delegates since December 1, 1988.

Hamilton is the chairman of the Health, Welfare & Institutions committee, the vice-chairman of the Appropriations Committee, and the second ranking member of the Education committee.

Since 2003, he has also been appointed to the Budget Conference Committee, a group of only twelve legislators that resolve differences between the House and Senate budget proposals.

During his tenure, Hamilton



*Citizens interested in working on Delegate Hamilton's campaign are encouraged to visit the campaign link on his website, [delphilhamilton.org](http://delphilhamilton.org) or by calling 595-8683.*

has established a reputation as a knowledgeable, hardworking legislator who stays in touch with those he is elected to represent. He has been recognized nationally for his advocacy of the mentally ill and intellectually disabled.

In making the announcement to seek re-election, Hamilton said, "It has been an honor and a privilege to represent the citizens of the 93rd

district in the Virginia House of Delegates.

"As the people's representative, I have worked hard to ensure that the core services of state government have been funded in a fiscally responsible manner and that viable public policies have been initiated that improve the quality of life throughout the Commonwealth."

## **JOBS**

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major business facility job tax credit from January 1, 2010, to January 1, 2020. It also allows for the credit to be taken over a two-year period rather than a three-year period for taxable years beginning January 1, 2009, through December 31, 2010.

Workforce development funding is also a priority for Delegate Hamilton. He was successful in ensuring that \$1.5 million was included in the House budget for workforce development and training related to the Continental AG consolidation project in Newport News.

The House budget also included \$3 million for tourism promotion which benefits the Historic Triangle and other tourist destinations throughout the Virginia Peninsula.

## **MENTAL HEALTH**

**continued from page 1**

care for these citizens met or exceeded the current level of care."

Hamilton also led the fight for funding to restore and expand the Mental Retardation waiver program. In addition, even in these tight budget times, Hamilton was able to secure increased funding for the Early Intervention Services program for children between birth and two years of age.

Because Eastern State Hospital's downsizing to 150 beds is to be completed by June 30, 2010, Hamilton successfully introduced a budget amendment to

begin the process of providing services for individuals transitioning from the state institution to community-based placements.

Under Hamilton's budget proposal, the Department of Mental Health, Mental Retardation and Substance Abuse Services is required to lease two buildings at Eastern State Hospital to the Community Services Boards in Health Planning Region 5 for \$1 per year to develop and operate transitional mental health services to individuals discharged from Eastern State Hospital.

# Governor's Reductions Target Education & Healthcare

Faced with the difficult task of balancing Virginia's biennial budget in light of the current economic situation, Governor Kaine submitted his budget proposal to the General Assembly on December 17. In his proposal, the Governor projects a revenue shortfall of \$2.9 billion. This is a \$400 million increase over his initial \$2.5 million shortfall projection made in October.

To address the revenue shortfall situation for FY 2009, the Governor has proposed a \$490 million withdrawal from the Revenue Stabilization (Rainy Day) Fund, the conversion of \$350 million in cash for bonded debt for capital projects, the elimination of the state employee 2 percent pay raise, as well as other one-time agency savings and non-general fund transfers.

For FY 2010, the Governor proposes several significant on-going budget reductions and a 100 percent increase in the state's tax on ciga-

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## ***The Governor's proposals include:***

- *eliminating 200 mental retardation waiver slots*
- *closing the Southeastern Virginia Mental Retardation Training Center*
- *closing other mental health facilities for children & adolescents*
- *capping the number of elderly and disabled waivers.*

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rettes.

Included in these budget reductions is nearly \$700 million in reductions to public education. Besides implementing a new funding formula for support personnel, the Governor also proposes eliminating the School Construction Grant Program and the 2 percent teacher pay raise. Other technical adjustments of \$260 million make up the bulk of the reductions in funding for public education.

Higher education funding, which was reduced 5 - 7 percent in October, was reduced another 15 percent for FY 2010. The combined reductions in higher education funding total \$350 million. The impact of these reductions will most likely result in additional tuition increases in the 2009 school year.

Even with the \$150 million cigarette tax increase being dedicated to Medicaid, healthcare funding is proposed to be reduced by over \$583 million. This reduction level is achieved by lowering Medicaid reimbursement levels for Virginia's hospitals and nursing homes, eliminating 200 mental retardation waiver slots, closing the Southeastern Virginia Mental Retardation Training Center and other mental health facilities for children and adolescents, capping the number of elderly and disabled waivers, and other health and human resources agency reductions.

## ***House Budget Responds to Governor's Budget Reductions***

As the General Assembly crafted its recommendations to the Governor's budget proposal, Delegate Hamilton focused on trying to restore those reductions that most directly impacted the quality of life for individuals, particularly those most vulnerable citizens who are unable to care for themselves.

Working with other members of the House Appropriations Committee, Hamilton was able to reallocate existing resources to address the Governor's most critical budget reductions.

The results of Hamilton's efforts were that the House budget restored \$155 million to the Medicaid reductions proposed by the Governor without further reductions to consumer services or provider reimbursements.

The House budget also restored funding to keep the Southeastern

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### ***Working with other members of the House Appropriations Committee, Hamilton was able to reallocate existing resources to address the Governor's most critical budget reductions.***

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Virginia Training Center (SEVTC) open until new facilities could be constructed, renovated or purchased. Funding was also provided to keep the Commonwealth Center for Children & Adolescents (CCCA) open throughout the biennium.

While additional state funding was not available to reduce the Governor's reductions in funding for public education, the House budget provides significant flexibility to local school districts to manage the revenue shortfall.

The required local funding match for lottery funds and text-

books was removed. This should save localities over \$150 million in FY 2010. School divisions can also use their state textbook funding for whatever they deem is most important for their schools.

Finally, the House budget strongly supported higher education by providing funding to plan future academic buildings on five campuses including the College of William & Mary and Christopher Newport University. Funding was also provided to assist colleges and universities in keeping tuition costs down.

Funding for these initiatives was provided by bonding water quality improvement projects and using the previously appropriated cash for these higher priority budget items, implementing a tax amnesty program, and making adjustments to sales tax payment schedule of large retailers.

# LEGISLATIVE SURVEY RESULTS

*“I want to thank the hundreds of citizens who responded to my 2009 legislative survey. The results of the survey by the percentage responding to each question are below.”*

*- Delegate Phil Hamilton*



<b>Do you support...</b>	<b>YES</b>	<b>NO</b>	<b>UND</b>
1) any increase in the state sales tax if dedicated for transportation?	43	47	10
2) a regional sales tax increase for transportation projects in Hampton Roads?	28	63	9
3) a 1 - 10 cent per gallon increase in the state gasoline tax for transportation?	54	38	8
4) an 11 cent+ per gallon increase in the state gasoline tax for transportation?	21	68	11
5) abolishing the 17.5 cent per gallon gas tax and replacing it with the 5% state sales tax on gasoline purchases for transportation?	32	44	24
6) imposing tolls if all toll revenue is dedicated to improving, maintaining, or expanding lane capacity only on the facility being tolled?	60	32	8
7) dedicating a portion of future tax revenues from economic growth at Virginia ports for transportation projects throughout Virginia?	67	14	19
8) allowing for the exploration and/or drilling for oil and natural gas off of the Virginia coast?	76	13	11
9) continuing to provide state funding for research on alternative energy sources?	78	14	8
10) including the funding for operations and maintenance of school buildings, student transportation, and food services as essential educational expenditures for public schools in Virginia?	78	14	8
11) banning smoking in all buildings, restaurants, and bars that provide access to the general public?	70	24	6
12) allowing concealed firearms in a restaurant that serves alcoholic beverages?	24	66	10
13) requiring a criminal background check for all firearms sales in Virginia?	90	7	3
14) banning the use of cell phones while driving?	68	23	9
15) lowering the legal drinking age from 21 to 18 years of age?	25	67	8
16) permitting college professors and college students with a concealed weapons permit to carry firearms on a public or private college campus in Virginia?	36	56	8
17) eliminating all current business and corporate sales tax exemptions?	40	30	30

## **Results of the ranking of certain core service functions of state government:**

Public Safety:	#1	Higher Education:	#5
Public (K-12) Education:	#2	Environmental Quality:	#6
Economic Development:	#3	Health Care Services:	#7
Transportation:	#4	Social Services:	#8

# Hamilton Sponsors Major 2009 Legislative Initiatives

## **HB 1598 Certificate of Public Need (COPN) Reform**

Streamlines the criteria for determining need for the purposes of a Certificate of Public Need (COPN) for additional healthcare facilities and services with new criteria that focuses on (i) increasing accessibility to healthcare services and facilities; (ii) demonstrated documented community support; (iii) consideration of the costs of and charges for providing quality health services; (iv) increasing institutional competition; (v) promoting quality assurance and cost effectiveness through improvements or innovations in the financing and delivery of health services; and (vi) increasing service to indigent populations. This bill also allows for the electronic filing of applications for a Certificate of Public Need.

**PASSED HOUSE**

## **HB 1703 Restaurant Smoking Ban**

Bans smoking in restaurants. Provisions allow for a separate smoking area if the area is separated by a wall and if the area has a separate ventilation system to extract second-hand smoke.

**PASSED HOUSE**

## **HB 2056 Advanced Shipbuilding Training Grant Program**

Establishes a grant program relating to advanced shipbuilding activities. Grants would be paid to an eligible shipbuilder that (i) makes a capital investment of at least \$300 million; (ii) creates at least 1,000 new full-time jobs; and (iii) maintains an accredited apprenticeship program. Grants up to of \$25 million paid over 5 years will be available to build a new Apprentice School facility, and if the performance conditions continue to be met, another \$25 million in grants could be paid over another 5 year period. The first \$5 million grant could be available beginning in FY 2012.

**PASSED HOUSE & SENATE.**

## **HB 2059 Meals Tax Exemptions**

This bill would expand the exemptions allowed to both the County Food and Beverage Tax and the Local Meals Tax to include, but not be limited to, food, beverages and meals sold by: i) age-

restricted apartment complexes or residences when included in rental fees; ii) a public or private nonprofit charitable organization to elderly, infirm, blind, handicapped, or needy persons; iii) private establishments that contract with the appropriate agency to elderly, infirm, blind, handicapped, or needy persons. This bill would expand the exemptions allowed to the local volunteer fire departments and rescue squads.

**PASSED HOUSE**

## **HB 2060 Mental Health Law Reform.**

This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; clarifies that individuals responsible for the mental health screening process shall not be excluded from the commitment hearing; clarifies that the prescreening report shall be admitted into evidence and made part of the record of the commitment hearing; and clarifies the Central Criminal Records Exchange reporting requirement.

**PASSED HOUSE**

## **HB 2061 Psychiatric Inpatient Treatment of Minors Act: Outpatient Treatment Option**

Provides a process by which a child who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and are available, and if the minor and his parents have the capacity to understand the stipulations of the minor's treatment and agree to comply with such outpatient treatment plan.

**PASSED HOUSE**

## **HB 2063 Triennial Census conducted by schools**

The legislation eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. The legislation amends the procedure regarding sales and use tax distribution to localities so that distribution is based on the average daily membership of the school division

rather than the school-age population of a school division. This means that the state will only provides sales tax revenues to localities for the students they actually are educating. Currently, school divisions receive state funding for students attending private schools or are being home schooled.

**PASSED HOUSE**

## **HB 2066 Public-Private Transportation Proposal Timelines**

Establishes specific timeframes by which Public-Private Transportation proposals must be reviewed. The measure also requires the Department of Transportation to (i) complete the detailed phase review and select a private entity with which it will execute an interim or comprehensive agreement for the construction of the Downtown Tunnel/Midtown Tunnel/MLK Extension project, and (ii) solicit proposals for the improvement of the Hampton Roads Bridge-Tunnel no later than January 1, 2010.

**PASSED HOUSE**

## **HB 2067 Smoke Free Air Act.**

Prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes, continuing care, and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited.

**INCORPORATED INTO HB 1703.**

## **HB2575 Major Business Facility Job Tax Credit**

Extends the major business facility job tax credit from January 1, 2010 to January 1, 2020. It also allows the credit to be taken over a two-year period rather than a three-year period for taxable years beginning January 1, 2009 through December 31, 2010.

**PASSED HOUSE**

# Hamilton Secures Funding to Combat Internet Crimes Against Children

Disappointed that Governor Kaine did not provide FY 2010 funding for the state's two Internet Crimes Against Children (ICAC) task forces, Delegate Hamilton was successful in securing \$1 million to provide second year funding for this important public safety initiative.

Hamilton successfully fought to include \$1.5 million in funding for the task forces last year after learning about nineteen year-old, Alicia Kozakiewicz, the survivor of a child abduction several years ago.

Even though the state is facing a significant revenue shortfall, Hamilton believed that in a \$77 billion budget, even with a \$3 - \$4 billion shortfall, the Commonwealth should fund \$1 million for this initiative that seeks to protect children from internet predators.

## Delegate Hamilton Wants to Hear from YOU!



Photo by Mike Hazlewood

*Delegate Phil Hamilton values and learns from the suggestions, comments, and questions he receives on a daily basis from residents of the 93rd district. Above, Hamilton talks with a constituent who was visiting the General Assembly in February.*

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