

CAPITOL VIRGINIA MAGAZINE CONNECTIONS

THE RAINY DAY MAN

John Chichester.
In the eye of a perfect storm?

Where Are They Now?
Harry F. Byrd, Jr.

**The Gentleman
From Manassas**
A Last Interview

The Retiring Clint Miller
Are The Good Times
Really Over For Good?

Delegate Harry Parrish passed away March 28, 2006 following weeks of declining health which had been a cause of concern for his many friends and colleagues. In February he gave Capitol Connections what was to be one of his last interviews.Editor

Harry J. Parrish

Delegate Harry Parrish resumed work in February after missing several legislative days due to illness.



Photos: Dennis Peterson

A Lifetime Dedicated to Public Service

By BONNIE ATWOOD

The date: February 19, 1922.

The place: a farmhouse just outside of Manassas, Virginia.

The weather: Virginia and its surrounding states had just experienced the deepest snowfall in their recorded history.*

The event: Harry J. Parrish was born.

Today Harry Parrish (it's always "Harry") is in his 84th year, and he has earned the title of a Virginia legend. He is a senior member of the Virginia House of Delegates representing western Prince William County, a land of battlefields, dairy farms, and building booms. It includes the charming city that has always been his home: Manassas, Va.

Walking down Center Street, one passes the Harry J. Parrish Town Hall, named for their honored mayor. This city has the stamp of Parrish all over it. He was elected Councilman in 1951, when Manassas was still a town. Then he was Mayor through the designation to city, until his election as a Delegate in 1982.

Continue on that same street and you'll come to 9009, with "MIFCO" above the door. That's the Parrish family business, where Harry Parrish is still the Chairman of the Board. You enter the modest office space of Manassas Ice & Fuel Company to find a merry room filled with streamers, balloons and flowers. Mabel Black is retiring

today. She's a legend in her own right, having worked for the Company for 50 years. ("50 and a half," she corrects the reporter.) It is perhaps the greatest testament to this family business that someone would stay faithful to this job for five decades.

No, Parrish hasn't done it alone. Far from it. His wife, Mattie C. Parrish, has been an invaluable partner both in Parrish's career, and the rearing of their daughter, Judith, and son, Harry J. Parrish II. They have three grandchildren.

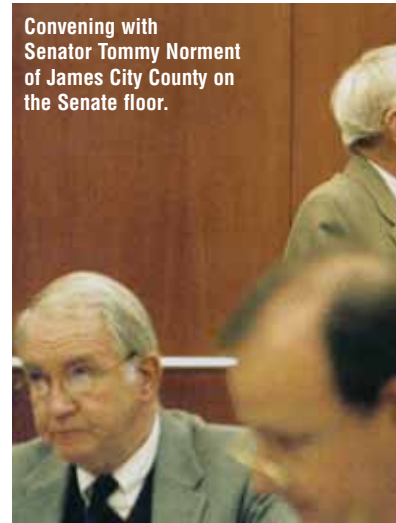
If you know Parrish, then you know one of his greatest assets of 18 years, Diana Dutton. She's his right arm. As legislative aides go, she's at the top. She knows the ropes, not to mention the lobbyists; she understands the legislation; she organizes everything from appointments to roasts; and she keeps Parrish on track. And she does it all with pizzazz and a sense of humor. As any person of his age, Parrish has had his share of health issues, but he never misses a beat. When he used a motorized chair last session, Dutton dubbed it the "Harry-Go-Round." But, true to form, he always bounces back.

Parrish has a lot of responsibility to bounce back to. As chairman of the House Finance Committee, he has the distinction of being one of the "go-to" guys for house financial matters. Yes, he's one of those members who wear the distinctive forest green blazers tailored by the fine Richmond clothier, Franco's. In fact, it is Parrish who first came up with the idea of buying these jackets, and he bought them for all of his fellow committee members. He is understandably very proud to wear the green.

Parrish also has had help from scores of interns. From practically his first day in office, he implemented an intern program admired by all. His district has five high schools. Every fall he writes letters to these schools, asking the adults to select one student from each to serve an intensive one-week internship in Richmond. This is in addition to the traditional college interns that just about all of the legislators use.

Once the high school students are selected and assigned their week in Richmond, Parrish drives them down to the Capital city. Don't think for a minute that these kids just gaze out the window. Parrish has a "regular thing" that he wants to impart to these fortunate youngsters. He starts with a geography lesson, then goes on to history and government. By the time they reach Richmond, their gray matter is in peak condition for the job ahead.

Convening with Senator Tommy Norment of James City County on the Senate floor.



Last December, after a delightful conversation with Delegate Harry Parrish, I asked Bonnie Atwood to interview him in preparation for a feature article. Little did I know that in less than three months we would mourn his death.

Those privileged to know Delegate Parrish far longer than I, and those more eloquent, have spoken and written of this great public servant, of his gentleness and of his religious faith. While cherishing his memory, I give thanks for his life-long service to his nation, his town, his city and state.

Delegate Parrish will be missed as the General Assembly works to find common ground during the 2006 Special Session. Perhaps a fitting tribute would be for each chamber to adjourn in his memory on the final day after a budget is adopted.

David L. Bailey, Publisher
Capitol Connections Virginia Magazine

Parrish pays half their hotel bills; they are responsible for the other half. They follow him everywhere, soaking up the Richmond political scene. They go to receptions, committees, even meetings with lobbyists. They get it all.

“We try to give them a flavor, and try to explain the process,” said Dutton.

Back at the Manassas Ice & Fuel Company retirement party, there are hugs, jokes, and sweet good-byes. Walk farther to the back of the building and you’ll see Harry Parrish’s neatly kept office. On one side of the walls, there are miniature airplanes—mementos from his Air Force days, where he served as a pilot, a flight commander, a base operations officer, a squadron commander, and a wing operator in the 1940s. On the other side of the room are his “black and whites”—the photos of the distinguished men and women he has served with in state government, for a quarter of a century.

Harry Parrish has long said, “Government exists for one reason—to serve the people.” This is what he likes best—helping individual constituents with whatever problems that they may bring. A snafu at the Department of Motor Vehicles, a mix-up regarding state income taxes, a delinquent child-support check—these are all things he has handled.

Among his legislative victories are these: he patroned legislation that increased the State’s personal exemption from \$800 to \$900; he secured funding for the widening of Route 66 between Sudley Road and Gainesville; he patroned legislation to provide \$1.29 billion in new state support for public education; he patroned legislation that gave heart and lung benefits to firefighters; and

he patroned legislation that required insurance companies to reimburse healthcare providers in a more timely fashion.

His doors open—both his Richmond door and his district door—to visitors of all kinds. If he doesn’t agree with your point of view, he’ll still be open to a good talk. Says his aide Dutton, “he always feels that he can become more educated.”

Parrish’s favorite slogan says it all: “A Lifetime Dedicated to Public Service.”

**Author’s note: My late father, who was 14 years old at the time of Parrish’s birth, spoke of this snowfall all of his 91 years. The weight of the snow caused the collapse of the roof of the Knickerbocker Theater in Washington, D.C. The weight of the roof killed 98 moviegoers and injured 133. The disaster still ranks as one of the worst in Washington’s history.*



Harry Parrish with family at a recent dinner in his honor.

Photo by Rudolph Powell

TEAMWORK DRIVES QUALITY OUTCOMES



Maintaining top performance in pursuit of a goal requires teamwork. Through expertly choreographed tasks that have been practiced to perfection, a pit crew can give a racer the critical advantage. It’s not all that different in health care—providers are driven to perform their very best in reaching their goal: quality patient care.

At Bon Secours Hampton Roads our expert team of doctors, nurses and other care providers are participating in an unprecedented number of national quality initiatives based on best practices and process improvements. And we are proud to meet and, in many cases, exceed national quality standards. Through teamwork we are meeting our quality goals.

We participate in a number of national quality initiatives to improve patient care and safety.

- CMS/Premier**
Bon Secours is participating in this voluntary quality initiative of Centers for Medicare and Medicaid Services (CMS) and Premier, focusing on AMI, CHF, community-acquired pneumonia and joint replacement. After one year, CMS gave Bon Secours four awards for quality performance in the target areas.
- 100 K Lives campaign**
We have joined the national, non-profit Institute for Healthcare Improvement’s campaign to save 100,000 lives by implementing proven health care improvement techniques.
- Leapfrog Group**
Bon Secours Hampton Roads hospitals are in full or substantial compliance in implementing the Leapfrog Group’s 27 Quality Practices Index during the past year.
- Hospital Compare**
A Web-based quality reporting initiative of the Centers for Medicare and Medicaid Services (CMS) ranked Bon Secours hospitals above national and state averages in a number of quality measures. Visit www.hospitalcompare.hhs.gov.
- JCAHO**
Our hospitals participate in National Patient Safety Goals and National Quality Improvement Goals and are fully accredited.
- Duke Infection Control Network (DICON)**
We belong to a 17-member consortium of research sites designed to benchmark best-practices protocols.
- Quality-In-Sights Hospital Incentive Program (Q-HIP)**
Bon Secours Hampton Roads hospitals have pledged to participate in this new quality and patient safety initiative of Anthem Blue Cross Blue Shield.



BON SECOURS HAMPTON ROADS

SCC Judge Clint Miller Retires

“Are The Good Times Really Over For Good?”

By DENNIS PETERSON

The Gentleman from Shenandoah is back home now. A visitor to his 11th floor Richmond office in the State’s John Tyler building last January found the walls bare, personal mementos packed and gone and melancholy among staff and friends sorry to say “good-night Judge Miller” one last time.

For I. Clinton Miller the day was more than a last one with Virginia’s State Corporation Commission. This was turning off the store lights after 38 years of public service for the Commonwealth of Virginia.

Three decades ago he was prosecuting criminals as Shenandoah County’s Commonwealth’s Attorney. Then came 12 winning elections to the House of Delegates. He would serve 24 years as a Republican consistently rated one of the legislature’s “most effective” members in an era of Democrat control. He remembers it as a time when members of both parties could battle issues all day and walk away friends at adjournment. As an observer of the legislative process himself, Judge Miller believes the art of effective legislating is lost on many members today.

In 1996 a friendly coalition of Delegates and Senators, Democrat and Republican, elected him an SCC Commissioner. They would re-elect him in 2000 to a full six year term overseeing and regulating public utilities, insurance, state chartered financial institutions, securities, retail franchising and railroads operating in Virginia.

At the SCC he was an impartial observer pledged to balance the needs of Virginia consumers and the business providers of needed services. Now only 66, he has retired from the job which paid him \$134,000 annually.

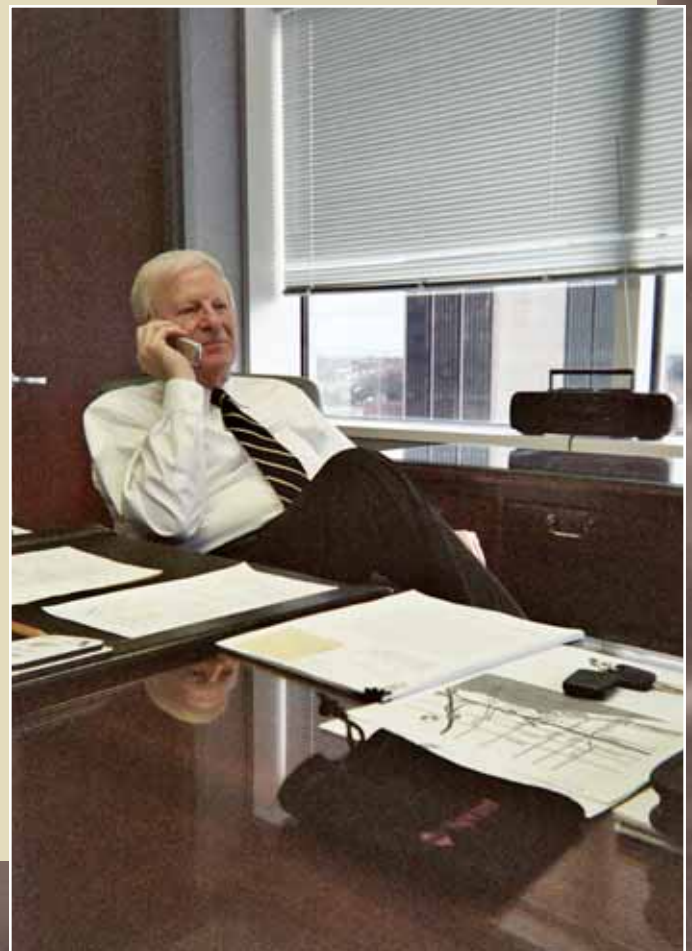
Judges listen more than they speak. This must have been difficult at times these last ten years. His legislative peers knew him to be one of Virginia’s most gifted orators, ever. His speech was glib of tongue, sharp of wit and crafted in purpose. He had the gift of leaving his opponents breaking with laughter as he skillfully dissected their arguments. Small wonder he had so many friends around the State Capitol. Laughter soothes all stings.

There may never have been a SCC Judge like Clint Miller. Think of the stuffy world of corporate law and regulation. Not the world of Judge Judy or even Judge Ito. We’re talking about the timely delivery and cost of electrons, his domain for the last ten years.

Clint Miller is an artist with a lyrical mind and real musical talent. Prior to law school, prior to political life and then regulatory law, he sang. And audiences loved to hear him. How many judges have landed in the Top 40? He did.

Honky-tonks, bistros, rock & roll shows. He quit that life to practice law but the talent remained. Listen to him sing Merle Haggard’s “Are The Good Times Really Over For Good.” Over the years, the people at home got to hear him most. The rest of us not so often. It is hard to serve two masters. The voice which pleased so many with song was used to persuade and defend instead.

Virginia’s Shenandoah Valley has welcomed him home. He says 38 years of public service is enough yet a visitor is struck by his vigor, ideas and ability to express them. What a loss if he is not called again. ☪



Wrapping it up. Last day with SCC.



**In the House of Delegates.
Fight hard for ideas but go home friends.**

**One more document to sign
as long time Administrative
Assistant Polly Dowdy and
Secretary Becky West
anticipate the future.**





The Rainy Day Man

John Chichester in the center of the ‘perfect storm’ swirling over Virginia’s State Capitol

By DENNIS PETERSON
Managing Editor, Capitol Connections Virginia Magazine

John H. Chichester values preparation for the inevitable rainy day when circumstances deal a financial wallop. He made a very good living as an insurance executive helping others understand the same principle. When tragedy struck, they thanked him.

Thanks from some in his own Republican Party may sound a bit tepid this year—especially from the young Turks of the House of Delegates—but the Chairman of the powerful Senate Finance Committee is not dissuaded from believing the Commonwealth should be equally prepared for rainy days ahead too, the kind called “national economic downturns.” Just because Virginia enjoys vigorous financial health today doesn’t mean she won’t catch cold again.

“Usually every ten years,” he tells an interviewer while suggesting by 2011 a weakened national economy may zap Virginia’s prosperity too. “I have attempted to create a situation that equalizes the process through good times and bad times. I want this state prepared

fiscally so that it can be as seamless and painless as possible.” Chichester is in no hurry to spend all of a \$1.4 billion windfall surplus now collecting interest in the State’s bank accounts.

To help fund state government services in times of recession or worse, the legislature established the Revenue Stabilization Fund, a savings account more commonly known as the “Rainy Day Fund.” The 2006 budget bill backed by the House of Delegates shorted the “Rainy Day Fund” by over \$40 million while the Chichester led Senate budget funded it to its targeted maximum. The difference gave the two chambers another philosophical difference to spar over in the “Special Session” called by the Governor.

Was the Senate splitting hairs or was the House seduced by the current budget surplus? “It is hard for me to rationalize that they would take part of the ‘Rainy Day Fund’ and use it when it isn’t raining,” said Henrico’s Walter Stosch, the Senate’s Majority Leader who helped craft the Senate plan.

“There is substantial money still going to the Rainy Day Fund. They are quibbling,” groused Delegate Kirk Cox, a Colonial Heights Republican and House budget conferee.

Once the Virginia Senate was little more than a rubber stamp for the House Appropriations Committee which forged the Commonwealth’s budget and left precious few days for the Senators to act, let alone propose fiscal policy of their own. That changed when the Senators hired their own finance experts allowing two dynamic forces—Richmond’s legendary Edward E. Willey and his successor, Hampton’s Hunter B. Andrews—to lead the Senate Finance Committee to its modern day virility. It was Democrat Andrews who handpicked Republican Chichester for appointment to the coveted legislative assignment in 1992. A mere four years later—lightning speed for legislative advancement—Chichester assumed the leadership of Senate Finance as co-chairman with the end of the Democratic majorities in the General Assembly. In 2000 he became sole chairman.

“I went from a guy on the back bench to co-chairman ...and literally the fiscal matters pertaining to 7 million people in this wonderful state rested in my lap,” he recalled. “I threw myself into learning all I could. It changed my entire outlook...my whole legislative life.”

Chichester found he no longer had the luxury of representing the narrow view of one Senatorial district based in Fredericksburg. The Chairman of the Finance Committee views Virginia through a disparate prism.

“I have an agenda to maintain our AAA bond rating and to maintain our standing as the best fiscally managed state in the nation. There will be no straying from the course,” he said.

But for Virginia lawmakers in 2006, determining the *length* of the course was just as problematic as *following* it. In the end they were jerked into overtime over transportation funding.

The Delegates voted to spend \$500 million for transportation improvements while using half the current surplus plus millions more borrowed through State bonds and from the diversion of dollars from other state services. In two years they would review VDOT’s progress and revisit the State treasury.

The Senate plan—spending \$1 billion for new road construction and improvements—establishes a continuing revenue stream by raising some transportation related taxes and user fees, mostly new money and more closely compared to the Governor’s ideas.

“The House relies upon the use of more general funds than the Senate does and they produce those funds by underfunding a number of items we think are important. But more specifically, they do it by borrowing,” said Majority Leader Stosch. “We believe that in times of plenty, you don’t borrow money, you pay cash.”

After 60 days of work, the Senate and House could only agree there is *need* for road improvements—particularly along the I-95/64 crescent from Washington to Tidewater and on truck choked I-81 to the west—but not *how* to pay for them. “I don’t think any of us in the Senate are running away from the notion that we are in fact raising the revenue to pay for it. We’re not trying to finesse it. But what isn’t being told is the House plan is relying on borrowing whereas we are relying on pay as you go,” said Stosch.

There hasn’t been such a spirited debate over Virginia’s “pay as you go” tradition in a generation, although for John Chichester the cash method never went out of fashion.

For Cox, managed debt can be a good thing. “it is sort of silly, you know; our AAA bond rating. Now we’re in a place where we can use it some and prudently be way below the five per cent ratio on debt and they don’t want to use it at all. So why did we fight so hard in 2004 for our AAA bond rating if we are never going to use it? I think there ought to be a debt mix.”

Stosch sees it differently. “Debt has to be paid back and there is no provision in the House plan for figuring that out.”

The Senate budget was described by one observer as “in your face Virginia” because it raises taxes even though last Fall the Governor and most every State legislator campaigned on a “no new taxes” platform. Chichester says that’s OK. “You hear naysayers talk about taxes. You shouldn’t raise taxes. Well, is it a tax to sit in a car two and a half hours a day coming and going to work? Is it a tax? I say it is.”

Crunching numbers with Chichester

Senate budget conferee, Henrico’s Walter Stosch



Looking through the same broad prism as Chichester, Stosch too believes many in his Republican Party have too narrow a view of fiscal integrity. “That has been translated to mean no new taxes never, ever. Well, fiscal integrity doesn’t mean that. Fiscal integrity means you are smart enough to make the investments we need to help improve the economy, create jobs and provide better education opportunities.”

Governor Tim Kaine will get a budget bill to sign because the General Assembly members will compromise. But for Cox and others in the House, compromise could be a bitter pill to swallow because “when you say ‘OK, I’ll meet you half way’, you’ve basically been eviscerated on the principle you don’t need to raise taxes with these kinds of surpluses. That is the dilemma for us.”

Even Chichester’s critics recognize the House has a tough sell and in no small way because of Chichester himself. Not only does he lead the Finance Committee, his seniority has vaulted him to the pinnacle of Senatorial prestige. He is President Pro Tempore too. His favor is curried.

Chichester defends the Senate budget knowing 40 yea votes—the full Senate, Republicans and Democrats—are united behind a plan crafted by his committee. When the Senate-House conferees meet, the former insurance executive from Fredericksburg walks into the room a confident man ready to ride out the “perfect storm” swirling around him. 🌪️

Where Are They Now? Harry F. Byrd, Jr.

A Private Man Recalls A Public Life

By DENNIS PETERSON

Harry Flood Byrd, Jr. was a newspaper man first and still is. The public service years, the elected kind anyway, are over but at 91 he still works at his desk in a private office at the family owned *Winchester Star* everyday. Management of day-to-day operations are left to son Tom but the newspaper environment remains a window to the world for a man who devoted 36 years of his life to elective office.



“Golden silence” and gentlemanly understatements are still answers to a visitor’s inquiries about individuals and candidates. Opinions on issues are another matter. “I could not favor the privatization of Social Security,” he says.

Phone calls from life long friends and colleagues are less frequent now. Many, like Governor Mills E. Godwin, are gone. Last year fewer members attended his 1935 VMI Class Reunion.

He still drives himself around town although on longer trips, like one to Washington, D.C. in January, a driver will take the wheel. That day he had lunch with Virginia’s Senator John Warner, Alaska’s Ted Stevens and other former colleagues still in office. Had he not retired in 1983, “I would be fourth in seniority today,” he reminds his visitor.

His office walls are filled with photos of the powerful and celebrated. Shelves and tables have mementos and a story with each. But there are two framed items he points to proudly.

The first is a printed copy of Public Law 95-435 Section 7, his amendment, which reads “*Beginning with Fiscal Year 1981, the total budget outlays of the Federal government shall not exceed its receipts.*” Although signed into law by President Jimmy Carter, there would not be a balanced Federal budget until the Bill Clinton presidency.

The second is the front page of the *Winchester Star* dated November 4, 1970. It reads:

**Byrd Wins In Landslide Victory,
His Total Exceeds Half Million**



Harry Flood Byrd, Jr. in his newspaper office. *Time Magazine* got it all wrong.

The newspaper is paired with a *Time* magazine cover from a previous week.

“They said I wouldn’t get a third of the vote,” he scoffs. As an “Independent” he would garner 54% instead in a three way contest over Republican Delegate Ray Garland and Democrat activist George Rawlings. The next day Republican Governor A. Linwood Holton could only shrug, “Senator Byrd can apparently do whatever he wants.”

In 1925 a young 10 year old Harry celebrated the election of his father, Harry F. Byrd, Sr., as Governor of Virginia. The Governor’s mansion would be their home. Capitol Square became a playground including the famed Washington equestrian statue which he remembers climbing as a boy through a trap door escape to the underbelly of the horse for a grand view of the grounds, unavailable to but a very few in Virginia history.

The celebrated and famous were to be known personally by the governor’s son, aviator Charles Lindbergh among them.

For 10 days his family hosted Sir Winston Churchill as a mansion guest while Britain’s future Prime Minister researched Virginia battlefields for his history of the American Civil War. “One evening my mother gave a formal dinner for Churchill,” he recalled. “She served Virginia ham, of course. Churchill asked for mustard and my mother thought, “No one eats Virginia ham with mustard.” But Mother slowed the dinner down while she had the staff search the kitchen for some mustard. But there was none. While the other guests were waiting, she apologized and said “If you would like, Mr. Churchill, I will send to the store and get it.” She hoped he would say “No, don’t bother” but he said

Visiting his father’s resting place in Winchester.
“We were close. More like brothers than father and son.”



Rewarding high school seniors for academic excellence and leadership. With Virginia Supreme Court Senior Justice Harry L. Carrico and 2006 Byrd Award recipients at Richmond ceremony February 22.

“Yes, I would” instead. I was called from my upstairs room and quickly had to run two or three blocks to a store, buy the mustard and run back to the mansion.” Winston Churchill had mustard with Virginia ham that evening and young Harry Byrd, Jr. probably set a culinary precedent.

At 16 young Harry became a Virginia Military Institute cadet. In Lexington, “devotion to duty” became a canon for life, often helped along by other character building experiences. “I was the most hazed man at VMI. Everybody wanted to say they beat up the governor’s kid.”

Young Harry learned to think for himself early, sometimes disagreeing with his father. “He favored prohibition and I didn’t.” Today, Byrd looks back astonished by his own youthful chutzpah. “Here I wasn’t even old enough to vote and I was trying to advise my father on what he should do.”

Byrd, Sr. began 32 powerful years in the U.S. Senate in 1933. “I’m very proud of my father,” his son tells a visitor. “We were close. More like brothers than father and son. We had a community of interest. The newspaper, the apple business and public service.”

Byrd, Jr. began his public service as the State Senator from

Winchester in 1948. He and his father would serve concurrently for 18 years. “I was careful on issues where my position could be construed as my father’s,” he recalls. “We had different views on various matters at times. We’d argue amongst ourselves but never in public.”

There is a towering likeness of Byrd, Sr. in Virginia’s Capitol Square with this inscription: “established personal integrity and fiscal responsibility as first principles of public life and public service.” The tradition would continue when Governor Albert S. Harrison appointed Harry F. Byrd, Jr. to succeed his father in 1965. He would be a U.S. Senator for 18 years happily caucusing with neither party after 1970. The Federal judiciary, with their lifetime appointments, became a favorite target.

“Only kings, emperors and maharajahs are appointed for life,” he would argue. His views haven’t changed. “A fixed term, then automatic reconfirmation every six years,” would be better. “There should be no such thing as a lifetime appointment in a democracy. There is no accountability now.”

Considering the deep divisions over President’s Bush’s nominees today, Harry F. Byrd, Jr. may still be suggesting the very best salve for soothing impossible partisan differences.

From his window on the world at the *Winchester Star*, Senator Byrd remains very much alert to events in Washington. Several times a year his views become published unsigned editorials. Who better to comment on the role lobbyists play at the U.S. Capitol, a recent subject?

Today his public service is quiet and more generous than he would ever admit. The apple orchards are no more. But Harry Flood Byrd, Jr. remains a newspaper man from Winchester and he is there at his desk every day.



**Senator Harry F. Byrd, Sr.
Still towering over Virginia’s Capitol Square**

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LIVE THE CHALLENGE

2006 VIG "Roast" Honors Senator Colgan

Scholarship Money Raised



The Hon. Pierce Homer,
Secretary of Transportation



David Bailey



The Hon. Charles J. Colgan, Senator



The Hon. Russ Potts, Senator (right)
The Hon. Tom Morris, Sec. of Education (center)
Lane Kneedler (left)



The DBA 2006 Virginia General Assembly Review

The 2006 Virginia General Assembly Session was both partisan and contentious as many predicted. To paraphrase one Richmond journalist, it was "House Democrats versus House Republicans and House Republicans versus Senate Republicans," with each side unable to accept agreement on a new State budget and new transportation funding. Those issues were left to resolution in a special session called by Governor Kaine. While everything else was largely secondary to the budget and transportation, legislation covering economic development and tourism, environmental protection, utilities and energy policy were approved before the House and Senate adjourned on March 11.

The following is our review of the major legislative activities this session.

Business (General)

In the area of **real property**, the following significant bills were approved by the General Assembly:

HB 320 (Delegate Albo of Fairfax) Provides landlords a monetary penalty against tenants who pass bad checks to a landlord.

HB 1236 (Delegate Melvin of Norfolk) Removes the single family home exemption from the Fair Housing Law with respect to restrictive covenants.

HB 689 (Delegate Suit of Virginia Beach) Updates definitions and procedures for housing authorities with respect to acquiring blighted properties.

HB 1326 (Delegate Ware of Roanoke) Allows localities to prevent unauthorized access to unsafe buildings.

HB 1536 (Delegate Suit) Authorizes landlords to dispose of property of deceased tenants after proper notice.

HB 889 (Delegate Kilgore of Gate City) Grants immunity to the owner or agent of residential property from liability for lead-based paint poisoning if they disclose to the lessee the presence of any known such hazards.

HB 491 (Delegate Morgan of Gloucester) Amends existing law to allow any property owned as tenants by the entireties to be transferred into joint, separate, revocable or irrevocable trusts.

HB 491 (Delegate Frederick of Prince William) and SB 731 (Senator Herring of Loudoun) Requires localities to provide a number of additional items of information to taxpayers on notices of change in assessment of real property.

HB 1173 (Delegate Rapp of Yorktown) Provides that certain Federal, State and local restrictions, as well as special expenses, be considered in determining the fair market value and capitalization rate for certain real, property designated as affordable housing.

Among the major **consumer protection** bills enacted were

HB 1094 (Delegate Amundson of Fairfax) Authorizes the Governor, upon a finding that a supplier is selling necessary goods or services at "unconscionable prices," to issue emergency orders to prevent price-gouging in the aftermath a disaster.

HB 383 (Delegate Suit) Requires home service contract providers to be licensed by the SCC, to insure or maintain a funded reserve account, and to make certain disclosures to contract purchasers.

HB 1103 (Delegate Athey of Front Royal) Provides that any person who accepts a "cure" under the Virginia Consumer Protection Act may not bring another legal action based on the same allegations.

Also, a number of bills were passed to deal with the increasing problem of **identity theft**.

With respect to **workers' compensation and health care**, the following bills were enacted:

HB 326 and HB 942 (Delegate Morgan) Authorizes the sole shareholder of a one shareholder stock corporation, and the sole member of a limited liability company, to elect to be employees under the workers' compensation coverage if those businesses exempts all payments in settlement of workers' compensation claims from the provisions of the Structured Settlement Protection Act.

HB 761 (Delegate Hamilton of Newport News) Authorizes the establishment of cooperatives for employee health care coverage by small employers.

HB 786 (Delegate Landes of Weyers Cave) and SB 287 (Senator Blevins of Chesapeake) Provides income tax credit for the purchases of long-term care insurance.

As is the norm, the General Assembly both considered and enacted a large number of bills relating to **taxes**. Among the more significant of these bills were:

HB 568 (by Delegate Nixon of Chesterfield) Revises the taxation of telecommunication services and applies a statewide sales and use tax of 5%.

SB 69 (Senator Chichester of Stafford) Conforms the Virginia system of taxation with the federal Internal Revenue Code.

SB 504 (Senator Norment of James City County) and HB 40 (Delegate Tata of Virginia Beach) Conforms the Virginia estate tax credit with the federal estate tax credit.

SB 571 (Senator McDougal of Hanover) and HB 532 (Delegate Parrish of Prince William) Beginning in 2006, creates a three day period each year for the tax free purchase school clothes, supplies and computers.

Economic Development and Tourism

Although there were few legislative proposals for this area during this session, those few were highly significant.

HB 1499 (by Delegate Marshall of Prince William County) Creates an Economic Crisis Strike Force to respond to economic disasters in the Commonwealth.

SB 261 (Senator Wagner of Virginia Beach) Establishes a Manufacturing Development Commission to assess manufacturing needs and formulating legislative and regulatory remedies to assure the future of the manufacturing sector in Virginia.

Other major legislation in this area included:

HB 518 (Delegate Armstrong of Martinsville) Allows local governments to establish local tourism zones with tax incentives and regulatory flexibilities.

HB 926 (Delegate Landes of Augusta County) and SB 400 (Senator Hanger of Augusta County) Establishes an economic development grant program for Virginians with disabilities.

SB 662 (Delegate Miller of Norfolk) Includes small and women business enterprises in the certification program administered by the Department of Minority Business Enterprise.

SB 358 (Senator Edwards of Roanoke) Authorizes local governments to provide for partial exemption from taxation for new structures or other improvements to real estate in conservation, rehabilitation or redevelopment districts.

Environmental Protection, Energy, And Utilities

This area—which includes such subject matters as **clean air, clean water, energy, solid waste and sewage, electric and gas utilities, and cable television services**—includes a large number of important legislative initiatives this session. Perhaps, the most important long-range legislation passed in this area in 2006 was

SB 262 (Senator Wagner of Virginia Beach) Establishes an energy policy for Virginia and directs the Division of Energy of the Department of Mines, Minerals and Energy, in consultation with the

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State Corporation Commission, Department of Environmental Quality, and Virginia Center for Coal and Energy Research, to prepare, by July 1, 2007, a ten-year comprehensive Virginia Energy Plan to implement the Commonwealth's energy policy.

Among clean air initiatives enacted were such bills as:

SB 651 (Senators Puckett and McDougal of Tazewell and Hanover Counties) and HB 1055 (Delegate Reid of Henrico County) Establishes a phased schedule for electric generating plants to reduce harmful emissions.

HJ 208 (Delegate Cosgrove of Chesapeake) Requesting the Virginia Department of Environmental Quality to identify and implement the use of on the road remote sensing of vehicle emissions.

HB 1248 (Delegate Hugo of Fairfax County) Eliminates existing sunset provisions relating to the use of clean fuel vehicles on HOV lanes.

HB 680 (Delegate Wittman of Montross) Establishes a bio-fuels production grant and incentives program for producers of clean biodiesel or ethanol fuels.

One of most significant clean air bills was:

SB 648, (Senator Bell of Roanoke) Amends the Virginia Clean Indoor Air Act, prohibiting smoking indoors in most buildings or enclosed areas frequented by the public. This bill was passed by the Senate but was defeated in a House subcommittee.

With respect to **clean water**, the following significant legislation was enacted:

HB 1150 (Delegate Lingamfelter of Prince William County) Requires the Virginia Secretary of Natural Resources to develop a clean-up plan for the Chesapeake Bay.

SJ 644 (By Senator Houck of Spotsylvania County) Directs the Joint Legislative Audit and Review Commission to study small community water systems in Virginia.

In the area of **waste management**,

SB 106 (Senator Blevins of Chesapeake) Requires the consent of a local governing body before the State Water Control Board approves a new or modified Virginia Pollutant Discharge Elimination System Permit.

HB 1134 (Delegate Cline of Buena Vista) Increases the sewage fund permit fee to \$5000 for a new permit and to \$1000 for the modification or re-issuance of a permit.

HB 421 (Delegate Bulova of Fairfax City) Requires that permits for solid waste management facilities or facility expansions be subject to analysis for potential human health, environmental and transportation-related impacts and comments by affected local governments and persons.

For **utilities and telecommunications**, the most important bills were:

HB 1081 (Delegate May of Loudoun County) Provides that a person who tampers with a utility meter or diverts utility service without payment shall be liable to the utility company to an amount equal to the value of the services unlawfully used.

HJ 100 (Delegate May) Directs the Joint Legislative Audit and Review Commission to study the criteria and policies used by the State Corporation Commission in evaluating the feasibility of underground transmission lines.

SB 706 (Senator Stolle of Virginia Beach) and HB 1404 (Delegate Griffith of Roanoke) establishes a new procedure by which localities may by ordinance grant cable franchises to cable TV operators as an alternative to the existing negotiated franchise process.

Human Services and Children

There were an extensive number of bills dealing with the "No Child Left Behind" education program; **adoption and foster care; domes-**

tic and sexual violence; child and spousal support; child and elderly abuse and juvenile justice issues this session. Of worthy and special note were:

SB 703 (Senator Devolites Davis of Fairfax) Requires nursing education programs to provide instruction in child abuse identification and intervention.

HB 56 (Delegate Fralin of Roanoke) Requires mandatory reporting by social service eligibility workers of suspected child abuse.

HB 1351 (Delegate Bell of Albemarle) Requires mandatory reporting by social service eligibility workers of suspected adult abuse.

SB 118 (Senator Howell of Fairfax) Bars the eviction of tenants where family abuse has occurred on the premises if the tenant has provided timely notice of same to the landlord and the perpetrator has been barred from the dwelling unit or subjected to a protective order.

HB 1046 (Delegate Reid of Henrico) Requires juvenile intake officers to report suspected illegal alien juvenile delinquents to the U. S. Customs and Immigration Enforcement Agency.

Land-use and Transportation

Two of the major issues facing the General Assembly at this session were new transportation funding sources and the meaning of "public use" for the purposes of exercising eminent domain in Virginia; while legislative proposals to resolve each of these issues were introduced, all major relevant proposals failed.

Among the more significant **land-use legislation** proposals enacted were:

SB 374 (Senator Watkins of Chesterfield) Makes mandatory certain formerly optional of zoning and subdivision ordinances regarding clustering of single-family housing.

SB681 (Senator Colgan of Prince William) and HB 1192 (Delegate Marshall of Prince William) Allows localities to award contracts without competition to an entity constructing road improvements pursuant to a proffer condition to expand those improvements by utilizing cash proffers of others or other available local funds.

HB 1021 (Delegate Hurt of Chatham) Provides that the findings and conclusions of boards of zoning appeals are "presumptively correct."

HB 1521 (Delegate Marshall of Prince William) Requires local comprehensive plans designate the approximate location, character and extent of each road system and transportation improvement shown on the plan and that they include an official map showing such road and transportation improvements, including the cost of such improvements.

SB 699 (Senator Houck of Spotsylvania) and HB 1513 (Delegate Frederick) Provides that prior to the adoption of any comprehensive plan or amendment by a locality, the locality shall submit the plan or amendment to the Virginia Department of Transportation for review and comment.

With respect to **transportation**, the following are among the more important bill passed this session:

SB 721 (Senator Saslaw of Fairfax) Expands the current revenue-sharing program for counties to include cities and towns.

SB 720 (Senator Wagner of Virginia Beach) Allows the Commonwealth Transportation Board to enter into agreements with localities, authorities and transportation districts when any system or portion of state highways (or any highways that are not a part of state system) is expanded by construction or reconstruction, and to levy user fees for highways that those jurisdictions maintain.

SJ 60 (Senator Williams of Hampton) Establishes a joint legislative subcommittee to conduct a two year study of the role of the Commonwealth and its agencies in meeting Virginia's future transportation needs.

Public Safety and Emergency Management

Numerous bills were introduced this session, particularly in the area of public safety. They ranged from regulation of vicious dogs to criminal justice issues covering gang violence, juvenile justice, sexually violent predators, sexual crime registers, juvenile, etc. Many of these bills passed, among them were:

HB 1037 (Delegate Hamilton of Newport News) Establishes an Office of Sexually Violent Predators' Services in the Department Of Mental Health, Mental Retardation and Substance Abuse Services to monitor provisions related to the civil commitment of sexually violent predators.

In the area of **emergency management**, bills passed were

HB 596 (Delegate Sherwood of Winchester) and SB 624 (Senator Bell of Roanoke) Reconstitutes the existing flood prevention program as a new grant program for Dam Safety, Flood Prevention and Protection Assistance Fund to be administered by the Virginia Resources Authority,

SB 363 (Senator Wampler of Bristol) and HB 1004 (Delegate Sherwood) Makes permanent the Governor's Office of Commonwealth Preparedness,

HB 1170 (Delegate Rapp of Yorktown) Requires each locality in the Commonwealth to maintain an emergency management agency and to appoint a coordinator of emergency management.

SB 395 (Senator Stolle of Virginia Beach) Expands the powers and duties of the Wireless E-911 Board to include development of an enhanced 9-1-1 plan for voice-over-the-internet service and future technologies for accessing E-911 for emergency purposes.

Bills related to **vehicle, highway and pedestrian safety** were:

HB 823 and 824 (Delegate May of Loudoun) Authorizes any town to request and pay for the installation by VDOT of traffic and maximum speed signs, without the approval of the county,

HB 1179 (Delegate Carrico of Independence) Allows the Commonwealth Transportation Commissioner, by request or on his own initiative, to conduct an investigation of any interstate highway and on the basis of his review set the maximum speed limit.

HB 41 (Delegate Albo of Fairfax) Clarifies that an additional punishment for two offenses of DUI is applicable to any offense occurring within any five years after any prior offense.

HB 514 (Delegate Armstrong of Martinsville) Provides that copies of records relating to any breath test conducted pursuant to a DUI prosecution shall be admissible provided such copies are as authenticated as true copies by the custodian thereof.

HB 102 (Delegate Cosgrove of Chesapeake) Makes a third offense in ten years of diving, or whose license has been suspended, revoked or restricted because of a DUI-related offense, guilty of a Class 6 felony,

HB 113 (Delegate Albo) Provides that any person found guilty of purchasing alcoholic beverages for someone to whom they may not be sold shall have his driver's license suspended for a period of not more than one year.

HB 1163 (Delegate Eisenberg of Arlington) Makes it a Class I misdemeanor for any person or entity than the DMV to sell, give, or distribute any document represented to be a driver's license.

Bills related to **certain drugs and destructive substances** were:

SB 553 (Senator Stolle) and HB 1347 (Delegate Bell of Albemarle) Imposes a five-year mandatory term of imprisonment for a third or

subsequent conviction of any Schedule I or II drug or marijuana sale or distribution (there are some exceptions).

HB 1040 (Delegate Kilgore) Provides that only a licensed pharmacist shall dispense, sell or distribute any compound, mixture or preparation containing any quantity of ephedrine or pseudoephedrine (methamphetamine precursors), that any person acquiring it must produce a valid government-issued identification, and that no person shall acquire more than nine grams of pseudoephedrine within any 30-day period, and

HB 1540 (Delegate Dudley of Rocky Mount) provides that any person who targets a waterworks with the intent to kill or injure another person is guilty of a Class 3 felony.

In the area of **criminal and civil procedures and rules**,

HB 1322 (Delegate Morgan of Gloucester) provides that the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall give notice of the granting of an unescorted community visit to any victim of a felony offense against that person which is punishable by more than five years in prison that resulted in the charges on which a person was acquitted because of mental illness, or to the next-of-kin of the victim at the last known address, provided the person seeking notice submits a written request for such notice to the Commissioner,

HB 1526 (Delegate Moran of Alexandria) Provides for the placement of certain offenders within a community-based probation agency.

SB 566 (Senator Stolle) Clarifies that pre-sentence reports are required in certain cases of sexual offenses and adds to such sex offenses.

SB 6 (Senator Reynolds of Martinsville) and HB 1028 (Delegate Hurt) Allows a court to appoint an attorney who is not on the list from the Indigent Defense Commission when the court believes that attorney has the proper training and experience,

Bills covering **new crimes and enhanced penalties** included:

SB 522 (Senator Stolle) Makes it a Class 6 felony for a clerk of court or other official to willfully violate a court order relating to the retention, transfer or destruction of human biological material.

HB 1013 (Delegate Hurt of Chatham) Makes the possession, manufacture, etc. of false identification cards with intent to use same as evidence of legal presence in the U S. or legal residence in Virginia a Class 6 felony,

HB 775 (Delegate Albo) and SB 473 (Senator Norment of James City County) Expands the definition of a predicate criminal act under crimes by gangs to include threats to bomb and receiving money for procuring person for prostitution,

HB 429 (Delegate Nutter of Christiansburg) Elevates the arson of a church to a Class 3 felony.

HB 1042 (Delegate Kilgore) Provides that if a person causes the death of another person while engaging a vehicle race in a manner so gross, wanton and culpable as to show disregard for human life, they are guilty of a felony punishable by a term of confinement of not less than one nor more than 20 years, one year of which is a mandatory minimum term of confinement.

Compiled by Tom Hyland, the Vice-President of David Bailey Associates and a veteran General Assembly observer, lobbyist, consultant and former legislative aide. ☐

Roadside Markers Diversify

By JOE GREEN

The Commonwealth's Department of Historic Resources (DHR) has launched the marker diversity initiative that is part of an agency-wide effort to recognize Virginia's abundant historic legacy.

"It is based on the idea that our programs, including highway markers, registered landmarks, and educational outreach, should reflect the rich tapestry of Virginia's history and be available to all Virginians," in the words Kathleen S. Kilpatrick, director of DHR, who implemented DHR's diversity initiative when she took the reins of the Department beginning in 2001.



Virginia was among the first states in the nation to have an official program for historical markers along highways. In 1927, under the administration of Governor Harry Flood Byrd, Sr., the Historical Highway Marker Program was begun, in order to promote tourism at a time when the automobile was rapidly rising in popularity.

Despite a lull in the marker program during World War II and, again, in the late 1960s, the Commonwealth now boasts approximately 2,000 historical markers. Whereas markers were originally created using public funds, since 1976 policies have emphasized private funding through partnerships between DHR and individuals, organizations, or local governments that wish to sponsor new markers. Today a marker costs the total sum of \$1,350. In a few cases, such as the current marker diversity initiative, state funding is still provided.

Proposed highway markers must still go through an application process with DHR, which is charged with verifying the historical accuracy of the information posted on markers. For older markers in the Commonwealth that are outdated, missing, or damaged—numbering over 400—the state received federal transportation grant funding between 1996 and 2005 to replace them. When updating, researchers may revise the text on markers to make the relevance of

certain historical events clearer to contemporary observers, or in rare cases, correct errors made in the marker's original text. The Virginia Department of Transportation (VDOT) is also given some input as to the exact placement of markers, since the agency is tasked with erecting and maintaining the markers. Text on markers must be within the 100-word limit.

The new DHR diversity markers relating to Native Americans were created in cooperation with the Virginia Indian community and the Virginia Council on Indians, as well as the Virginia Historical Society (VHS). Among these markers is the first-ever marker honoring paramount chief Powhatan. For markers relating to African-American topics, DHR is developing those in cooperation with African American scholars and community leaders and VHS. On February 19, the Gilmore Farm marker in Orange County was unveiled. The marker honors the site of one of the few surviving homesteads occupied by newly freed African-Americans in the years following the Civil War. The Gilmore Farm marker, initiated by Kilpatrick and sponsored by DHR, was planned with the cooperation of James Madison's Montpelier, on whose land the Gilmore Farm site is located, and the Orange County African American Historical Society.

The marker diversity initiative is just one of the latest aspects of Virginia's groundbreaking historical marker program, which has proven to be good not only for tourism, but also to help Virginians and others appreciate the state's rich history.

Joe Green is a media production specialist in Richmond. He can be reached at josephgreen63@yahoo.com.

Disrespected No More

One of the markers in the new program will honor Black Hawk, whose portrait hangs in the state library. His marker, to be placed at 12th Street and Main, in the heart of downtown Richmond, is still in the draft stage, but is expected to read as follows:

"Black Sparrow Hawk (Ma-ka-tai-me-she-kia-kiak) led the Sauk Nation in the defense of land taken from them in the 1830s. Displaced from three Midwestern locations, the Sauk resisted another federal location. Led by Black Hawk, the Sauk fought throughout the summer of 1832 in what has become known as the Black Hawk War. Outnumbered, the Sauk and Black Hawk surrendered and he was held in federal custody. President Andrew Jackson ordered him paraded through major cities in European clothing as punishment. In 1833, Black Hawk was interned at Richmond's Eagle Hotel, once located nearby, and at Fort Monroe in Hampton. Released later that year, he returned to his people in Illinois."

Ask The SOURCE **A New Feature for Capitol Connections**

By DAVID BAILEY

Questions submitted to AskTheSource@CapitolSquare.com will be thoroughly investigated and answered. Our first question arrived just before we went to press, and the answer will be in the web edition of *Capitol Connections*.

Question:

Can State Boards and/or board members appointed by the Governor of the Commonwealth state their position/opinion on legislation being considered by General Assembly Committees? What is the policy of the Kaine Administration, and does this policy apply to all boards?

Answer:

I know of no reason now, or ever that prevents a gubernatorial appointee from speaking his/her opinion on a piece of legislation. However, it is a personal opinion as a private citizen and not an opinion as a gubernatorial appointee or as a member of the Board/Commission—unless they are reflecting, as a member of a Board/Commission, a position adopted by their Board/Commission.

The Source, Governor's Office