

SENATOR STUART'S REPORT FROM THE CAPITOL

As this legislative session has come to a close, obviously the last few weeks were dealt with adopting a state balanced biennial budget for 2011 and 2012. The General Assembly adopted a budget late Sunday evening. Unfortunately, it was a budget that I could not support.

Along with the budget, we viewed almost 3,000 pieces of legislation. As for myself, I had 15 fairly substantive bills that passed the General Assembly this year from legislation to help special needs children, to public safety measures, to bills to help veterans get property tax relief and ensuring the stability of our menhaden fishery.

The most notable of all my bills was the bill to increase the fee for civil litigation. Many of you have heard much about this and it was a sticking point in the budget negotiations. The bill increases the filing fee for people who want to sue each other for personal injury or other civil litigation, but it also raised the money necessary to fund the sheriffs' offices and the commonwealth attorneys.

The bill was premised on the theory that taxpayers should not subsidize people who want to sue each other for personal injury and that they should have to fund the system themselves. Furthermore, this bill amounted to real tort reform. The way it amounts to tort reform is very simply that, if it costs more to file a law suit to sue for personal injury, people with frivolous suits will stop filing them.

The bill was successfully utilized to fund the sheriffs and the commonwealth attorneys and, for that, I am very proud. Public safety has to be one of our top priorities. The backbone of any community is safe streets and good schools and good jobs.

The biennial budget that was adopted gave me great concern in several respects. First, the General Assembly is not honoring its responsibility toward the Virginia Retirement System as has been discussed in my previous report. The way that the General Assembly chose to proceed was to not pay two years worth of payments to the Virginia Retirement System that will total about 620 million dollars. This 620 million dollars will then be amortized over ten years, which multiplies our burden and I believe it could potentially jeopardize our AAA bond rating. The ability to repay is based upon an assumption that the stock market will perform at 7 ½ to 8 % each year going forward and that our revenue receipts for the state will be approximately 4 ½ % in 2011 and 5 ½ % in 2012.

To me, this was just too much of a gamble and there were too many risks with going forward with this theory. I simply believe this is imprudent fiscal policy and I could not support it.

We also eliminated a manufacturer's deduction, which saved the state some money, but it is a disincentive to manufacturers in Virginia. With the type of recession that we are trying to climb out of, it appears to me that manufacturing jobs could be one of the best

ways to recover. So, I could not support anything that was a disincentive to manufacturing.

Finally, we also shifted financial burdens to our localities. This puts the localities in the position of trying to figure out how they are going to come up with the money to do certain things that the state had previously provided revenue for.

All in all, there were very tough decisions to be made. While I think there was much progress made in the budget, I think there was more to be made and it was a budget I simply could not support for those reasons and others.

We were, however, able to restore money to K-12 that Governor Kaine had previously cut. I think that we probably could have found more money for education if we had spent a little more time and worked a little harder.

At any rate, the budget has been concluded and we now await the reconvened session, which is April 21, 2010. At that time, the Governor will send down his amendments to any of the bills that passed the General Assembly or veto any legislation that he believes is inappropriate.

I must comment on the leadership from Governor McDonnell. I have to tell you that I was very impressed with his efforts and leadership in the way that he reached out to all members of the General Assembly, both Republicans and Democrats alike, to solve the state's problems. I believe that this is the sign of true leadership. He did not try to make issues partisan. He did not choose Republicans over Democrats to carry legislation. He simply worked with all members of each party to resolve the difficulties. Even though at the end of the day I didn't agree with the budget, I am proud of his leadership in such a bipartisan fashion.

As always, I appreciate the opportunity you have given me to serve you in the State Senate. If I can be of any service, I can be reached at my senate office, 804-698-7528, P. O. Box 396, Richmond, Virginia 23218 or my district office, 804-493-8892, P. O. Box 1146, Montross, Virginia 22520, or by email at richard@stuartforsenate.com.

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