



SENATOR  
RICHARD STUART

## Senator Stuart's Report From The Capitol

February 25, 2011

Dear Friends,

The final week of the 2011 General Assembly session was focused on completing work on the remaining bills under consideration. In addition to the ongoing negotiations over potential amendments to the 2010-2012 Biennial Budget, two pieces of legislation that have been matters of contention for many years received the most attention.

Protecting the property rights of Virginians by restricting the eminent domain powers of government has been a major issue this session. Governor McDonnell, Lt. Governor Bolling, Attorney General Cuccinelli, and the Republican Caucuses of the Senate and the House supported approving a constitutional amendment that would provide new protections for the property rights of Virginians.

The House easily approved a proposed amendment, but the prospects for the measure were much more challenging in the Senate. Just two weeks ago, Senate Republicans had to invoke a parliamentary maneuver that had not been tried in decades just to get the Senate to consider the amendment. That effort failed on an 18-to-22 party-line vote, with all Senate Democrats voting against having the Senate even hear the bill.

This week, the results were very different. When the House version of the amendment, House Joint Resolution 693 (HJ 693), came to the Senate, it was approved by a one-vote margin by the same subcommittee that had previously rejected the Senate version. Then, it was approved by another one-vote margin by the Senate Privileges and Elections Committee, which two weeks before had refused to even hear the Senate version of the amendment.

On Tuesday, the Senate approved HJ 693 by a vote of 35-to-5, with 17 Senate Democrats joining the 18 Senate Republicans who had supported the amendment all along. As with all proposed constitutional amendments, the measure has to be approved by the General Assembly again next year, and then will be put before the voters to win final approval.

The approval of an amended version of Senate Bill 924 was a testimony to legislative perseverance and persistence. Twenty years ago, then-Delegate (now Senator) Emmett Hanger of Augusta sponsored a bill that would require abortion clinics meet the same standards as facilities that perform outpatient surgical procedures. Regardless of your views on abortion, requiring facilities that perform this procedure to be safe and in accord with appropriate health standards just makes sense. Most states already require abortion clinics to adhere to standards similar to the ones being proposed in Virginia. Yet, this measure has been thwarted at some point in the process every year it came before the General Assembly.

This year, proponents of the proposal proved more resourceful. The Senate Education and Health Committee killed both the House and Senate versions of the proposal on 10-to-5 party-line votes, preventing the measure from coming to the Senate floor for a vote. But, those supporting the measure in the House placed the bill's provisions onto another bill that deals with the delivery of healthcare

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services as an amendment. That meant the measure was brought directly to the Senate floor for a vote, without having to go back to the Senate Committee.

The bill passed in dramatic fashion, with two Democratic Senators joining all eighteen Republicans in voting for the bill, with Lt. Governor Bolling casting a rare vote to break the tie in favor of approval. The bill is headed to Governor McDonnell's desk, and he has indicated his intention to sign it.

The Budget Conferees for the Senate and the House continue to negotiate the various positions and work out the budget amendments to be voted on.

Most of the legislation has been concluded now. In the upcoming weeks, I will detail the various bills that I worked through the General Assembly as well as others that are of importance to you.

With session ending, I'll be returning to my District office in Montross. You can contact us there at 804-493-8892 or by email at [district28@senate.virginia.gov](mailto:district28@senate.virginia.gov). I want to thank you for taking the time to read my columns during this year's session, and I especially thank this newspaper for carrying them.

Thank you for allowing me to serve you in the Senate of Virginia.

SB995 creates an additional option for fishing license. As many people know, the freshwater/saltwater fall line on the Rappahannock is the Rappahannock River Bridge in Tappahannock. If you fish on one side of the bridge, you must have one kind of license. If you fish on the other side of the bridge, you have to have a different kind of license and one side of the bridge does not even allow a boat license. What this bill did was create an option so that you could purchase a license that you could fish anywhere in tidal waters of Virginia, anyone that is on your boat is covered, and the license is transferrable to any boat you own. This bill merely simplifies the licensing process for the sportsman. Many of us have complained that these laws are just too complicated. So my effort was to put in a catch-all license that would allow you to fish anywhere on any boat and anybody that is with you is covered.

Next week, I'll have details about the Senate's version of amendments to the 2010-2012 Biennial Budget, as well as a progress report on my own legislations. As always, if you hear about an issue that you'd like to weigh in on with your opinion, please drop me an email at [district28@senate.virginia.gov](mailto:district28@senate.virginia.gov), or call me at 804-698-7528.

Thank you for allowing me to serve in the State Senate.

Sincerely,  
Richard H. Stuart