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## Assembly briefs

01/19/2005

### Kilgore resigns to run full time for governor

Attorney General Jerry Kilgore said Tuesday that he will resign from his post Feb. 1 to concentrate full time on seeking the Republican nomination for governor.

"I am stepping down to pursue a goal that will take tremendous time. The achievement of this goal would not be possible while remaining in this post," he said in a statement released Tuesday.

Kilgore will not become the official Republican nominee until this summer, but no one has mounted a challenge. He faces a tough contest with Lt. Gov. Tim Kaine, the Democratic nominee, who is running neck-and-neck with Kilgore in fund-raising thus far.

During his three years as the commonwealth's top law enforcement official, Kilgore waged an aggressive campaign to combat domestic violence and recently tackled the growing threat of gangs. Locally, his office successfully argued for Fairfax Water's right to draw drinking water from the Potomac River and aided with the sniper prosecutions.

His resignation follows in the footsteps of other former attorneys general who went on to seek higher office, but his departure comes much earlier than the previous summer resignations.

By leaving now, he ensures that the legislature, rather than the governor, will pick an interim replacement until the next attorney general is elected in November. Kilgore said he will recommend legislators appoint one of his chief deputies to fill the post.

-- *Dominic Bonaiuto*

### Lawmakers push to fulfill car tax promise

Republican Dels. Thomas Rust, of Herndon, and Richard Black, of Sterling, are pushing an amendment to the Virginia Constitution that would do away with the car tax once and for all.

The popular phaseout of the annual motor vehicles levy, championed by former Gov. James Gilmore (R), has stalled out at 70 percent because of its escalating costs, which are now about three times larger than originally forecast.

Instead of simply repaying cities and counties for the lost revenue—the car tax is a local tax source—Rust and Black are proposing to spread 17.5 percent of the state's income tax collections among localities. That figure represents the percent of state spending that would be spent on the car tax at its full phaseout.

The car tax is complicated and costly for local governments to administer, and supporters

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of this plan said cities and county could wind up with more money than before as income tax collections grow.

-- *Weston Reeves, Capital News Service*

### **Gay marriage debate heats up**

The state's largest gay rights group, Equality Virginia, is squaring off with the Family Foundation, a prominent "traditional values" organization, over a proposed constitutional amendment banning same-sex marriage.

The Family Foundation wants the state to define marriage as between a man and a woman, citing the success of similar amendments in several states last November.

Equality Virginia has mobilized more than 200 supporters for last week's Gay, Lesbian, Bisexual and Transgender Lobby Day at the capital.

"We believe that the Virginia Constitution should never be the place to codify discrimination," said Dyana Mason, Equality Virginia's executive director.

The amendment requires approval from the General Assembly and the governor in two consecutive years and then by voters in a statewide referendum.

-- *By Thomas Gehring, Capital News Service*

### **Delegate says bill did not target miscarriages**

Chesapeake Del. John Cosgrove (R) has withdrawn a controversial bill that would have required women to report fetal deaths to the police within 12 hours or face misdemeanor charges.

The bill prompted hundreds of e-mails to Cosgrove from residents who believed it would punish women for not reporting miscarriages.

Cosgrove insisted his proposal would not have applied to miscarriages. He said the bill was intended to target women who throw away their newborn babies. He said he proposed the law at the request of his local police department.

He acknowledged that the language in the bill was too broad. But he said it would have been fixed in a legislative committee to meet his original intent.

-- *Julian Benbow, Capital News Service*

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## Briefs - Feb. 9

02/08/2005

Plan health care for old age

For years, Del. Gary Reese's father said, "I've got the best medical coverage." But he did not know that he did not qualify for long-term care. And when he needed such care, he found it cost as much as \$9,000 a month.

As Virginians live longer, they should know that their insurance policies might not cover the care they will need later in life, said the Republican Fairfax delegate, whose father died in August. This is one of the reasons he and fellow Republicans have proposed several bills to address long-term care for aging Virginians.

"Impoverishment affects family as well as the individual," Reese said. "Let younger generations know Medicaid ... isn't going to be there for them."

As baby boomers age, the next 10 to 15 years will be crucial in determining how long-term care will be funded, said Del. Phillip Hamilton of Newport News.

Hamilton, Reese and other Republican leaders have joined together to promote a plan they say offers innovative solutions to the problem. Among other things, they want to promote community-based care that would allow elderly Virginians to live at home as long as possible.

"We need to encourage our citizens to be good consumers and to find long-term care insurance that will give them the best opportunity to live in their own homes," said Del. R. Steven Landes, R-Weyers Cave. "We are reforming, not waiting."

Reese's House Bill 2166 calls for development of a public information campaign to ensure that all Virginians are informed about long-term benefits available to them.

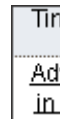
The Republican package also includes Reese's proposed House Bill 1591, which would expand the deductions for insurance premiums paid by spouses, children and parents of those in long-term care.

-- Holly Hobbs

House panel tables Del. Reid's emissions bill

A House committee last week tabled a bill proposed by Del. Jack Reid (R-Henrico) that

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would have imposed some of the strictest smokestack emissions standards in the country.

Opponents of the legislation said the new equipment required to reduce emissions sufficiently would come at too high a price for the coal and electric industries.

"This stuff doesn't get built for nothing," said Del. Preston Bryant (R-Lynchburg).

Supporters argued that failure to pass the bill came at a cost, too.

Representatives from the American Lung Association said that current air quality causes 1,000 deaths, 23,000 asthma attacks and 140,000 lost workdays in Virginia annually.

With the vote, the House Agriculture, Chesapeake and Natural Resources Committee indicated that it wanted to wait until the federal government addresses the issue. The U.S. Environmental Protection Agency is expected to issue new regulations on air emissions this spring.

During the debate over the issue, Reid has made no secret of his personal connection to the matter. His wife, Judi, who does not smoke, has been diagnosed with genetic emphysema. The poor air quality exacerbates her condition.

Many who came to testify before the committee saw the panel's decision to table the bill rather than kill it as a courtesy to Reid and his wife.

The measure was tabled by a vote of 17-5.

Note: Here is how committee members voted on the motion to table the bill.

YEAS (for tabling the bill)--Cox, Morgan, Sherwood, Ware, R.L., Louderback, Wright, Orrock, Weatherholtz, Byron, Saxman, Hogan, Cline, Scott, E.T., Bryant, Shuler, Miles and Stump--17.

NAYS (against tabling the bill)--**Plum**, Van Yahres, Amundson, Eisenberg and Shannon--5.

-- Amy Biegelsen

### **Panel OKs Sen. Mims' ban on smoking in public**

Virginians wanting to light up at their favorite restaurant might be out of luck.

On an 8-7 vote, a Senate committee endorsed a bill that would prohibit smoking in most public indoor places, including offices, restaurants and common areas in condo and apartment complexes.

The sponsor of Senate Bill 1191, Sen. Bill Mims (R- Leesburg) said his bill would not take away the right of Virginians to smoke but would allow nonsmokers fume-free air to breathe.

Mims characterized his bill as "a reverse of the presumption in Virginia law." Currently, smoking is permitted indoors except where specifically prohibited by law. The senator's bill calls for prohibition of smoking except where specifically permitted.

First-time offenders would be fined \$100 and \$250 for subsequent offenses. Business owners where smoking took place illegally would face a \$200 fine for a first offense and \$500 for ensuing violations.

The Senate Education and Health Committee narrowly approved SB 1191. The eight committee members who voted for it were: Mims; H. Russell Potts Jr.(R-Winchester); Richard L. Saslaw (D-Springfield); Janet D. Howell (D-Reston); Mary Margaret Whipple (D-Arlington); L. Louise Lucas (D-Portsmouth); Frederick M. Quayle (R-Chesapeake); and John S. Edwards (D-Roanoke).

The seven committee members who voted against the bill were: Benjamin J. Lambert III (D-Richmond); R. Edward Houck (D-Spotsylvania); Stephen H. Martin (R-Chesterfield);

Stephen D. Newman (R-Lynchburg); Bill Bolling (R-Mechanicsville); Frank M. Ruff Jr. (R-Clarksville); and Harry B. Blevins (R-Chesapeake).

Mims said he expects the bill will also have a close call on the Senate floor this week. SB 1191 would have to pass the Senate and the House of Delegates and be signed by Gov. Mark Warner to become law. It is the first major attempt to extend smoking restrictions in Virginia in the last 15 years. Current state law requires only that restaurants have separate smoking sections.

"I think this bill goes far too far," Newman said.

But Mims disagreed.

"In Virginia, you have the choice to smoke. You have the choice to not smoke," he said. "This bill draws the appropriate line to respect the rights of both."

---Holly Hobbs

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**Briefs - Feb. 16**

02/15/2005

**Superintendents offer lesson for legislators**

Virginia school superintendents want the General Assembly to give them more money to improve facilities and pay teachers. The Virginia Association of School Superintendents highlighted those and other needs last week when it outlined its 2005 legislative agenda.

"We basically have a foundation, but we still need to build the house," said Frederick Morton III, superintendent of Henrico County public schools and secretary of the association.

Eighty-four percent of Virginia schools are fully accredited based on their performance on the state's Standards of Learning tests. That's up 10 percentage points from last year.

Under the law, students in various demographic subgroups, even students with learning disabilities, must pass the Standards of Learning tests, or else the school will fail the federal criteria. Margaret Blackmon, president-elect of the association, called the practice an "unrealistic approach and one I find offensive if the (U.S.) Department of Education is really interested in children succeeding."

The association's current president, Edgar Hatrick III, said he hopes the State Board of Education or the General Assembly will "exercise influence over the Department of Education" to get a waiver from the No Child Left Behind Act. Among other things, a waiver would allow Virginia schools to give extra test-taking time to students whose first language is not English.

-- Amy Biegelsen

**Last year's traffic death toll: 900, lowest since 1999**

Virginia motorists in 2004 put the brakes on a five-year trend of deadly driving, posting the state's lowest number of traffic deaths since 1999.

Roadway fatalities in Virginia last year dropped to 900, down 4.5 percent from the 942 traffic deaths in 2003, according to the Virginia Department of Motor Vehicles Crash Facts.

The 2004 total was the lowest since 877 Virginians died in car wrecks in 1999. From 2000 to 2003, the state averaged 930 traffic fatalities a year.

Col. W. Steve Flaherty, superintendent of the Virginia State Police, credited Virginia motorists for being responsible drivers and praised his officers for their "untiring effort."

Last year's total was the fifth lowest since the Virginia Department of Motor Vehicles started keeping track in 1968. The all-time low of 839 traffic deaths was set in 1992.

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-- Julian Benbow

### **As they age, baby boomers need long-term plan**

Do you own your future? You should, according to Gov. Mark Warner (D).

He has announced a campaign to educate Virginians between 50 and 70 years old about the impact of aging. The campaign, "Own Your Future," was developed in conjunction with the U.S. Department of Health and Human Services, the National Governors Association and the National Conference of State Legislatures.

"The 'baby boomer bulge' in population is quickly moving toward retirement age, and it is estimated that one in four Virginians will be over the age of 60 by the year 2030," Warner said. "The fact is, the federal Medicare program will not help most older people pay for their long-term care needs, and not preparing for the financial, emotional, physical and mental aspects of aging can have a devastating impact on families."

The initiative includes direct mail, televised public service announcements and distribution of a "tool kit" containing consumer information on long-term care issues.

The tool kit can be acquired by dialing toll-free 1-866-PLAN-LTC. It includes contact information for the Virginia Department for the Aging, local agencies, the State Corporation Commission's Bureau of Insurance and other resources.

Virginia is the first of five states to start the initiative. Also launching campaigns are Arkansas, Idaho, Nevada and New Jersey.

"The government has an obligation to help our most vulnerable citizens, but, for the rest of us, we have an obligation to plan for a safe and secure future," said Eldon James, executive director of the Virginia Association of the Area Agencies on Aging. "Long-term care planning is an important part of this."

-- Anthony McBrien

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