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Assembly briefs: Suffolk kept off impact fee bill

The Virginian-Pilot
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Foiled again.

Suffolk's quest for the right to charge builders impact fees to pay for roads hit another wall Monday.

Sen. Frederick Quayle, R-Suffolk, tried unsuccessfully to squeeze the city onto a bill that gives Spotsylvania and Fauquier counties the authority to charge the fees.

Supporters of the bill said they feared Suffolk's inclusion would cause the entire measure, HB121, to fail. Quayle said home builders in Hampton Roads oppose impact fees for Suffolk, while Northern Virginia developers have agreed to accept the fees in the two counties in their region.

Quayle has a separate bill, SB225, that would allow impact fees in Suffolk, but he said he expects the measure to be killed in a House committee next month.

Legislators have given 11 localities the right to charge impact fees, but Stafford County is the only one that does so, Quayle said.

The senator said Suffolk needs the power because it is one of eight localities that have experienced residential growth of more than 20 percent in the past five years.

- *Christina Nuckols*

Communications: New TV franchise rules are approved

New television franchise rules that may give consumers more choices and lower prices cleared the General Assembly on Monday.

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The House approved SB706, a compromise between cable and telephone companies that will help Verizon Communications Inc. launch TV offerings in the state. The bill passed by a 93-5 vote without debate.

The measure, already approved by the Senate, now goes to Gov. Timothy M. Kaine.

Verizon, which has started building a fiber-optic network to carry digital video signals, had pushed for a streamlined process that would allow it to quickly begin selling TV services in newly wired areas. The bill gives local governments authority to ensure that Verizon doesn't target only wealthy neighborhoods.

- Warren Fiske

Immigration: Bill makes it harder for noncitizens to vote

A Senate committee on Monday killed two bills aimed at penalizing businesses that employ illegal immigrants, even as the full Senate accepted a proposed law that would require the Department of Motor Vehicles to report illegal immigrants to voter registrars.

The Senate agreed 25-14 to the legislation, HB170, which will make it even harder for illegal immigrants to get on the voter rolls.

The bill, which has already passed the House of Delegates, requires the DMV to report monthly to the State Board of Elections the names of all those who identify themselves as non citizens.

Two other bills addressing illegal immigration didn't fare as well in a committee meeting.

Del. John Reid's proposal in HB1048 would have levied a \$10,000 fine on a business or business manager who knowingly employed illegal immigrants.

Reid, R-Henrico, said he proposed the legislation after hearing complaints from a roofer in his area who said he couldn't compete against a business that paid illegal immigrants minimum wage and housed eight in a single apartment.

"If we're going to spend some of our time going after those who are here illegally," Reid said, "I think we should also be spending a part of our time going after those who take advantage of them."

Del. Vivian Watts, D-Fairfax, submitted a similar bill, HB1067. But both measures were killed after senators voiced concerns about burdening businesses and state agencies with paperwork and getting in the way of existing federal laws.

- Meghan Hoyer

Gay Rights: Attorney general reconsiders ruling

Gov. Timothy M. Kaine may have had legal grounds to ban discrimination against gay state workers after all, according to a spokesman for Attorney General Bob McDonnell.

McDonnell ignited a furor last week when he ruled that Kaine violated the state constitution with his executive order prohibiting discrimination based on sexual orientation.

A spokesman for McDonnell said Monday that the attorney general's ruling was predicated on an interpretation that the gubernatorial order covered the legislature and state courts, not just executive agencies.

"If the governor wanted to do something for just the executive branch, the answer might be different," Tucker Martin said. "That well might be constitutional. He probably could set the personnel policy of the executive branch."

Kevin Hall, a spokesman for Kaine, said the governor always intended that the order be limited to agencies under his direct supervision. Hall expressed surprise at the clarification from the attorney general's office.



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Hall said he was uncertain whether Kaine would seek a new ruling from McDonnell on the order. Kaine noted last week that he was under no legal requirement to abide by the attorney general's ruling because it was an advisory opinion.

McDonnell's ruling argued that Kaine violated the state constitution's separation of powers doctrine. The attorney general noted that legislators have rejected legislation that would extend the state's nondiscrimination protections to gays and lesbians, creating a conflict with the governor's executive order.

Martin said McDonnell's interpretation is based on the order's first sentence, which declares "it is the firm and unwavering policy of the Commonwealth of Virginia to assure equal opportunity in all facets of state government."

A.E. "Dick" Howard, an expert on the state constitution, said, "That is clearly not the operative part of the order, and I think it's a real stretch to say it goes beyond the executive branch. It's overkill on the part of the opinion to sweep as wide as it does."

- *Christina Nuckols*

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