

VIRGINIA *CAPITOL CONNECTIONS*

Tim Kaine
*New Governor on
High Road for Virginia*

Features:
The last
Williamsburg
inauguration

Virginia's
changing political
landscape by
the four tops

House of
Delegates
Class of 2006

Tim Kaine
and
daughter
Annella
Virginia
welcomes
a new
first
family

Winter 2006

Fix Transportation Now— New Administration Will Target Gridlock

By Governor Tim Kaine

The people of Virginia have given us a clear and urgent mission: Fix our transportation system and fix it now. That is the message they sent last November, and that message must be our directive for the 2006 General Assembly session.

One of the greatest threats to our way of life and our ability to make a living is the transportation challenge we face today. The nature of that challenge varies from region to region.

In Southwest and Southside Virginia, a lack of infrastructure is the problem. Along the Interstate 95 corridor from Richmond through Fredericksburg to Northern Virginia, congestion is jeopardizing our quality of life. And every day, gridlock awaits commuters in Hampton Roads, especially those crossing the water.

It has been two decades since our elected leaders took a long-term, comprehensive approach to our transportation needs. Every other priority we share, from keeping Virginia's families safe, to educating our children, to gaining control of rising health care costs, depends upon creating an effective transportation system that can handle the challenges of the 21st century.

Every day we delay, families lose time together.

Every day we delay, companies lose productivity.

Every day we delay, Virginia loses.

We must act now.



I have talked with people in every part of the Commonwealth over the past eight weeks about their everyday traffic frustrations. Those town hall meetings have demonstrated the scope of this challenge. As we move forward to solutions, we must focus on three areas:



Accountability in Performance

Over the last four years, the on-time budget performance of the Virginia Department of Transportation improved from 20% to 75%. During the same period, on-budget figures jumped from 51% to 81%. Taxpayers have a right to expect that their money is being used efficiently to provide the services they demand. My administration will continue to focus on accountability; with the goal of making our transportation department the country's most efficient.

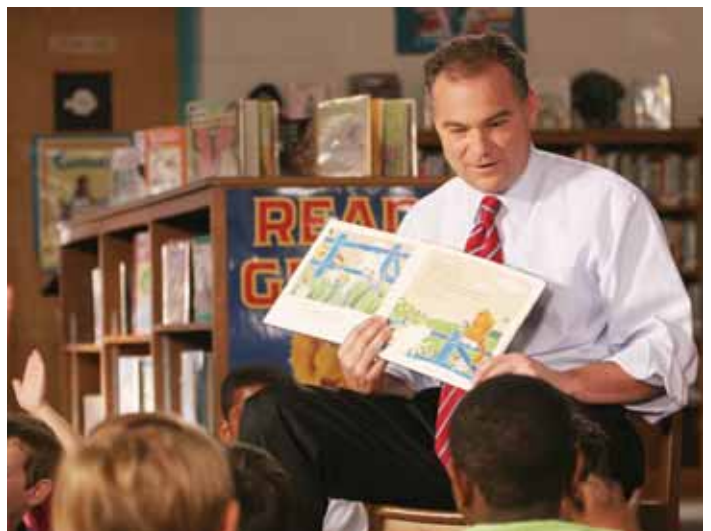
We must use tools like public-private partnerships creatively to tap private sector resources as we move forward on vital, big-ticket projects like extending Metro Rail to Dulles Airport.

Financial Accountability

Locking up Virginia's Transportation Trust Fund is key to resolving our transportation challenges. Those monies have been taken and used for other priorities three times over the last decade. That hurts the state's credibility with its voters, delays the start of projects and makes them more expensive. As Governor, I will veto any budget that uses Transportation Trust Fund money for anything other than transportation. In the long-term, I will work with General Assembly leaders from both chambers and both parties to amend the constitution to eliminate the possibility of such future transfers.

The state should also consistently keep its word when it comes to the taxes paid on auto insurance premiums. The General Assembly promised those revenues solely for transportation projects, but has used them as a band-aid to cover shortfalls in the state's general fund. I applaud Governor Warner's decision to restore those revenues to transportation in his outgoing budget and will work with legislators to ensure that is carried through.

We should also use surplus general funds for transportation projects. One-time expenditures are the most fiscally prudent use of unanticipated revenue. And by using the money for transportation projects, we can draw down more federal transportation dollars.



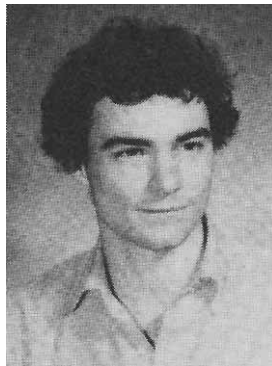
Best wishes
to the
new governor.



Better Connecting Land Use and Transportation Decisions

We cannot simply tax and pave our way out of our transportation problems. We also need to reform the way land use and transportation decisions are made. At the moment, 134 cities and counties individually make land use decisions. The state, in turn, makes transportation planning decisions. That flawed arrangement means we are forever playing catch-up, and the additional time that we spend just sitting in our cars is a testament to its failure. Localities need more power to control over-development. If the transportation infrastructure is insufficient to support a rezoning request, they should be able to reject it.

The people of Virginia have given us a clear charge. And they will hold us accountable not only for what we do to fix transportation, but also for what we fail to do. By embracing these challenges and working together, we can report back to the voters with transportation solutions—not excuses—at the end of these 60 days. **V**



Tim Kaine, Harvard Law School, 1983



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Best Wishes to Tim Kaine
Governor of Virginia**



The Governor's children Nat, Woody and Annella (pictured on cover) will get plenty of advice from their mother Anne who lived at the Governor's mansion in 1970 when her father Linwood Holton served as Governor.



Governor Tim Kaine and Virginia's New First Lady Anne Holton

Richard and Sharon Steele

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Ken Jessup & Associates

Mike Ward- Petroleum Council Virginia

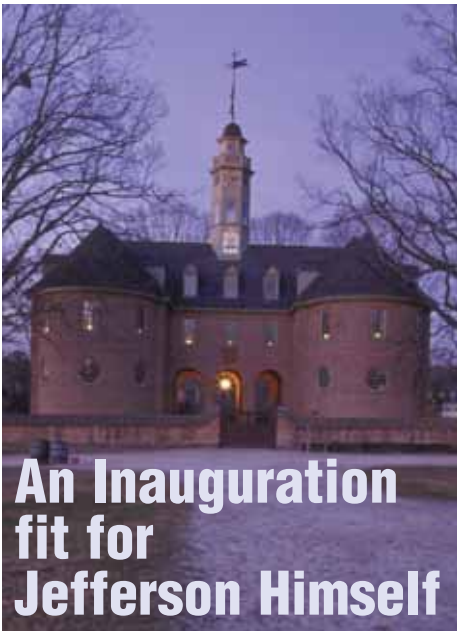
James D. Shuler—House of Delegates

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Viola Osborne Baskerville

Virginia State Firefighters Association

David Bailey Associates



By Holly Hobbs, Capital News Service

A cold winter wind sweeps across the crowd bundled together at the foot of the stairs leading to Williamsburg's colonial Capitol as a new governor is sworn into office.

"I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the Commonwealth," the governor-elect promises with one hand on the Bible and his feet firmly planted on the stone steps of the red-brick Capitol.

That scene could have been pulled from the biography of Thomas Jefferson, who in 1779 became the commonwealth's second governor. But it really describes the swearing-in of Virginia's 70th governor, Tim Kaine, during the Jan. 14 inaugural ceremony on the steps of Williamsburg's Capitol.

After more than 200 years of holding such ceremonies at the Virginia Capitol in Richmond, the inaugural bash has returned to Virginia's former Capitol in Williamsburg.

"It's a wonderful and unique opportunity," said Jeff Kraus, press director for Kaine's inauguration.

Kaine is scheduled to take his oath of office on Saturday, Jan. 14, in Williamsburg. He is only the third governor to be sworn in there. His predecessors are Patrick Henry, the first governor of Virginia in 1776, and Thomas Jefferson, the third president of the United States and founder of the University of Virginia.

Jefferson urged legislators to move the Virginia capital (and Capitol) to Richmond in 1780 during the American Revolution. Every governor since then has been inaugurated at the Capitol in Richmond.

Last spring, the General Assembly unanimously agreed to move the 2006 gubernatorial inauguration back to the colonial capital. Delegate Melanie Rapp, R-Yorktown, suggested the change of venue.

"The current Capitol grounds in Richmond are under construction, which may pose unseen hazards to the general public," Rapp wrote in her legislation.

Construction at the Capitol in Richmond presented an opportunity to mesh the old and the new Virginia, Kraus said.

The change from city to colony isn't the only historic flashback Virginians are witnessing this January. Kraus said Kaine's inauguration will address a problem that Jefferson also faced 227 years ago.

During his political career, Jefferson railed against partisan bickering, calling it a weakness of government.

"The greatest good we can do our country is to heal its party divisions and make them one people," Jefferson said in an 1801 letter to a friend. He also criticized the squabbling and greediness exhibited by the political parties: "To take part with either would be unworthy of a reasonable or moral man."

That theme has been echoed by other governors as they took office in recent decades.

Facts about Virginia governors

- Only since 1851 have Virginia's governors been elected by popular vote. From 1624 to 1776, the King of England appointed the governor; and from 1776 to 1851, the General Assembly elected the governor.
- Patrick Henry was Virginia's first governor in 1776 after America claimed its independence from England.
- Linwood Holton was Virginia's first Republican governor in 1970. He added to the festivities a morning-prayer service and an inaugural ball for his supporters.
- L. Douglas Wilder was Virginia's first African-American governor in 1990.
- In 1914, Henry Carter Stuart held Virginia's first outdoor inauguration. He was also the first Virginia governor to ride in an automobile in his parade.
- Harry Flood Byrd was the first Virginia governor to use radio to broadcast his inaugural address.


During his 1990 inaugural address, Gov. L. Douglas Wilder said he hoped to bring people together rather than pit them against each other. He said this approach would help Virginia look ahead, not backward.

During his 2002 inaugural address, Gov. Mark Warner asked members of the General Assembly to "put aside our partisan differences" in order to balance the state budget.

The theme of Kaine's inaugural is "The Promise of Virginia." During his inaugural address, he will call for unity, said Kraus, who worked with the governor-elect on his speech. The return to the Williamsburg Capitol is an opportunity to mend partisan differences, he said.

"This is not a partisan event," Kraus said. "It's a Virginia event. We've seen in

Virginia over the past four years that only together can we lead Virginia forward."

Holly Hobbs is a student at Virginia Commonwealth University. 

Our Congratulations and Best Wishes to

Tim Kaine

Governor of Virginia

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Colonial Williamsburg Hosted 1971 Howell Inauguration

As I recall...

by Dennis Peterson

It is true. The last Virginia governor to be inaugurated in Williamsburg was the Father of the University of Virginia, among other achievements, Thomas Jefferson. But the last elected statewide office holder to be sworn into office there was a little more recent. Lt. Governor Henry Howell used the Williamsburg stage to take his oath of office following his election to succeed the late Lt. Governor J. Sargeant Reynolds. Saturday, December 4, 1971.

As a young news reporter for a Richmond television station, I was there and it was quite a scene. All the charm and historic reminders of Colonial Williamsburg were there. Costumed fife and drummers, flag holders and escorts. The U.S. Continental Army Band. The Colonial Capitol as a backdrop.

The shivering cold did not diminish the enthusiasm of the thousands who attended. It was a "People's Inauguration" and you didn't need an invitation. Everyone was welcome.

When former Governor A. Linwood Holton attends the inauguration of his son-in-law Tim Kaine, I wonder if he'll reflect on the Howell inauguration too. He spoke then at the ceremony the populist-independent Howell-felt merited "symbolic embellishment."

Colonial Williamsburg provided it in abundance just as our new Governor Tim Kaine will find out. [V]



Lt. Gov. Howell and Gov. Holton share a moment with former Vice President and U.S. Sen. Hubert Humphrey.



Howell won the election as an independent against a Democratic Delegate from Bath County and a Republican Northern Virginia businessman.



Photos courtesy of Howell family

As wife Betty, son "Hank" and daughters Mary and Susan look on, Lt. Governor Howell is administered the oath of office by former Virginia Supreme Court Chief Justice John W. Eggleston.



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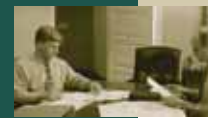
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Grassroots Lobbying: Midwifery and Civics 101

By Brynne Potter

Before I first graced the halls of the Virginia General Assembly, I was a typical American. I was raised in a (reasonably) normal family and achieved (reasonably) good grades in public schools in the 70s and 80s. My concept of civics, however, was really based on Saturday morning cartoon series called "Schoolhouse Rock". There was a little infomercial for civic literacy called "I'm just a Bill" that depicted this little scrap of paper that valiantly made it's way through the legislative process, overcoming such harrowing villains as vetoes and committees.

As an adult, an issue sparked a personal passion for me and the lines of the cartoon jingle rang through my head once more. I joined the call to "march on the capitol" and brought my home born two year old to the General Assembly for a subcommittee hearing on the issue of midwifery. I was ready to follow our scrap of paper all the way to the Governor's desk.

It was a frustrating day. Not just because our bill failed, as most bills do on their first try, but also because I was one of the many lost and confused souls at the Capitol who couldn't find parking, the coatroom, the hearing room, a bathroom, or a clue about what was going on.

The stark lessons we learned in the first 3 years of midwifery legislative efforts were that:

- A large, passionate, constituent voice is not enough to pass a bill.
- Persistence is crucial, but does not guarantee progress...you can move backwards!
- Grassroots efforts must be organized.

Here are some of the more useful tips that helped us to organize ourselves over the last three years of legislative efforts.

"Knowledge is Power".

Schoolhouse Rock

Recognizing that many folks, like me, are probably too embarrassed to admit their ignorance about the legislative process, we developed a simple and clear educational power point about how the state legislature is run. We offered these "courses" as living room seminars hosted by aspiring activist-mothers in their homes. This also provided us with an opportunity to distribute information sheets about midwifery that could then be given to legislators.

"Who is my Legislator?"

Virginia General Assembly website


Many typical Virginians doesn't know who their state legislators are. Hyper linking our advocates to the LIS page that allowed them to access the Board of Elections search engine was extremely helpful. But in the final year, two dedicated advocates entered all names that had been collected over the years into the search engine themselves. This created an incredibly valuable tool for those of us

lobbying in Richmond. We could have instant access to constituents of specific legislators that were on the fence for our issue. Hearing from a constituent on a single issue is often what makes the difference to a legislator who sees thousands of bills each year.

Welcome to the Internet

The best tool for advocates who are spread out all over the state is the list-serv. Yahoo groups has free accounts that can be set up for any group. These are semi-private, moderated lists that allow you to send one post to hundreds of people at a time. These subscribers are not "cold-calls" because they have signed up to receive your information and updates. Just because they sign up, however, doesn't mean they will take an action for you. Here are a couple of tips for generating action on an email.

- Don't lobby the choir- no one wants to read lengthy diatribes; if they signed up for your list serv, they already support your cause.
- Updates from one spokesperson with a regular/familiar format.
- Request action within the first three sentences.
- Large font, no extra steps (direct links), followed by summary of "why" and links to more information.
- Subject: PLEASE FORWARD.
- Keep it simple
- No pessimism. "Your action can make the difference" "This WILL happen with your help"

Hopefully these remembrances will keep your grassroots efforts inspiring and fun! 

New Delegates Bring Own Priorities to G.A.

By Dennis Peterson and Hayley Bialkowski

Lawyers and educators dominate the newly-elected Class of 2006 in Virginia's House of Delegates. Not surprising, of those who responded to our invitation to discuss their first General Assembly session, education ranked first as their most frequently named priority.

Democrat David E. Poisson, who won a seat representing Eastern Loudoun County near Dullas Airport, says "There is no issue about which I feel more passionate than education." He is a lawyer.

Republican Mathew J. Lohr, now to represent Rockingham County and Harrisonburg, wants to help school divisions with high percentages of non or poor English speaking students. To educate "ESL" or English As A Second Language students, these school divisions need additional financial resources, i.e., money. "In order to succeed, these school divisions need special attention," he said. Lohr is a professional motivational speaker.

Chuck Caputo of Fairfax was once Vice Chairman of the Northern Virginia Community College. Following his retirement as a civilian Department of Defense Senior Executive, he was active in community service and the Democratic party. He lists education and transportation as his top priorities. So too does Governor Tim Kaine and most of the Class of 2006.

Katherine Waddell, elected as an independent from Richmond, says "Virginia cannot afford to wait any longer to fund a comprehensive long-term transportation plan that includes mass transportation as a major component." She is a member of the Board of Directors of the Virginia Tourism Corporation.

Any candidate who does not pledge to do something about transportation gridlock in Northern Virginia is not going to get elected. However, Delegate David L. Bulova of Fairfax Station is also ready to put his experience as an environmental planner to work in

the House of Delegates. Among 8 bills he has introduced are those addressing solid waste and water quality issues signaling he may one day become the Assembly's go-to-guy on environmental causes.

The new legislators followed familiar roads to the State Capitol but arrived there in various vehicles.

Donald McEachin returns to a General Assembly seat he occupied once before. He gave up his eastern Henrico County seat in 2001 after three terms to unsuccessfully campaign for the Democratic nomination for Attorney General. He challenged his successor in a primary last year and won and now finds himself back in the legislature.

Jennifer McClellan has virtually been groomed for elective office rising through the leadership of her party (Democratic) throughout the region. Add to that 20 years of community service with such organizations as

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Habitat for Humanity, the Boys and Girls Clubs of Metro Richmond and the Black History Museum & Cultural Center, Delegate McClellan had built a deep community foundation in her bid for elective office.

Over on the Republican side, newcomer Todd Gilbert also sports a strong party pedigree including an internship in the office of U.S. Senator George Allen. He served the City of Lynchburg as a prosecutor before working for the Shenandoah County Commonwealth's Attorney. As a new Delegate, Todd Gilbert plans to pace himself. "I don't anticipate an ambitious legislative agenda my first time out," he said.

Charlottesville has sent its former Mayor to the House of Delegates. David Toscano unabashedly describes himself as a supporter of "pro-choice" legislation when the hot-button issue comes up.

Robert J. Wittman is another former Mayor once leading the town of Montross in Virginia's Northern Neck. He wants to champion property rights for the individual while still granting local governments greater authority to manage growth "based on demand projections on their water supply."

The former Chairman of the Sussex County Board of Supervisors is the new Delegate from Emporia-Jarrett. Roslyn Tyler succeeded veteran Paul Council. She is a physical therapist with Southern Virginia Regional Medical Center and has made affordable health care a top priority. She also feels the educational needs of rural districts like hers are not given the legislative attention they deserve.

Delegate Anne B Crockett-Stark of Wytheville has an impressive resume of her own but having a family tie to two Southwest Virginia legends didn't hurt. Her late husband was a beloved community figure and as for Crockett, Davy would be proud. Her launching pad for state office was a seat on the Wythe County Board of Supervisors.

Sal Iaquinto was once legislative director for then Delegate Bob McDonnell, now Attorney General of Virginia. He also offers experience as an Assistant Attorney General himself. Former Governor Jim Gilmore named him to the Virginia Charitable Gaming Commission where he served as vice-chairman. He will represent Virginia Beach in the House of Delegates.

It will not take Delegate Dave Marsden long to learn his way around. As Acting Director of the Virginia Department of Juvenile Justice, Marsden worked across the street from Capitol Square during the Gilmore administration. As a career probation officer and detention home superintendent, it is not surprising that he is sponsoring bills

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to tackle youth gang violence in Virginia in his first session.

Voters in Alexandria have elected Democrat Dave Englin to succeed veteran legislator Marian Van Landingham this session. Until May 2004 Englin was a 12 year veteran Air Force officer and graduate of the Air Force Academy. He takes pride in his leadership role in a service-wide program to "assist families and civilian employers of National Guard and Reserve airmen." He is a Democrat. "I will fight hard for progressive policies grounded in social justice," he says. They include the NRAL pro-choice and the Planned Parenthood of Metro Washington agendas. Englin is also a former member of Alexandria's Affordable Housing Advisory Committee.

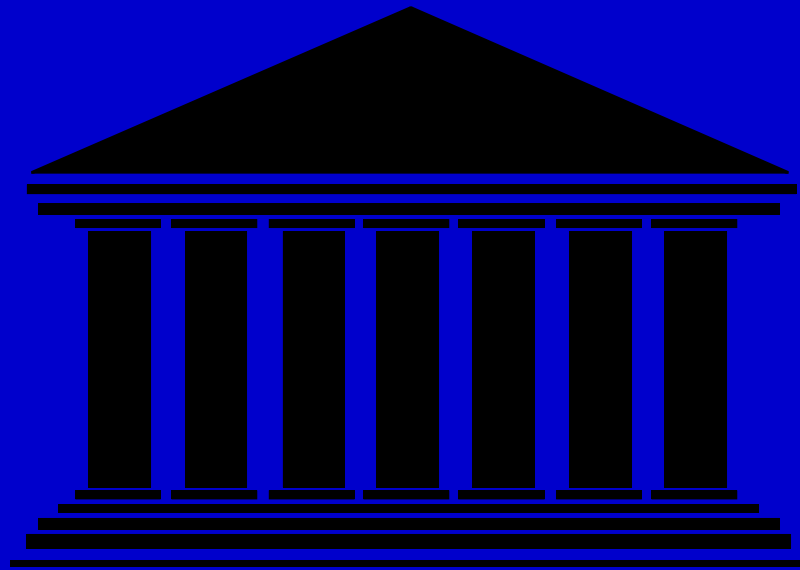
As important as transportation is to Northern Virginia, new jobs are essential for the prosperity of Southwest Virginia. Danny Bowling had just begun a full four year term as a Tazewell County Supervisor when Del. Jackie Stump unexpectedly retired. Bowling won a special election and came to Richmond seeking to pursue the state's role in extending broadband capabilities throughout his district. Ninth District U.S. Congressman Rick Boucher is working to find Federal funds for the project deemed important for job creation in the new millennium. Bowling is a veteran teacher at Southwest Virginia Community College.

The 99th member of the Virginia 2006 House of Delegates is Shannon Valentine of Lynchburg, winner of a special election to fill a vacancy created when incoming Governor Tim Kaine tapped Republican Delegate Preston Bryant for his cabinet.

The seat now goes to the Democrats. Prior to her election Delegate Valentine served as coordinator for the Lynchburg Housing Partnership. Jobs for her region are her first priority. In her campaign she said she wants to convince outsourcing companies to send their jobs to Lynchburg rather than India and China. Delegate Valentine is a 2002 graduate of "Just Faith," a course in Catholic Social Justice. She is also a Phi Beta Kappa graduate of the University of Virginia.

The 100th and last election for the 2006 Class will be held January 24 in Hanover County to fill the vacancy created by the special election of Ryan McDougle to the State Senate. McDougle represented the district as a Republican. ▣

EMINENT DOMAIN and the KELO DECISION



**Amigo R. Wade
David A. Rosenberg
Division of Legislative Services**

WHAT IS EMINENT DOMAIN?

- **Power of the government to take private property for public purposes without the owner's consent**
- **Inherent in the sovereign**
- **Over time the duty to provide compensation has been included**

Federal Constitution

- **United States Constitution:**
 - **“...nor shall private property be taken for public use without just compensation.”**
(U. S. Constitution, Fifth Amendment)
 - **Applicable to the states by the Fourteenth Amendment**

State Constitution

- **Constitution of Virginia:**
 - “[T]he General Assembly shall not pass any law...whereby private property shall be taken or damaged for public uses without just compensation...the term ‘public uses’ shall be defined by the General Assembly” (Article I, § 11)

Evolution of “Takings clause”

- **Included in the State Constitution since 1830**
- **In 1902 “or damaged” added**
- **In 1928 language specifying that the General Assembly should determine what constitutes “public uses”**

Kelo v. City of New London

- **Economically distressed city**
- **Need for a major, comprehensive plan**
- **Major pharmaceutical company to build \$300 million research facility**
- **Catalyst for economic development of surrounding area**
- **Development plan included 90 acres**

Kelo v. City of New London

- **115 privately owned properties**
- **Purchases successfully negotiated except for 15 properties owned by Susette Kelo and 8 other homeowners**
 - **10 parcels occupied by owner/family member**
- **Condemnation proceeding initiated**

Kelo v. City of New London

- **Homeowners:**
 - Strict interpretation of “public use” restriction
 - Economic development could not be sufficient basis for public use
- Trial court held in favor of the owners of 11 properties
- Connecticut Supreme Court held that economic development qualified as a valid public use under both the United States and Connecticut Constitutions.

Issue on Appeal

- **Does the City's redevelopment plan serve a "public purpose"?**
- **In a 5-4 decision, the Court said "Yes"**
- **RATIONALE:**
 - **Plan was comprehensive**
 - **Thoroughly deliberated prior to adoption**
 - **Required private developers to carry out the plan, and**
 - **The court has a limited scope of review**

O'Conner Dissent

- **Fifth Amendment serves to protect the security of property**
- **Requiring “public use” safeguards excessive or unfair use of eminent domain authority**
- **Recognizes three categories of takings that comply with the public use requirement**

O'Conner Dissent

- **For public ownership**
- **For private ownership, but the property is made available for the public's use**
- **For private ownership even if the property is for private use BUT only in certain circumstances, such as the removal of blight**

Thomas Dissent

- Original purpose of the public use clause was to provide a meaningful limit on the government's eminent domain power
- Prohibits taking property except for public uses
- “Public use” means either the government or its citizens as a whole must actually have use of the property rather than just receive “incidental benefits”

Affect of Kelo on State Laws

“We emphasize that nothing in our opinion precludes any State from placing further restrictions on its exercise of the takings power. Indeed, many states already impose ‘public use’ requirements that are stricter than the federal baseline”

“Public Use” in Virginia

- **§ 15.2-1900 (Code of Virginia)**
- **“The term ‘public uses’ mentioned in Article I, Section 11 of the Constitution of Virginia is hereby defined to embrace all uses which are necessary for public purposes.”**

Virginia Case law

- **Definition of “public use”**
- **Primary purpose**
- **Public interest must dominate any private gain**

On the Horizon

- **Federal legislative action**
- **Virginia Housing Commission proposals**