

VIRGINIA

CAPITOL CONNECTIONS

QUARTERLY MAGAZINE



Election Preview

Virginia's Quadrennial Orgy

By Larry Sabato

Virginia's special quadrennial orgy is underway. Right on schedule, in early November, the electorate will give birth to a Governor, Lieutenant Governor, and Attorney General. As one of only two states electing a Governor in the year after the presidential contest, the Old Dominion is usually leading the parade in the off-year elections. In 2005, the other gubernatorial state, New Jersey, appears to have a fairly predictable race, given its heavily Democratic character. Therefore, Virginia is the headliner nationally for political junkies this year.


The other fascinating aspect of Virginia's system is that the state is the last remaining one-term-and-out governorship. Politically, this means we ALWAYS have an open-seat contest. By their very nature, races without incumbents are more competitive, since almost every incumbent has enormous advantages—not least, high name identification and the ability to raise large sums of money. Virginia's eternal open-seat battles almost always mean that the campaign itself is intense and hard-fought, and the final results are usually close (at least compared to the landslides that incumbents often secure). For political aficionados, that is good news. There is nothing duller than a predictable election.

It's early in the process, and not all the fundamentals of 2005 are yet known. Minor primary candidates and independents should never be dismissed out of hand since they can affect the identity of the winners, even while losing themselves. Still, the gubernatorial showdown between Democratic Lieutenant Governor Tim Kaine and Republican former Attorney General Jerry Kilgore has all the elements of competitive drama. Let's remember that we have known since November 2001 that the 2005 battle would be between Kilgore and Kaine. Virginia is hierarchical, traditional, and predictable in this fashion. When the two lower statewide officials come from opposite parties, they will almost certainly be their parties' standard-bearers for Governor four years hence.

Speaking of tradition—a word synonymous with Virginia, by the way—the 2005 war for the statehouse will be a contest of traditions. On the one hand, Virginia is a moderate-conservative, Republican-leaning state. This clearly favors Jerry Kilgore. On the other hand, Virginia often elects the chosen successor of popular Governors to the second term we deny them by law. Governor Mark Warner has consistently achieved high poll ratings, and so this would tend to favor his party's nominee, Tim Kaine. In this fashion, Jerry Baliles received Governor Chuck Robb's second term in the 1985 election, and Jim Gilmore snagged four years in the Mansion in 1997, in part because Governor George Allen was well liked. Oh yes, "No Car Tax" had something to do with that latter election!

Another fluke "tradition" will also be on the line in 2005. Since 1977 Virginians have elected a Governor of the party OPPOSITE to the sitting President. Sooner or later, this tradition will likely fail; will 2005 be the year? For now, though, it's a handy psychological boost for Democrat Tim Kaine in the era of Republican President George W. Bush.

The more one studies Virginia history and government, the more one appreciates Virginia 'exceptionalism'. We have the only one-term governorship, the only universal separation of city and county, and an odd scheduling of annual elections that puts us nearly in a class by ourselves. Experts can argue whether this is a good or bad thing, but the reality of it will have implications for 2005. Virginians take their Governorship seriously. And as a result, we citizens can expect a relentless, comprehensive, high-stakes campaign all the way to November. Enjoy!

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PRIMING FOR THE PRIMARIES:

Taking a closer look at June's dual-party election

By Jessica Yoke

It has been 54 years since Virginia has seen a dual-party primary election for statewide officials. 1951 was the last time both parties had voters decide who will be representing them in the general election next November. This raises some interesting questions for local election officials and voters alike as they reflect on Virginia's state law prohibiting voter registration by political party. I had the opportunity to sit down with Randolph-Macon College Political Science professor Dr. Lauren Cohen Bell for a Q and A session about these issues and some possible solutions to them.

Q: First of all, what is so unique about this coming state election primary in June?

A: Well, I have only lived in Virginia for about six years, but since I've been living here the two parties have always had separate processes. They have been open elections so anyone could go and show up and vote for either party. In the last presidential primary, many Democrats showed up to vote in the Republican primary and show their support for McCain. This particular primary will make the elections more

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Facts from a State Board of Elections

Candidates seeking office for statewide office or for the House of Delegates may begin to file at noon on March 29th and have until 5pm on April 15th. The candidate names will appear on the primary ballot in the order in which they file.

Candidates seeking statewide office must provide a declaration of candidacy with at least 10,000 signatures of qualified voters. A minimum of 400 signatures must be obtained from each of Virginia's eleven congressional districts.

Candidates running for a House of Delegates seat must obtain at least 125 signatures of qualified voters of the House district that they are seeking.


The last day to register to vote for the June 14th primary is 5pm on May 16th. An absentee ballot must be requested via mail by June 9th and in person by June 11th.

October 11th is the last day to register to vote in the General election on Nov. 8th. November 3rd is the deadline to apply for an absentee ballot by mail and November 5th to apply in person.

The results of the November 8th General Election will be certified on November 28th.

Polls for any election are required to open at 6:00 am and close at 7:00 pm.

Visit the State Board of Elections website for more information.

<http://www.sbe.state.va.us/> 

partisan, which isn't always a negative thing. The candidates will be better connected to the party, and thus should be more representative of that party. They should also more heavily reflect the values of that party, which I would imagine would make the process of running the campaigns easier.

Q: How do you think Virginia's non-partisan registration system may be affected by this?

A: I think that there are two potential consequences. The first is that nothing will change about the system and people will simply have to declare which primary they would like to vote in at the polls. This is not a concept unique to Virginia, a number of states have non-partisan registration. The second potential consequence is that the state will change the registration system because it does not ensure partisan selection. Pressure may be placed on the state from the political parties to change the system if they like what happens in June. However, I think changing the system is very unlikely to happen.

Q: How do you predict voters will feel about their right to privacy being affected? Do you think there will be any significant amount of protest?

A: First let me answer your question with a question of my own. Why do people think they have that right to privacy? In plenty of other states, voters must initially register by political party. In this case, voters are only being forced to declare a specific ballot, not a party. For example, if you took the Republican primary and compared the numbers of people who voted in it and people who would declare themselves Republican, the correlation would be high, but not perfect. Self-proclaimed Democrats may be voting in that Republican primary and vice versa. That the state has a record that you voted in a specific primary, which they would regardless of the dual-primary effect, only means they know you voted in the primary – that does not register you to a specific party. I think people may object to being asked to make the choice only because it will be a new thing for them and because the current registration system does not enforce the choice at the time of registration.

Q: How do you propose that the state and local election officials handle the situation to alleviate potential problems?

A: My guess is that voters will only be able to select one ballot and if they are not pleased with this then they will not vote. Another option they may have is that almost all should have write-in options, so the voter can choose to do that instead.

Q: Beyond the technical issues at hand, such as poll boxes and voting machines, what political implications are there? For instance, what will happen if someone wants to vote in the Republican primary for Governor and Attorney General, but they want to vote in the Democratic primary for Lieutenant Governor?

A: One option is to have a blanket primary where all candidates' names will appear on the ballot, but I can almost guarantee that will not be acceptable to the parties. There are other ways to configure the voting machines to allow this to happen, but like I said I do not think the parties will go for that. To be quite honest, there is nothing that says the political parties have to let you do this. People sometimes forget that political parties are quasi-private organizations, not governmental. They can set whatever

rules they want to, and there is nothing in the U.S. Constitution, and I believe nothing in the Virginia Constitution that requires the primaries to even be binding.

So that is the word around town. While voters may be a bit taken aback by the process this year, it appears that it will most certainly be necessary to request one party's ballot or the other. If privacy is your issue, my best advice would be to stay away from the primary, vote in the general election in November, and then revel in all the privacy you will retain by not having to declare a political party at the time of registration.

Dr. Lauren Cohen Bell is a professor of Political Science at Randolph-Macon College. Jessica Yoke is a junior at Randolph-Macon College, majoring in Political Science. ▣

Annual Crossover Party



Legislative staff members take time out for an evening of Mardi Gras fun at the annual Crossover Party, held this year on February 8 at Old City Hall. The annual event is to thank them for all of their hard work. A good time was had by all.



BUSINESS REPORT

On The 2005 Virginia General Assembly Session

By Tom Hyland

The following report is the sixth and final of a series reports prepared by David Bailey Associates (DBA) on major legislative issues at the 2005 Virginia General Assembly Session of general interest to the Virginia business community. DBA is a full-service government affairs firm, located in Richmond Virginia, that has been involved in Virginia legislative and executive branch lobbying and other government relations activities for nearly a quarter-century. If you have questions regarding any of these bills, or any other bills, at this or past sessions, please feel free to contact David Bailey Associates at 1-800-789-3390.



Tom Hyland, a seasoned political strategist, has joined the David Bailey Associates team. Educated in history and political science, Tom is retired Senior Vice President for Government Affairs for the Apartment & Office Building Association. He has added background in labor arbitration, teaching, the U.S. Navy, and the Peace Corps.

The State Budget

The Virginia General Assembly at its recent 2005 session approved HB 1500, a \$63 billion biennial (two-year) budget. In doing so, the General Assembly utilized the state's \$1.2 billion surplus for the current fiscal year to eliminate the state's portion of sales tax on food, fund a \$50 million cleanup of the Chesapeake Bay, and raise the salaries of state workers and teachers. In addition, the General Assembly agreed to an \$848 million funding package for highways and rail projects.

Economic Development

SB 1122, by Senator Mark Obenshain of Harrisonburg, and **HB 1948**, by Delegate Chris Saxman of Staunton, require the Department of Planning and Budget, in addition to the economic impact analysis currently required for proposed regulations, to identify and estimate the number of small businesses subject to the regulation; the projected reporting, recordkeeping and other administrative costs required for compliance by small businesses with the regulation; the probable effect of the regulation on affected small businesses; and any alternative method for achieving the purpose of the regulation while minimizing adverse impact on small businesses. A small business is defined as a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. The law also gives small businesses the right to judicial review of agency compliance with these requirements.

HB 2570, by Delegate Allen Dudley of Rocky Mount, and **SB 983**, by Senator John Watkins of Chesterfield County, establish new processes/procedures for continuing the Virginia Enterprise Zone Act after July 1, 2007.

Education

HB 1945, by Delegate Chris Saxman of Staunton, and **SB 1107**, by Senator Walter Stosch of Henrico County, makes several revisions to the Public Private Education Facilities and Infrastructure Act of 2002 (PPEA). The bill authorizes establishment of an interim agreement to provide for partial planning and development activities while other aspects of a qualifying project are being negotiated and analyzed. The bill also (i) requires the adoption of formal timelines for the review of proposals and outlining the process for review, (ii) provides for accelerated review for priority projects, and (iii) adds factors that a responsible public entity may consider when selecting proposals. In addition, the bill provides for the Chairs of the Senate and House General Laws Committees to convene a work group to revise the current model guidelines in 2005.

SB 1327, by Senator Tommy Norment of Williamsburg, and **HB 2866**, by Delegate Vince Callahan of McLean, set forth enabling legislation for the restructuring of public institutions of higher education that will extend, upon the satisfaction of various conditions, autonomy while providing oversight mechanisms and establishing certain expectations.

Environmental Protection

HB 2862, by Delegate L. Preston Bryant, Jr. of Lynchburg, establishes a nutrient exchange or trading program to allow point source dischargers to achieve and maintain compliance with the load cap allocations for nitrogen and phosphorous delivered to the Chesapeake Bay and its tidal tributaries.

HB 2902, by Delegate Ryan McDougle of Mechanicsville, amends the existing Watershed Improvement District law to require only a simple majority of the votes cast to pass a referendum held to create a watershed improvement district. Currently, at least two-thirds of the votes cast must be (i) in favor of the watershed improvement district and (ii) represent the ownership of at least two-thirds of the land in the proposed district.

General Business

HB 1777, by Delegate Harry Purkey of Virginia Beach, amends the Virginia Consumer Finance Act to require a person to seek approval from the State Corporation Commission prior to acquiring 25 percent or more of the ownership interest in a lender licensed under the Act. The measure also updates the Act by modifying the contents of the application for licensure, establishing qualifications for principals of new licensees, and requiring licensees to give notice to the Commissioner of the Bureau of Financial Institutions of the opening or closing of offices and of changes in senior officers, members, partners, and directors.

HB 1922, by Delegate Danny Marshall of Danville, provides that certain sewer fees and charges shall be a lien on the property served only if certain procedures are followed including first obtaining a judgment against the lessee or tenant who contracted for the service.

SB 891, by Senator Bill Mims of Loudoun County, amends the Uniform Trust Code (adopted by Virginia in 2000) through modifications to existing Virginia Code sections to accommodate the Uniform Trust Code and provisions that modify the Uniform Trust Code so as to retain current Virginia statutory treatment of some matters.

HB 2795, by Delegate Johnny Joannou of Portsmouth, permits an employed person to be absent from work on any day he serves on a jury with a provision that no person who serves on jury duty for four or more hours shall be required to start any work shift that begins on

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or after 5:00 p.m. on the day of jury service or begins before 3:00 a.m. on the day following the day of jury service.

HR 2907, by Delegate Benny Keister of Dublin and SB1258 by Senator John Edwards of Roanoke, amend the Virginia Human Rights Act extends from 180 days to 360 days the time from discharge to file a court action alleging employment discrimination.

SB 1079, by Senator Patsy Ticer of Alexandria Provides that the current limitation of 180 days from the discharge for bringing a court action alleging employment discrimination is extended in instances where the employee has filed a discrimination complaint with the Virginia Human Rights Council or a local human rights or human relations agency. In such instances the time for bringing the court action is 90 days from the date that the Council or a local human rights or human relations agency or commission has rendered a final disposition on a complaint.

SB 971 by Senator Jay O'Brien of Clifton, and **HB 1834**, by Delegate Harry Parrish of Manassas, prohibit an employee from seeking relief through the administrative process (via the Commissioner of Labor) for discharge or discrimination as a result of reporting health or safety violations if the employee fails to file his complaint alleging such discharge or discrimination within 60 days after the discrimination or discharge occurs.

HB 1590, by Delegate Gary Reese of Fairfax County, clarifies that submetering equipment for water and sewer service may be used in commercial and residential buildings if clearly stated in the rental agreement or lease for the leased premises or dwelling unit. Water and sewer submetering equipment measures the actual water or sewer usage in a dwelling unit or nonresidential unit when the equipment is not owned by the utility that provides service to the building. With respect to water and sewer usage, landlords are currently authorized to use ratio billing systems, which do not measure actual usage. Water and sewer submetering equipment will not be subject to regulation by the State Corporation Commission.

SB 1338, by Senator Janet Howell of Reston, allows coverage under group accident and sickness insurance policies to be extended to any class of persons mutually agreed to by the insurer and the group policyholder.

SB 912, by Senator Tommy Norment of Williamsburg, amends the Virginia Consumer Protection Act to provide that if the parties desire to settle all matters in a dispute under the Act, the court may determine whether the plaintiff should be awarded attorneys' fees and court costs and the amount of the award.

Local Government

HB 2158, by Delegate Dave Nutter of Christiansburg, allows single or multiple local governments to create wireless service authorities.

HB 2408, by Delegate Clarence Phillips of Castlewood, permits counties to include solid waste disposal fees on the corresponding real estate tax bills.

HB 2460, by Delegate Terrie Suit of Virginia Beach removes the requirement for localities to pass an ordinance when a locality is establishing the order in which payments are applied for combined billing of storm water charges and other charges.

HB 2888, by Delegate Scott Ligamfelter of Prince William County makes numerous changes to the existing law on the use of cash proffered by localities, including amendments that provide that any locality accepting a cash payment voluntarily proffered on or after July 1, 2005, pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 shall within five years of receiving full payment, begin construction, site work, or cause construction to begin, of the improvements for which the cash payment was proffered. Unless prohibited by the proffer agreement between the owner and the locality, a locality may utilize any

proffered funds in excess of funds needed for the proffered purpose in order to construct other improvements within the locality similar to and in the vicinity of those for which the cash payment was proffered. A locality that does not begin construction of the improvements for which the cash payment was proffered within five years of receipt of the proffered cash payment shall pay the amount of that proffered cash payment to the Commonwealth Transportation Board for allocation to the appropriate construction program.

HB 2167, by Delegate Gary Reese of Fairfax County, and **SB 1206**, by Senator Bill Mims of Loudoun County, were withdrawn by the sponsors after Arlington County and the City of Alexandria both agreed to comply with existing state enabling law on affordable housing ordinances.

Homeland Security

SB 800, by Senator John Watkins of Chesterfield County, implements recommendations of the federal 9/11 Commission that states provide guidance and assistance to state agencies and localities in developing and maintaining continuity of operations (COOP) programs. This effort would be coordinated by the Virginia Department of Emergency Management.

SB 963, by Senator Jay O'Brien of Clifton, (another recommendation by the 9/11 Commission) requires the Governor to ensure that the annual review and update of the statewide interoperability strategic plan is accomplished and implemented and that all state agencies and localities achieve consistency with and support the goals of the plan by July 1, 2015 in order to remain eligible to receive state or federal funding for communication programs.

Taxation

The 2005 Virginia General Assembly took the following major decisions on taxation issues this past session:

- eliminated the state's portion of the sales tax on food, beginning July 1, 2005
- declined to make further reductions in the car tax,
- declined to raise the tax on gasoline and fuel products,
- failed to approve any substantive tax increase initiatives to fund transportation.

HB 2679, by Delegate Scott Lingamfelter of Prince William County, makes a number of useful changes to the appeals process regarding local license and local business taxes.

SB 1139, by Senator Emmett Hanger of Mount Solon, requires fair market value of qualified donations under the Virginia Land Conservation Incentives Act of 1999 be substantiated by a qualified appraisal, which must be signed by a qualified appraiser. A copy of the appraisal must be submitted to the Department of Taxation. A false or fraudulent appraisal may lead to revocation of the appraiser's license or other disciplinary action, and the future appraisals by the same appraiser may be disallowed.

Telecommunications

HB 2471, by Delegate Joe May of Loudoun County, updates the Virginia Computer Crimes Act to include recommendations made by the 2004 joint study on Computer Crimes by the Joint Commission on Technology and Science and Virginia State Crime Commission. The bill modernizes definitions to comport with changing technology. The bill adds unauthorized installation of software on the computer of another, disruption of another computer's ability to share or transfer information, and maliciously obtaining computer information without authority as additional crimes of computer trespass, a Class 1 misdemeanor and provides the fraudulently gathering of

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Restoring Faith in America's Pastime

Opening Statement of Chairman Tom Davis
Government Reform Committee, March 17, 2005

Good morning, and welcome to the Committee on Government Reform's hearing on Major League Baseball and the use of performance-enhancing drugs.

Fourteen years ago, anabolic steroids were added to the Controlled Substance Act as a Schedule III drug, making it illegal to possess or sell them without a valid prescription. Today, however, evidence strongly suggests that steroid use among teenagers—especially aspiring athletes—is a large and growing problem.

The Centers for Disease Control and Prevention tells us that more than 500,000 high school students have tried steroids, nearly triple the number just ten years ago. A sec-



ond national survey, conducted in 2004 by the National Institute on Drug Abuse and the University of Michigan, found that over 40 percent of 12th graders described steroids as “fairly easy” or “very easy” to get, and the perception among high school students that steroids are harmful has dropped from 71 percent in 1992 to 56 percent in 2004.

This is but a snapshot of the startling data we face. Today we take the committee's first steps toward understanding how we got here, and how we begin turning those numbers around. Down the road, we need to look at whether and how Congress should exercise its legislative powers to further restrict the use and distribution of these substances.

Our specific purpose today is to consider MLB's recently negotiated drug policy; how the testing policy will be implemented; how it will effectively address the use of prohibited drugs by players; and, most importantly, the larger societal and public health ramifications of steroid use.

Yesterday, USA Today reported that 79 percent of Major League players surveyed believe steroids played a role in record-breaking performances by some high-profile play-

ers. While our focus is not on the impact of steroids on MLB records, the survey does underscore the importance of our inquiry.

A majority of the 568 players in the survey think steroids are influencing individual achievements—that's exactly our point. We need to recognize the dangerous vicious cycle that perception creates.

Too many college athletes believe they have to consider steroids if they're going to make it to the pros; high school athletes, in turn, think steroids might be the key to getting a scholarship. It's time to break that cycle, and it needs to happen from the top down.

When I go to Little League opening games these days, kids aren't just talking about their favorite teams' chances in the pennant race; they're talking about which pro players are on the juice.

After the 1994 MLB players strike, rumors and allegations of steroid use in the league began to surface. Since then, long standing records were broken. Along with these broken records came allegations of steroid use among MLB's star players. Despite the circulating rumors of illegal drug

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Business Report from page 5

such information as a Class 6 felony, a new crime and punishes transferring the information to another or use of the information as a Class 5 felony. The bill also reduces the threshold for property damage resulting from trespass to \$1,000.

HB 2880, by Delegate Sam Nixon of Chesterfield County, directs the APA to review and collect information in 2005 regarding certain local communications taxes and report to the chairmen of the House and Senate Finance Committees and the Department of Taxation no later than December 1, 2005.

Transportation

SB 985, by Senator John Watkins of Chesterfield County, provides that if funding for the construction of a primary or interstate project is scheduled in the Commonwealth Transportation Board's Six-Year Improvement Program, as defined in § 33.1-12, a locality may choose to advance funds to the project. It further provides that if such an advance is offered, the Board may consider such request and agree to such advancement and subsequent reimbursement of the locality of the advance, in accordance with terms agreed upon by the Board and the locality.

HB 2793, by Delegate Leo Wardrup of Virginia Beach, creates the Transportation Partnership Opportunity Fund to be used by the Governor to encourage the development of design-build transportation projects, projects under the Public Private Transportation Act, and to provide funds to address the transportation aspects of economic development opportunities. Under the bill, the Commonwealth Transportation Board, in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, would develop guidelines and criteria to be used in awarding grants or making loans from the Fund.

HB 1602, by Delegate Bill Fralin of Roanoke, provides that any state agency, board, or commission that issues a permit required for a highway construction project pursuant to Title 10.1, 28.2, 29.1, or 62.1 of the *Code of Virginia* must, within 15 days of receipt of an

individual or general permit application, review the application for completeness and either accept the application or request additional specific information from the Department of Transportation. The bill further provides that, unless a shorter period is provided for by law, regulation, or agreement, the state agency, board, or commission must, within 120 days of receipt of a complete application, issue the permit, issue the permit with conditions, deny the permit, or decide whether a public meeting or hearing is required by law. If a public meeting or hearing is held, it must be held within 45 days of the decision to conduct such a proceeding, and a final decision as to the permit must be made within 90 days of completion of the public meeting or hearing.

SB 746, by Senator Charles Colgan of Prince William County amends the Virginia Resources Authority Act to expand the types of projects that can be financed through the Authority to include the design and construction of roads, public parking garages and other public transportation facilities, and facilities for public transportation by commuter rail.

SB 1108, by Senator Walter Stosch of Henrico County, and **HB 2666**, by Delegate Bob McDonnell of Virginia Beach, make several revisions to the Public Private Transportation Act (PPTA). The bill authorizes the establishment of an interim agreement to provide for partial planning and development activities while other aspects of a qualifying transportation project are being negotiated and analyzed. The bill also (i) authorizes a private entity to request approval of multiple responsible public entities (RPEs) in proposed projects involving multimodal transportation facilities, (ii) authorizes RPE's to enter into comprehensive agreements with multiple private entities, (iii) requires the responsible public entity to protect confidential information submitted by a private entity, and (iv) adds factors that an RPE may consider when selecting proposals. The bill requires the Secretary of Transportation to revise existing state guidelines pertaining to the PPTA by October 1, 2005 and includes a provision allowing application of the revisions made by the legislation to certain existing qualifying transportation facilities. ▣

use, MLB and the Players Association did not respond with a collective bargaining agreement to ban the use of steroids until 2002. The result was an almost decade long question mark as to, not only the validity of the new MLB records, but also the credibility of the game itself.

In February of this year, former MLB All-Star Jose Canseco released a book that not only alleges steroid use by well known MLB players, but also discusses the prevalence of steroids in baseball during his 17-year career. After hearing Commissioner Bud Selig's public statements that MLB would not launch an investigation into Mr. Canseco's allegations, my Ranking Member Henry Waxman wrote me asking for a Committee hearing to, quote, "find out what really happened and to get to the bottom of this growing scandal." End quote.

I was initially reluctant to hold such an investigation because MLB assured us they had the problem "under control." However, a cursory investigation raised more questions than it answered, and we decided to proceed.

MLB and the Players' Association greeted word of our inquiry first as a nuisance, then as a negotiation, replete with misstatements about the scope of the documents and information we've sought, and inaccurate "legalese" about the committee's authority and jurisdiction.

Fine. I understand their desire to avoid the public's prying eye. I understand this is not their preference. I understand they wish we would go away.

But I think they misjudged our seriousness of purpose. I think they misjudged the will of an American public who believes that sunshine is the best disinfectant. I think they mistakenly believed we got into this on a whim.

We did not. We gave this serious-serious — consideration. And we decided it was time to try to break the code of silence.

I'm a baseball fan. I always have been. I didn't become a political junkie until the Senators left town and I needed something to replace the near-daily routine of memorizing box scores. I'm not looking forward to being relegated to the nosebleed seats.

But there's a cloud over the game I love. Maybe we're late to the game in recognizing it; maybe we're partly to blame in implicitly and wrongly sending the message that baseball's antitrust exemption is also a public accountability exemption.

But the cloud hovers nonetheless, and our hope is that a public discussion of the issues, with witnesses testifying under oath, can provide a glimpse of sunlight.

Why? Because more than just the reputation of baseball is at risk. Our primary focus remains on the message being sent to children. Children who play baseball. Children who idolize and emulate professional baseball players.

I still have faith that Major League Baseball and a lot of players, managers, trainers and fans want to join us in helping kids understand that steroids aren't cool. Our responsibility is to help make sure MLB's strategy—particularly its new testing program—gets that job done.

We need to know if the policy is adequate—in terms of how the tests are done, the punishments, the scope. As Mr. Waxman and I wrote to MLB and the Players' Association yesterday, there are real doubts that this new policy is all that it's been cracked up to be.

The same USA Today survey I referenced earlier found that 69 percent of players believe the new policy is strict enough. Frankly, I'm surprised the number isn't higher. That's like asking trial lawyers if we need more tort reform. The answer's going to be "no."

Over the years, there's been a consistent drip, drip, drip of information about steroids in baseball, with not much of a response from Major League Baseball. After all, it was in large part through congressional pressure that the current policy took shape.

Now, we have not only the BALCO case, but a book by a former big league star naming names. We don't know if the allegations in Jose Canseco's book are accurate, or if they are slander, or a little of both.

That's why the truth needs to come out, however ugly the truth might be. Baseball can not simply turn its back on recent history, pronounce that the new testing policy will solve everything, and move on. You can't look forward without looking back.

I would hope that baseball would see this hearing as an opportunity to talk about the steps it's taken to get a handle on the situation. That's what we're interested in. We're not interested in embarrassing anyone, or ruining careers, or grandstanding. This is not a witch hunt, and I'm not looking to have witnesses "name names."

Furthermore, today's hearing will not be the end of our inquiry. Far from it. Nor will Major League Baseball be our sole or even primary focus. We're in the first inning of what could be an extra inning ballgame.

This is the beginning, not the end. We believe this hearing will give us good information about the prevalence of steroids in professional baseball, shine light on the sometimes tragic results of steroid use by high school and college athletes, and provide leads as to where to take our investigation next.

Leads from Senator Bunning about how to restore integrity to the game.

Leads from medical experts about how to better

educate all Americans about the very real dangers of steroid use.

Leads from parents whose stories today will poignantly illustrate that, like it or not, professional athletes are role models, and their actions can lead to tragic imitation.

We are grateful to the players who have joined us today to share their perspectives on the role and prevalence of performance enhancing drugs in baseball. Some have been vocal about the need for baseball to address its steroid problem; I applaud them for accepting this calling.

Others have an opportunity today to either clear their name or take public responsibility for their actions, and perhaps offer cautionary tales to our youth. In total, we think the six current and former players offer a broad perspective on the issue of steroids and baseball, and we're looking forward to hearing from all of them.

Finally, we are fortunate to have with us a final panel of witnesses representing MLB, the Players' Association, and front office management. This panel is, quite frankly, where the rubber will meet the road. If the players are cogs, this is the machine. If the players have been silent, these are the enforcers and promoters of the code.

Ultimately, it is MLB, the union, and team executives that will determine the strength of the game's testing policy. Ultimately, it is MLB and the union that will or will not determine accountability and punishment. Ultimately, it is MLB and the union that can remove the cloud over baseball, and maybe save some lives in the process.

**Oh, somewhere in this favored land the sun is shining bright;
The band is playing somewhere, and somewhere hearts are light;
And somewhere men are laughing, and somewhere children shout;
But there is no joy in Mudville—until the truth comes out. ▣**

Elect No Strangers

Elect No Strangers!

(The Blue Book)

Available in July '05, the Blue Book contains all contact information for those running for state office in Virginia (*Governor, Lt. Governor, and Attorney General plus 100 House of Delegate seats*) **Call 804-643-5554** for information www.davidbaileyassociates.com ashley@capitol-square.com

National Geographic 'Guide To Appalachia' Propels Southwest Virginia Into Tourism Spotlight

Governor Warner recognizes new initiative as an economic development milestone for Virginia's Appalachian communities-

RICHMOND—Governor Mark R. Warner today unveiled for the first time in Virginia the National Geographic 'Guide to Appalachia'. This full-color, fold-out map features more than 350 of Appalachia's top cultural tourism destinations. Southwest Virginia boasts 33 of the map's listings that include music, historical, cultural, and outdoor recreation sites. The Appalachian Regional Commission (ARC) and National Geographic created the map to support economic development in Appalachia through cultural and heritage tourism. Millions of potential tourists will view the map as an insert in the April edition of National Geographic Traveler's Magazine and online at www.nationalgeographic.com/appalachia.

"Southwest Virginia is a goldmine in terms of cultural and heritage tourism," said Governor Mark Warner. "Virginia's Appalachian communities are home to world-class artisans, incredible outdoor recreation and cultural sites, and some of the most historically significant bluegrass music venues in the world. We are developing these Appalachian assets into cultural and heritage tourism destinations that can become significant contributors to the regional economy."

The first-of-its kind geotourism map is the result of a unique partnership between ARC and the National Geographic Society. ARC federal co-chair Anne Pope touted the map as "an economic development tool that will help Appalachian communities diversify their economies and take full advantage of the region's rich, diverse, and in many cases, undiscovered assets."

The ARC consists of 13 states, including Virginia, and provides funding and support to foster economic development and improve the quality of life for the country's Appalachian citizens. The Virginia Department of Housing and Community Development (DHCD) implements the ARC program for the state. Through a competitive grant process, DHCD recommends eligible grantees to receive ARC funding for projects within Virginia's Appalachian region, which encompasses 23 counties and seven independent cities in Southwest Virginia.

DHCD has invested ARC funds in several asset-based development projects including The Crooked Road-Virginia's Heritage Music Trail, The Ralph Stanley Museum, renovations of The Carter Family Fold, and the beginnings of a Southwest Virginia artisans network.

"Our administration is working to attract cultural tourists to Virginia because studies show they stay longer and spend more," said Secretary of Commerce and Trade Michael J. Schewel. "We have invested ARC funds to develop Virginia's Appalachian assets to harness the economic potential of cultural tourism and bring more visitors to the region."

For copies of the 'Guide to Appalachia' map call 1-888-SWVA-FUN, email info@heartofappalachiatourism.com or visit www.nationalgeographic.com/appalachia.

National Geographic 'Guide to Appalachia' Virginia Listings

Site/Location

Alleghany Highlands Arts and Crafts Center/Clifton Forge
Appalachian National Scenic Trail/*
Barr's Fiddle Shop/Galax
Barter Theatre/Abingdon
Blue Ridge Music Center/Milepost 213- Blue Ridge Parkway
Blue Ridge Parkway*
Breaks Interstate Park/Breaks*
Burke's Garden/Burke's Garden
Carter Family Fold/Hiltons
Cumberland Gap National Historic State Park/*
Daniel Boone Wilderness Trail/*
Eagles Nest Restaurant/Crows-Hematite
Firmstone Manor/Clifton Forge
Floyd County Store/Floyd
Galax Old Fiddlers Convention/Galax
Highland Inn/Monterey
Historic Crab Orchard Museum/Tazewell
Humpback Bridge/Covington
Mabry Mill/Meadows of Dan
Martha Washington Inn/Abingdon
McDowell Battlefield/McDowell
Natural Bridge /Rockbridge County
Ralph Stanley Museum/Clintwood
Roaring Run Furnace/New Castle
Southwest Virginia Museum Historical State Park/
Big Stone Gap
Town of Paint Bank/30 miles north of Roanoke
Pocahontas Coal Mine Exhibition and Museum/Pocahontas
Trail of the Lonesome Pine Outdoor Drama/Big Stone Gap
Virginia Creeper Trail/Abingdon
Virginia Heritage Music Trail-The Crooked Road/
Southwest Virginia
Virginia Highlands Festival/Abingdon
Wayne C. Henderson Festival/Mouth of Wilson
Wolf Creek Indian Village/Bastian

*portions of location are shared with other Appalachian states

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