

# JOURNAL

OF THE

## SENATE OF VIRGINIA

### 2002 REGULAR SESSION

Beginning Wednesday, January 9, 2002, and Ending Saturday, March 9, 2002

### 2002 RECONVENED SESSION

Wednesday, April 17, 2002

Held at the Capitol in the City of Richmond

Volume 1

Compiled in the office of

Susan Clarke Schaar, Clerk of the Senate

Pursuant to Article IV, Section 10 of the Constitution of Virginia

John McE. Garrett  
Deputy Clerk

Tara H. Perkinson  
Journal Clerk

Sylvia B. Carr  
Assistant Journal Clerk

Dianne W. Whitaker  
Assistant Journal Clerk

COMMONWEALTH OF VIRGINIA  
RICHMOND  
2002

- H.B. 1186.** A BILL to amend and reenact § 17.1-300 of the Code of Virginia, relating to election of Chief Justice by the justices of the Court.
- H.B. 1203.** A BILL to amend and reenact the second enactment of Chapters 777 and 839 of the 1998 Acts of Assembly, as amended by Chapter 909 of the 2000 Acts of Assembly, relating to the Freedom of Information Act; meetings of the board of visitors of the University of Virginia.
- H.B. 1205.** A BILL to amend and reenact §§ 16.1-300 and 16.1-305 of the Code of Virginia, relating to confidentiality of juvenile records.
- H.B. 1224.** A BILL to amend and reenact § 16.1-278.15 of the Code of Virginia, as it is currently effective and as it shall become effective, relating to custody and visitation.
- H.B. 1236.** A BILL to amend and reenact § 16.1-249 of the Code of Virginia, relating to confinement for juveniles.
- H.B. 1250.** A BILL to amend and reenact §§ 2.2-3705 and 2.2-3711 of the Code of Virginia, relating to the Freedom of Information Act; exemptions relating to the Public-Private Transportation Act of 1995.

## IT HAS AGREED TO THE FOLLOWING HOUSE JOINT RESOLUTIONS:

- H.J.R. 2.** Establishing Brunswick Stew Day at the General Assembly.
- H.J.R. 12.** Memorializing Congress to require additional proof of identity and other documentation from aliens who seek to undergo flight instruction in the United States.
- H.J.R. 18.** Designating May as Asian/Pacific American Heritage Month in Virginia.
- H.J.R. 169.** Acknowledging and supporting the Accord Between the Commonwealth of Virginia and the United States Department of Education Office for Civil Rights.
- H.J.R. 181.** Memorializing the Congress of the United States to enact the Solid Waste Interstate Transportation Act of 2001 (HR 1213) incorporating amendments proposed by the Congresswoman representing Virginia's First Congressional District to give local and state governments the authority to regulate the importation of municipal solid waste.
- H.J.R. 272.** Commending the Glenvar High School girls' basketball team.
- H.J.R. 289.** On the death of Bryan C. Jack.
- H.J.R. 290.** On the death of Norma Lang Steuerle.
- H.J.R. 291.** On the death of Fred Wharton Palmore, Jr.
- H.J.R. 292.** Celebrating the life of Leonard E. Taylor.
- H.J.R. 293.** On the death of Lieutenant Colonel Canfield D. Boone.
- H.J.R. 294.** On the death of Karl W. Teepe.
- H.J.R. 295.** On the death of Captain Jack D. Panches, Jr.
- H.J.R. 296.** Commending Robert Kenneth "Bob" Krick.
- H.J.R. 298.** On the death of Dr. Thomas M. Winn, Jr.
- H.J.R. 299.** Honoring the memory of Carrie Buck.

H.B. 8, H.B. 90, and H.B. 888 were referred to the Committee on Education and Health.

H.B. 41, H.B. 68, H.B. 304, H.B. 370, H.B. 416, H.B. 707, H.B. 954, H.B. 1186, H.B. 1205, H.B. 1224, and H.B. 1236 were referred to the Committee for Courts of Justice.

H.B. 282, H.B. 587, H.B. 700, H.B. 729, H.B. 731, H.B. 823, H.B. 1203, and H.B. 1250 were referred to the Committee on General Laws.

H.B. 513 and H.B. 786 were referred to the Committee on Rehabilitation and Social Services.

H.B. 574 and H.B. 1127 were referred to the Committee on Finance.

H.B. 773 was referred to the Committee on Agriculture, Conservation and Natural Resources.

The House joint resolutions, communicated as agreed to by the House of Delegates, the first reading of their titles having been waived, were referred as follows:

H.J.R. 2, H.J.R. 12, H.J.R. 18, H.J.R. 169, and H.J.R. 181 were referred to the Committee on Rules.

The House joint resolutions, communicated as agreed to by the House of Delegates, were laid on the Clerk's Desk under Senate Rule 26 (g) as follows:

H.J.R. 272, H.J.R. 289, H.J.R. 290, H.J.R. 291, H.J.R. 292, H.J.R. 293, H.J.R. 294, H.J.R. 295, H.J.R. 296, H.J.R. 298, H.J.R. 299, H.J.R. 300, H.J.R. 301, H.J.R. 302, H.J.R. 303, H.J.R. 304, H.J.R. 306, H.J.R. 307, H.J.R. 308, H.J.R. 310, H.J.R. 311, H.J.R. 312, H.J.R. 313, H.J.R. 314, H.J.R. 315, H.J.R. 316, H.J.R. 317, and H.J.R. 318.

COMMUNICATION

The following communication was received:

February 4, 2002

TO THE GENERAL ASSEMBLY OF VIRGINIA:

The attached list represents appointments made by Governor James S. Gilmore, III. I respectfully transmit these names to you for confirmation on behalf of the previous administration.

Very truly yours,

/s/ Mark R. Warner  
Governor of Virginia

Commerce and Trade

Virginia Small Grains Board

Bruce Robert Beahm, Post Office Box 78, Mount Holly, Virginia 22524, Member, effective September 1, 2001, for a term of three years, ending August 31, 2004, to succeed himself.

W. Lanier Easley, 1949 Easley Road, Chatham, Virginia 24531, Member effective September 1, 2001, for a term of three years, ending August 31, 2004, to succeed himself.

John Nicholas Mills, Jr., 4134 Etna Mill Road, Hanover, Virginia 23069, Member, effective September 1, 2001, for a term of three years, ending August 31, 2004, to succeed himself.

David Andrew Taliaferro, 1835 Mount Prospect Road, Laneview, Virginia 22504, Member, effective September 1, 2001, for a term of three years, ending August 31, 2004, to succeed himself.

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**2002 REGULAR SESSION**

**Volume 2**

- H.B. 727 (seven hundred twenty-seven) with substitute.
- H.B. 839 (eight hundred thirty-nine) with amendment.
- H.B. 1107 (one thousand one hundred seven).
- H.B. 1137 (one thousand one hundred thirty-seven) with amendment.
- H.B. 1157 (one thousand one hundred fifty-seven).
- H.B. 1166 (one thousand one hundred sixty-six).
- H.B. 1268 (one thousand two hundred sixty-eight).
- H.B. 1296 (one thousand two hundred ninety-six) with substitute.
- H.B. 1315 (one thousand three hundred fifteen) with substitute.
- H.B. 1320 (one thousand three hundred twenty) with amendment.

The following bills and joint resolutions, having been considered by the committee in session, were reported by Senator Trumbo from the Committee on Rules:

- S.J.R. 255 (two hundred fifty-five).
- H.B. 13 (thirteen).
- H.B. 276 (two hundred seventy-six).
- H.B. 329 (three hundred twenty-nine).
- H.B. 528 (five hundred twenty-eight) with amendment.
- H.B. 618 (six hundred eighteen).
- H.B. 670 (six hundred seventy).
- H.B. 1245 (one thousand two hundred forty-five).
- H.J.R. 2 (two) with amendment.
- H.J.R. 18 (eighteen) with amendments.
- H.J.R. 19 (nineteen).
- H.J.R. 34 (thirty-four) with substitute.
- H.J.R. 99 (ninety-nine).
- H.J.R. 100 (one hundred).
- H.J.R. 112 (one hundred twelve) with substitute.
- H.J.R. 124 (one hundred twenty-four).
- H.J.R. 130 (one hundred thirty).
- H.J.R. 143 (one hundred forty-three).
- H.J.R. 145 (one hundred forty-five).
- H.J.R. 158 (one hundred fifty-eight) with amendments.
- H.J.R. 161 (one hundred sixty-one) with amendment.
- H.J.R. 164 (one hundred sixty-four) with substitute.
- H.J.R. 169 (one hundred sixty-nine).
- H.J.R. 172 (one hundred seventy-two).
- H.J.R. 183 (one hundred eighty-three) with amendment.
- H.J.R. 200 (two hundred).
- H.J.R. 202 (two hundred two) with amendment.
- H.J.R. 210 (two hundred ten).
- H.J.R. 235 (two hundred thirty-five).
- H.J.R. 236 (two hundred thirty-six).
- H.J.R. 249 (two hundred forty-nine) with substitute.
- H.J.R. 251 (two hundred fifty-one).
- H.J.R. 252 (two hundred fifty-two).
- H.J.R. 254 (two hundred fifty-four) with substitute.
- H.J.R. 255 (two hundred fifty-five) with amendments.
- H.J.R. 256 (two hundred fifty-six) with amendments.
- H.J.R. 259 (two hundred fifty-nine).
- H.J.R. 261 (two hundred sixty-one) with amendment.

The recorded vote is as follows:  
YEAS--31. NAYS--8. RULE 36--0.

YEAS--Barry, Blevins, Byrne, Chichester, Colgan, Deeds, Edwards, Houck, Howell, Lambert, Lucas, Marsh, Marye, Maxwell, Miller, Y.B., Mims, Norment, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Saslaw, Stolle, Ticer, Trumbo, Wampler, Watkins, Whipple, Williams--31.

NAYS--Bolling, Hanger, Hawkins, Martin, Newman, Ruff, Stosch, Wagner--8.  
RULE 36--0.

### HOUSE JOINT RESOLUTIONS ON SECOND READING

Senator Norment moved that the Rules be suspended and the second reading of the titles of the following House joint resolutions be waived:

H.J.R. 2 (two).  
H.J.R. 18 (eighteen).  
H.J.R. 19 (nineteen).  
H.J.R. 34 (thirty-four).  
H.J.R. 99 (ninety-nine).  
H.J.R. 100 (one hundred).  
H.J.R. 112 (one hundred twelve).  
H.J.R. 124 (one hundred twenty-four).  
H.J.R. 130 (one hundred thirty).  
H.J.R. 143 (one hundred forty-three).  
H.J.R. 145 (one hundred forty-five).  
H.J.R. 158 (one hundred fifty-eight).  
H.J.R. 161 (one hundred sixty-one).  
H.J.R. 164 (one hundred sixty-four).  
H.J.R. 169 (one hundred sixty-nine).  
H.J.R. 172 (one hundred seventy-two).  
H.J.R. 183 (one hundred eighty-three).  
H.J.R. 200 (two hundred).  
H.J.R. 202 (two hundred two).  
H.J.R. 210 (two hundred ten).  
H.J.R. 235 (two hundred thirty-five).  
H.J.R. 236 (two hundred thirty-six).  
H.J.R. 249 (two hundred forty-nine).  
H.J.R. 251 (two hundred fifty-one).  
H.J.R. 252 (two hundred fifty-two).  
H.J.R. 254 (two hundred fifty-four).  
H.J.R. 255 (two hundred fifty-five).  
H.J.R. 259 (two hundred fifty-nine).  
H.J.R. 261 (two hundred sixty-one).  
H.J.R. 256 (two hundred fifty-six).

The motion was agreed to.

The recorded vote is as follows:  
YEAS--39. NAYS--0. RULE 36--0.

YEAS--Barry, Blevins, Bolling, Byrne, Chichester, Colgan, Deeds, Edwards, Hanger, Hawkins, Houck, Howell, Lambert, Lucas, Marsh, Martin, Marye, Maxwell, Miller, Y.B., Mims, Newman,

Norment, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Ruff, Saslaw, Stolle, Stosch, Ticer, Trumbo, Wagner, Wampler, Watkins, Whipple, Williams--39.

NAYS--0.

RULE 36--0.

On motion of Senator Norment, the following House joint resolutions were passed by for the day:

H.J.R. 2 (two).

H.J.R. 18 (eighteen).

H.J.R. 19 (nineteen).

H.J.R. 34 (thirty-four).

H.J.R. 99 (ninety-nine).

H.J.R. 100 (one hundred).

H.J.R. 124 (one hundred twenty-four).

H.J.R. 130 (one hundred thirty).

H.J.R. 143 (one hundred forty-three).

H.J.R. 145 (one hundred forty-five).

H.J.R. 158 (one hundred fifty-eight).

H.J.R. 161 (one hundred sixty-one).

H.J.R. 164 (one hundred sixty-four).

H.J.R. 169 (one hundred sixty-nine).

H.J.R. 172 (one hundred seventy-two).

H.J.R. 183 (one hundred eighty-three).

H.J.R. 200 (two hundred).

H.J.R. 202 (two hundred two).

H.J.R. 210 (two hundred ten).

H.J.R. 235 (two hundred thirty-five).

H.J.R. 236 (two hundred thirty-six).

H.J.R. 249 (two hundred forty-nine).

H.J.R. 251 (two hundred fifty-one).

H.J.R. 252 (two hundred fifty-two).

H.J.R. 254 (two hundred fifty-four).

H.J.R. 255 (two hundred fifty-five).

H.J.R. 259 (two hundred fifty-nine).

H.J.R. 261 (two hundred sixty-one).

H.J.R. 256 (two hundred fifty-six).

H.J.R. 112 (one hundred twelve) was read by title the third time.

The amendment in the nature of a substitute proposed by the Committee on Rules was offered, having been printed separately, with its title reading as follows:

Honoring the Virginians killed in the terrorist attacks of September 11, 2001, and expressing heartfelt condolences to their families.

The reading of the substitute was waived.

On motion of Senator Trumbo, the substitute was agreed to.

The substitute was ordered to be engrossed.

H.J.R. 112, on motion of Senator Trumbo, was agreed to.

Norment, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Ruff, Saslaw, Stolle, Stosch, Ticer, Trumbo, Wagner, Wampler, Whipple, Williams--38.

NAYS--Barry, Watkins--2.

RULE 36--0.

### HOUSE JOINT RESOLUTIONS ON THIRD READING

Senator Norment moved that the following House joint resolutions, the titles of the joint resolutions having been printed in the Calendar for their third reading, be placed before the Senate by number only:

**H.J.R. 2** (two).

**H.J.R. 18** (eighteen).

**H.J.R. 19** (nineteen).

**H.J.R. 34** (thirty-four).

**H.J.R. 99** (ninety-nine).

**H.J.R. 100** (one hundred).

**H.J.R. 124** (one hundred twenty-four).

**H.J.R. 130** (one hundred thirty).

**H.J.R. 143** (one hundred forty-three).

**H.J.R. 145** (one hundred forty-five).

**H.J.R. 158** (one hundred fifty-eight).

**H.J.R. 161** (one hundred sixty-one).

**H.J.R. 164** (one hundred sixty-four).

**H.J.R. 169** (one hundred sixty-nine).

**H.J.R. 172** (one hundred seventy-two).

**H.J.R. 183** (one hundred eighty-three).

**H.J.R. 200** (two hundred).

**H.J.R. 202** (two hundred two).

**H.J.R. 210** (two hundred ten).

**H.J.R. 235** (two hundred thirty-five).

**H.J.R. 236** (two hundred thirty-six).

**H.J.R. 249** (two hundred forty-nine).

**H.J.R. 251** (two hundred fifty-one).

**H.J.R. 252** (two hundred fifty-two).

**H.J.R. 254** (two hundred fifty-four).

**H.J.R. 255** (two hundred fifty-five).

**H.J.R. 259** (two hundred fifty-nine).

**H.J.R. 261** (two hundred sixty-one).

The motion was agreed to.

**H.J.R. 2** (two) was taken up.

The following amendment proposed by the Committee on Rules was offered:

#### RULES

1. Line 4, engrossed, Title  
strike

*Establishing*

insert

*Designating*



The reading of the amendment was waived.

On motion of Senator Trumbo, the amendment was agreed to.

The amendment was ordered to be engrossed.

**H.J.R. 18** (eighteen) was taken up.

The following amendments proposed by the Committee on Rules were offered:

RULES

1. Line 20, engrossed, after proclamation,  
insert  
the

RULES

2. Line 20, engrossed, after President  
strike  
George W. Bush  
insert  
of the United States

The reading of the amendments was waived.

On motion of Senator Trumbo, the amendments were agreed to.

The amendments were ordered to be engrossed.

**H.J.R. 34** (thirty-four) was taken up.

The amendment in the nature of a substitute proposed by the Committee on Rules was offered, having been printed separately, with its title reading as follows:

Directing the Joint Legislative Audit and Review Commission (JLARC) to examine best administrative, fiscal, and service practices in the Commonwealth's public school divisions.

The reading of the substitute was waived.

On motion of Senator Trumbo, the substitute was agreed to.

The substitute was ordered to be engrossed.

**H.J.R. 158** (one hundred fifty-eight) was taken up.

The following amendments proposed by the Committee on Rules were offered:

RULES

1. Line 6, engrossed, Title

Senator Norment moved that the questions on agreeing to the House joint resolutions that follow be considered en bloc.

The motion was agreed to.

On motion of Senator Norment, the following House joint resolutions were agreed to en bloc:

- H.J.R. 2 (two) with amendment.
  - H.J.R. 18 (eighteen) with amendments.
  - H.J.R. 19 (nineteen).
  - H.J.R. 34 (thirty-four) with substitute.
  - H.J.R. 99 (ninety-nine).
  - H.J.R. 100 (one hundred).
  - H.J.R. 124 (one hundred twenty-four).
  - H.J.R. 130 (one hundred thirty).
  - H.J.R. 143 (one hundred forty-three).
  - H.J.R. 145 (one hundred forty-five).
  - H.J.R. 158 (one hundred fifty-eight) with amendments.
  - H.J.R. 161 (one hundred sixty-one) with amendment.
  - H.J.R. 164 (one hundred sixty-four) with substitute.
  - H.J.R. 169 (one hundred sixty-nine).
  - H.J.R. 172 (one hundred seventy-two).
  - H.J.R. 183 (one hundred eighty-three) with amendment.
  - H.J.R. 200 (two hundred).
  - H.J.R. 202 (two hundred two) with amendment.
  - H.J.R. 210 (two hundred ten).
  - H.J.R. 235 (two hundred thirty-five).
  - H.J.R. 236 (two hundred thirty-six).
  - H.J.R. 249 (two hundred forty-nine) with substitute.
  - H.J.R. 251 (two hundred fifty-one).
  - H.J.R. 252 (two hundred fifty-two).
  - H.J.R. 254 (two hundred fifty-four) with substitute.
  - H.J.R. 255 (two hundred fifty-five) with amendments.
  - H.J.R. 259 (two hundred fifty-nine).
  - H.J.R. 261 (two hundred sixty-one) with amendment.
- H.J.R. 256 (two hundred fifty-six) was read by title the third time.

The following amendments proposed by the Committee on Rules were offered:

#### RULES

1. Line 3, engrossed, Title  
strike

all of lines 3 and 4

insert

*Supporting an effort to preserve access to affordable quality health care.*

#### RULES

2. Line 34, engrossed, after That

**S.J.R. 261.** Commending the Chancellor High School field hockey team.

**S.J.R. 262.** On the death of Delmer Wilson, Jr.

**S.J.R. 263.** Celebrating the life of the Reverend Dr. William Bernard Schiele.

**S.J.R. 264.** On the death of Amy B. Brown.

IT HAS AGREED TO THE AMENDMENTS PROPOSED BY THE SENATE TO THE FOLLOWING HOUSE JOINT RESOLUTIONS:

**H.J.R. 2.** Designating Brunswick Stew Day at the General Assembly.

**H.J.R. 18.** Designating May as Asian/Pacific American Heritage Month in Virginia.

**H.J.R. 158.** Supporting the Board of Education's efforts to ensure that the principles of freedom and individual rights are reflected in the Standards of Learning for the elementary and secondary school curriculum in an age-appropriate manner.

**H.J.R. 161.** Designating January as Virginia Mentoring Month.

**H.J.R. 183.** Commemorating the 100th anniversary of Korean-American immigration.

**H.J.R. 202.** Requesting the State Water Commission to study the effectiveness of the Commonwealth's water policies.

**H.J.R. 255.** Requesting the Secretary of Natural Resources to examine options for providing a stable source of funding for conservation of open space.

**H.J.R. 256.** Expressing the sense of the General Assembly regarding rising health care costs and the current number of uninsured Virginians.

**H.J.R. 261.** Encouraging the Board of Medicine and physicians across the Commonwealth to provide full information to their patients about the nature of the Alpha-fetoprotein test and Multiple Marker Screens so as to reduce anxiety among expectant parents and provide them with an accurate understanding of the risks of fetal abnormality.

IT HAS AGREED TO THE SUBSTITUTES PROPOSED BY THE SENATE TO THE FOLLOWING HOUSE JOINT RESOLUTIONS:

**H.J.R. 34.** Directing the Joint Legislative Audit and Review Commission (JLARC) to examine best administrative, fiscal, and service practices in the Commonwealth's public school divisions.

**H.J.R. 249.** Supporting the establishment of a permanent home for the Cold War Museum at the former Nike Missile Base in Lorton, Virginia.

**H.J.R. 254.** Supporting the opening of the Green Spring plantation site as a unit of the Colonial National Historical Park by the year 2007.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

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**APPENDIX**

**Volume 3**

**H.J.R. 13. Constitutional amendment;** allows local governing bodies to grant certain property tax exemption by local ordinance (second reference). Amending Section 6 of Article X.  
 Patrons: Howell, et al.  
 Agreed to by House ..... 216  
 Reading waived, referred to Committee on Privileges and Elections ..... 217  
 Reported ..... 1152  
 Read second time ..... 1446  
 Read third time and agreed to by Senate ..... 1482, 1483  
 Signed by President ..... 2022  
 Assigned Chapter 825 (effective 7/1/02)

**H.J.R. 18. Asian/Pacific American Heritage Month;** designating as May 2002, and each succeeding year thereafter.  
 Patrons: Lingamfelter, et al.  
 Agreed to by House ..... 511  
 Reading waived, referred to Committee on Rules ..... 514  
 Reported with amendments ..... 1121  
 Rules suspended ..... 1380  
 Reading waived, passed by for the day..... 1380, 1381  
 Read third time ..... 1440  
 Reading of amendments waived ..... 1441  
 Committee amendments agreed to ..... 1441  
 Engrossed ..... 1441  
 Agreed to by Senate ..... 1445  
 Senate amendments agreed to by House..... 1523

**H.J.R. 19. Police, Fire, and Rescue Services Memorial Day;** designating as September 11, 2002, and each succeeding year thereafter.  
 Patrons: Lingamfelter, et al.  
 Agreed to by House ..... 318  
 Reading waived, referred to Committee on Rules ..... 319  
 Reported ..... 1121  
 Rules suspended ..... 1380  
 Reading waived, passed by for the day..... 1380, 1381  
 Read third time and agreed to by Senate ..... 1440, 1445

**H.J.R. 20. Educational leadership;** commission established to review, study and reform.  
 Patron: Hamilton  
 Agreed to by House ..... 726  
 Reading waived, referred to Committee on Rules ..... 730  
 Reported ..... 1456  
 Rules suspended ..... 1510  
 Reading waived, passed by for the day..... 1510, 1511  
 Read third time and agreed to by Senate ..... 1559, 1564

**H.J.R. 21. Pate, Lester D.;** commending.  
 Patron: Dudley  
 Agreed to by House ..... 136  
 Laid on Clerk's Desk..... 137  
 Agreed to by Senate ..... 239

**H.J.R. 22. Floyd County High School golf team;** commending.  
 Patron: Dudley  
 Agreed to by House ..... 136  
 Laid on Clerk's Desk..... 137  
 Agreed to by Senate ..... 239