

MONDAY, JANUARY 17, 2000

The Senate met at 12 m. and was called to order by Lieutenant Governor John H. Hager.

The Reverend Dr. Cedric Kirkland-Harris, Pastor, Bank Street Memorial Baptist Church, Norfolk, Virginia, offered the following prayer:

Eternal God, God of our weary years, God of our silent tears, Thou who hast brought us thus far on the way.

We pray that Your sacred presence is with us.

We pray that in these historical chambers where political and religious freedoms were founded, proclaimed and gave birth to this great Commonwealth and nation, that again You would set us free to be free.

We pray that not only Rousseau's general will be sought and done, but that Your most holy will be sought and done, here on earth, in the Commonwealth of Virginia, as it is in heaven.

And on this day in which we recall, remember and celebrate the lives of Lee, and Jackson, and King, all of whom fought and died for freedom, we pray most of all that the spirit of their contributions would live on, and, that in this legislative year, our Senators, Delegates and Governor, would be given the moral, intellectual, and spiritual courage to enact just laws for the common good, and repeal the inhumane and unjust law of the death penalty.

Accept this, we pray, as our mutual commitment to freedom. Amen.

The roll was called and the following Senators answered to their names:

Bolling, Byrne, Chichester, Colgan, Couric, Edwards, Forbes, Hanger, Hawkins, Holland, Houck, Howell, Lambert, Martin, Marye, Maxwell, Miller, K.G., Miller, Y.B., Newman, Norment, Potts, Puckett, Puller, Quayle, Reynolds, Saslaw, Schrock, Stolle, Stosch, Ticer, Trumbo, Wampler, Watkins, Whipple, Williams.

A quorum was present.

After the roll call, Senators Barry, Lucas, Marsh, Mims, and Rerras notified the Clerk of their presence.

On motion of Senator Whipple, the reading of the Journal was waived.

The recorded vote is as follows:

YEAS--35. NAYS--0. RULE 36--0.

YEAS--Bolling, Byrne, Chichester, Colgan, Couric, Edwards, Forbes, Hanger, Hawkins, Holland, Houck, Howell, Lambert, Martin, Marye, Maxwell, Miller, K.G., Miller, Y.B., Newman, Norment, Potts, Puckett, Puller, Quayle, Reynolds, Saslaw, Schrock, Stolle, Stosch, Ticer, Trumbo, Wampler, Watkins, Whipple, Williams--35.

NAYS--0.

RULE 36--0.

HOUSE COMMUNICATION

The following communication was received:

In the House of Delegates
January 14, 2000

THE HOUSE OF DELEGATES HAS AGREED TO THE FOLLOWING HOUSE JOINT RESOLUTIONS:

H.J.R. 2. On the death of Kenneth T. Linkous.

H.J.R. 3. Commending the Wilson Memorial High School girls' volleyball team.

H.J.R. 13. Commending the Charles City Karate Club.

H.J.R. 15. Commending the West Springfield High School girls' basketball team.

H.J.R. 16. Commending the Fishburne Military School rifle team.

IN WHICH ACTION IT REQUESTS THE CONCURRENCE OF THE SENATE.

/s/ Bruce F. Jamerson
Clerk, House of Delegates

On motion of Senator Norment, the Rules were suspended and the reading of the communication from the House of Delegates was waived.

The recorded vote is as follows:

YEAS--36. NAYS--0. RULE 36--0.

YEAS--Bolling, Byrne, Chichester, Colgan, Couric, Edwards, Forbes, Hanger, Hawkins, Houck, Howell, Lambert, Martin, Marye, Maxwell, Miller, K.G., Miller, Y.B., Mims, Newman, Norment, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Saslaw, Schrock, Stolle, Stosch, Ticer, Trumbo, Wampler, Watkins, Whipple, Williams--36.

NAYS--0.

RULE 36--0.

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. 2, H.J.R. 3, H.J.R. 13, H.J.R. 15, and H.J.R. 16.

COMMITTEE REPORT

The following bills, having been considered by the committee in session, were reported by Senator Hawkins from the Committee on Agriculture, Conservation and Natural Resources:

S.B. 162 (one hundred sixty-two) with amendments.

S.B. 219 (two hundred nineteen).

The following bill, having been considered by the committee in session, was recommended for rereferral by the Committee on Agriculture, Conservation and Natural Resources pursuant to Senate Rule 20 (j):

S.B. 160 (one hundred sixty) with the recommendation that it be rereferred to the Committee on Commerce and Labor.

S.B. 160 was rereferred to the Committee on Commerce and Labor pursuant to Senate Rule 20 (j).

HONORARY ADJOURNMENT

Senator Miller, Y.B., addressed the Senate in memory of the Reverend Dr. Martin Luther King, Jr.

Senator Miller, Y.B., requested that when the Senate adjourns today, it adjourn in memory of the Reverend Dr. Martin Luther King, Jr.

INTRODUCTION OF LEGISLATION

The following, by leave, were presented, ordered to be printed, and referred under Senate Rule 11 (b):

S.B. 237. A BILL to amend and reenact § 10.1-2212 of the Code of Virginia, relating to historical societies and foundations.

Patrons--Chichester and Houck

Referred to Committee on Agriculture, Conservation and Natural Resources

S.B. 238. A BILL to amend and reenact § 2.1-177 of the Code of Virginia, relating to the State Treasurer; appointment.

Patron--Stosch

Referred to Committee on Finance

S.B. 239. A BILL to amend and reenact § 2.1-361 of the Code of Virginia, relating to the Virginia Security for Public Deposits Act; exemption for certain deposits.

Patron--Stosch

Referred to Committee on Finance

S.B. 240. A BILL to amend and reenact § 15.2-1302 of the Code of Virginia, relating to distribution of state funds to certain localities.

Patrons--Trumbo; Delegate: Deeds

Referred to Committee on Local Government

S.B. 241. A BILL to amend and reenact § 29.1-518 of the Code of Virginia, relating to damage caused by beaver.

Patron--Trumbo

Referred to Committee on Agriculture, Conservation and Natural Resources

S.B. 242. A BILL to amend and reenact §§ 13, 14 and 15 of the first enactment, and the third enactment, of Chapter 704 of the Acts of Assembly of 1999, relating to electronic communication meetings.

Patrons--Newman and Howell; Delegates: Bennett, May, Nixon, Plum and Purkey

Referred to Committee on General Laws

S.B. 243. A BILL to amend and reenact § 24.2-908 of the Code of Virginia, relating to campaign finance disclosure; statements of organization filed by political committees.

Patron--Bolling

Referred to Committee on Privileges and Elections

S.B. 244. A BILL to amend the Code of Virginia by adding a section numbered 22.1-100.1, relating to separate escrow accounts for certain appropriations derived from lottery proceeds.

Patron--Bolling

Referred to Committee on General Laws

- S.B. 245.** A BILL to amend and reenact §§ 44-146.16 and 44-146.28 of the Code of Virginia, relating to emergency services and disaster aid.
Patrons--Bolling; Delegate: Davis
Referred to Committee on General Laws
- S.B. 246.** A BILL to amend and reenact § 15.2-4507 of the Code of Virginia, relating to members of the commission of the Tidewater Transportation District.
Patron--Schrock
Referred to Committee on Local Government
- S.B. 247.** A BILL to amend and reenact § 46.2-1014 of the Code of Virginia, relating to motor vehicle brake lights.
Patrons--Houck, Bolling, Hanger, Martin, Miller, K.G. and Puller; Delegates: Black, Cantor, Darner, Davis, Hargrove, Ingram, Landes, McEachin, Nixon, Reid, Ruff, Stump, Tate, Wardrup and Ware
Referred to Committee on Transportation
- S.B. 248.** A BILL to amend and reenact § 22.1-205 of the Code of Virginia, relating to driver education programs.
Patrons--Houck, Bolling, Hanger, Martin, Miller, K.G. and Puller; Delegates: Black, Cantor, Darner, Davis, Hargrove, Ingram, Landes, McEachin, Nixon, Reid, Stump, Tate, Wardrup and Ware
Referred to Committee on Education and Health
- S.B. 249.** A BILL to amend and reenact § 17.1-207 of the Code of Virginia, relating to days of operation of clerks' offices.
Patrons--Houck; Delegates: Dickinson and Orrock
Referred to Committee for Courts of Justice
- S.B. 250.** A BILL to amend and reenact § 6.1-301 of the Code of Virginia, relating to Consumer Finance Act; annual reports to State Corporation Commission.
Patron--Holland
Referred to Committee on Commerce and Labor
- S.B. 251.** A BILL to amend and reenact § 6.1-112 of the Code of Virginia, relating to the use of terms indicating that a business is a bank; penalty.
Patron--Holland
Referred to Committee on Commerce and Labor
- S.B. 252.** A BILL to amend and reenact § 19.2-295.1 of the Code of Virginia, relating to sentencing by jury after conviction.
Patrons--Reynolds; Delegate: Armstrong
Referred to Committee for Courts of Justice
- S.B. 253.** A BILL to amend and reenact § 24.2-712 of the Code of Virginia, relating to central absentee voter precincts; counting ballots.
Patron--Puckett
Referred to Committee on Privileges and Elections
- S.B. 254.** A BILL to amend the Code of Virginia by adding a section numbered 24.2-400.1, relating to voter qualifications; registration of persons convicted of certain felonies; restoration of right to vote.
Patrons--Marsh, Byrne, Howell, Lambert, Lucas, Miller, Y.B., Puckett, Puller, Ticer and Whipple;
Delegates: Baskerville, Crittenden, Jones, J.C., Melvin, Robinson, Spruill and Stump
Referred to Committee on Privileges and Elections

S.B. 255. A BILL to amend and reenact §§ 15.2-2400, 15.2-2402, and 15.2-2403 of the Code of Virginia, relating to service districts.

Patron--Mims

Referred to Committee on Local Government

S.B. 256. A BILL to amend and reenact § 15.2-5158 of the Code of Virginia, relating to community development authorities.

Patron--Mims

Referred to Committee on Local Government

S.J.R. 75. Establishing a joint subcommittee to study the status and implementation of the Virginia Underground Utility Damage Prevention Act.

Patron--Bolling

Referred to Committee on Rules

S.J.R. 76. Continuing the Commission on the Future of Virginia's Environment.

Patron--Bolling

Referred to Committee on Rules

S.J.R. 77. Establishing a joint subcommittee to study webcasting.

Patrons--Newman and Ticer; Delegates: Nixon, Plum and Purkey

Referred to Committee on Rules

S.J.R. 78. Requesting the Division of Neurological Surgery at the Medical College of Virginia of Virginia Commonwealth University to conduct an epidemiologic survey of the elderly population in Virginia's long-term care facilities to identify the number of patients with suspected Normal Pressure Hydrocephalus (NPH) who could benefit from medical therapy.

Patrons--Martin; Delegate: Hargrove

Referred to Committee on Rules

S.J.R. 79. Requesting the Virginia delegation to the Chesapeake Bay Commission continue its study of the most effective means for protecting submerged aquatic vegetation.

Patron--Bolling

Referred to Committee on Rules

The following, by leave, was presented and laid on the Clerk's Desk under Senate Rule 26 (g):

S.J.R. 74. Commending Virginia's Vietnam veterans.

Patrons--Marsh, Byrne, Howell, Lambert, Lucas, Martin, Miller, Y.B., Puckett, Puller, Reynolds, Ticer and Watkins; Delegates: Baskerville, Cox, Crittenden, Diamonstein, Jones, J.C., Melvin, Robinson, Spruill, Stump and Ware

CALENDAR

SENATE BILLS ON FIRST READING

S.B. 204 (two hundred four) was read by title the first time.

Senator Miller, K.G., moved that the Rules be suspended and the second reading of the title of **S.B. 204** as required by Article IV, Section 11, of the Constitution, be dispensed with.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barry, Bolling, Byrne, Chichester, Colgan, Couric, Edwards, Forbes, Hanger, Hawkins, Holland, Houck, Howell, Lambert, Lucas, Marsh, Martin, Marye, Maxwell, Miller, K.G., Miller, Y.B., Mims, Newman, Norment, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Saslaw, Schrock, Stolle, Stosch, Ticer, Trumbo, Wampler, Watkins, Whipple, Williams--40.

NAYS--0.

RULE 36--0.

On motion of Senator Miller, K.G., the bill was ordered to be engrossed and read by title the third time.

Senator Miller, K.G., moved that the Rules be suspended and the third reading of the title of **S.B. 204** as required by Article IV, Section 11, of the Constitution, be dispensed with.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barry, Bolling, Byrne, Chichester, Colgan, Couric, Edwards, Forbes, Hanger, Hawkins, Holland, Houck, Howell, Lambert, Lucas, Marsh, Martin, Marye, Maxwell, Miller, K.G., Miller, Y.B., Mims, Newman, Norment, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Saslaw, Schrock, Stolle, Stosch, Ticer, Trumbo, Wampler, Watkins, Whipple, Williams--40.

NAYS--0.

RULE 36--0.

S.B. 204, on motion of Senator Miller, K.G., was passed with its title.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barry, Bolling, Byrne, Chichester, Colgan, Couric, Edwards, Forbes, Hanger, Hawkins, Holland, Houck, Howell, Lambert, Lucas, Marsh, Martin, Marye, Maxwell, Miller, K.G., Miller, Y.B., Mims, Newman, Norment, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Saslaw, Schrock, Stolle, Stosch, Ticer, Trumbo, Wampler, Watkins, Whipple, Williams--40.

NAYS--0.

RULE 36--0.

S.B. 205 (two hundred five) was read by title the first time.

Senator Miller, K.G., moved that the Rules be suspended and the second reading of the title of **S.B. 205** as required by Article IV, Section 11, of the Constitution, be dispensed with.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barry, Bolling, Byrne, Chichester, Colgan, Couric, Edwards, Forbes, Hanger, Hawkins, Holland, Houck, Howell, Lambert, Lucas, Marsh, Martin, Marye, Maxwell, Miller, K.G., Miller, Y.B.,

Mims, Newman, Norment, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Saslaw, Schrock, Stolle, Stosch, Ticer, Trumbo, Wampler, Watkins, Whipple, Williams--40.

NAYS--0.

RULE 36--0.

On motion of Senator Miller, K.G., the bill was ordered to be engrossed and read by title the third time.

Senator Miller, K.G., moved that the Rules be suspended and the third reading of the title of **S.B. 205** as required by Article IV, Section 11, of the Constitution, be dispensed with.

The motion was agreed to.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barry, Bolling, Byrne, Chichester, Colgan, Couric, Edwards, Forbes, Hanger, Hawkins, Holland, Houck, Howell, Lambert, Lucas, Marsh, Martin, Marye, Maxwell, Miller, K.G., Miller, Y.B., Mims, Newman, Norment, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Saslaw, Schrock, Stolle, Stosch, Ticer, Trumbo, Wampler, Watkins, Whipple, Williams--40.

NAYS--0.

RULE 36--0.

S.B. 205, on motion of Senator Miller, K.G., was passed with its title.

The recorded vote is as follows:

YEAS--40. NAYS--0. RULE 36--0.

YEAS--Barry, Bolling, Byrne, Chichester, Colgan, Couric, Edwards, Forbes, Hanger, Hawkins, Holland, Houck, Howell, Lambert, Lucas, Marsh, Martin, Marye, Maxwell, Miller, K.G., Miller, Y.B., Mims, Newman, Norment, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Saslaw, Schrock, Stolle, Stosch, Ticer, Trumbo, Wampler, Watkins, Whipple, Williams--40.

NAYS--0.

RULE 36--0.

COMMENDING RESOLUTION IMMEDIATE CONSIDERATION

On motion of Senator Couric, the Rules were suspended and **S.J.R. 63** (sixty-three), having been laid on the Clerk's Desk under Senate Rule 26 (g), was taken up for immediate consideration.

The recorded vote is as follows:

YEAS--39. NAYS--0. RULE 36--0.

YEAS--Bolling, Byrne, Chichester, Colgan, Couric, Edwards, Forbes, Hanger, Hawkins, Holland, Houck, Howell, Lambert, Lucas, Marsh, Martin, Marye, Maxwell, Miller, K.G., Miller, Y.B., Mims, Newman, Norment, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Saslaw, Schrock, Stolle, Stosch, Ticer, Trumbo, Wampler, Watkins, Whipple, Williams--39.

NAYS--0.

RULE 36--0.

The reading of the joint resolution was waived.

S.J.R. 63, on motion of Senator Couric, was ordered to be engrossed and was agreed to.

Pursuant to Senate Rule 26 (f), the Clerk reported that Senator Watkins had been removed as the patron of **S.B. 63** (sixty-three).

Pursuant to Senate Rule 26 (f), the Clerk reported that Senator Marye had been added as the patron of **S.B. 63** (sixty-three).

On motion of Senator Chichester, the Senate, in memory of the Reverend Dr. Martin Luther King, Jr., adjourned until tomorrow at 12 m. Pursuant to Rule 21 (d)ii, the Clerk was ordered to receive the committee reports.

COMMITTEE REPORTS

The following bills, having been considered by the committee in session, were reported by Senator Wampler from the Committee on Commerce and Labor:

- S.B. 52** (fifty-two).
- S.B. 54** (fifty-four).
- S.B. 73** (seventy-three).
- S.B. 78** (seventy-eight).
- S.B. 79** (seventy-nine).
- S.B. 136** (one hundred thirty-six).

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

- S.B. 193** (one hundred ninety-three).
- S.B. 194** (one hundred ninety-four).

John H. Hager
President of the Senate

Susan Clarke Schaar
Clerk of the Senate