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**HOUSE BILL NO. 973**

Offered January 14, 2004

Prefiled January 14, 2003

*A BILL to amend and reenact §§ 2.2-1508, 2.2-1509 and 2.2-3705 of the Code of Virginia, to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 3.1, consisting of sections numbered 2.2-304 through 2.2-310, and by adding a section numbered 2.2-1509.01, relating to the Budget Reform and State Inspector General Act of 2004.*

Patrons—Reese, Albo, Athey, Bell, Black, Byron, Callahan, Cline, Cole, Cosgrove, Cox, Dillard, Drake, Frederick, Gear, Griffith, Hamilton, Hargrove, Hugo, Hurt, Ingram, Janis, Jones, S.C., Kilgore, Landes, Lingamfelter, Marrs, Marshall, D.W., May, Morgan, Nixon, Nutter, O'Bannon, Oder, Orrock, Petersen, Phillips, Pollard, Purkey, Reid, Rust, Saxman, Scott, E.T., Sherwood, Sickles, Suit, Weatherholtz, Welch and Wright; Senators: Cuccinelli and Mims

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-1508, 2.2-1509 and 2.2-3705 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 3.1, consisting of sections numbered 2.2-304 through 2.2-310, and by adding a section numbered 2.2-1509.01 as follows:**

**CHAPTER 3.1.****OFFICE OF THE STATE INSPECTOR GENERAL.****§ 2.2-304. Definitions.**

*As used in this chapter:*

*"State agency" means any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch listed in the appropriation act. "State agency" shall not include the General Assembly, any court, and any county, city or town.*

*"State employee" means any person who is regularly employed full time on either a salaried or wage basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by a state agency.*

*"State officer" means any person who is elected or appointed to a public office in a state agency.*

**§ 2.2-305. Office created; appointment of State Inspector General.**

*A. There is hereby created the Office of the State Inspector General, which shall be headed by a State Inspector General appointed by the Governor, subject to confirmation by the General Assembly. The State Inspector General shall be appointed for a six-year term. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of such term.*

**§ 2.2-306. Powers and duties of State Inspector General.**

*The State Inspector General shall have power and duty to:*

*1. Operate and manage the Office of the State Inspector General and employ such personnel as may be required to carry out the provisions of this chapter.*

*2. Make and enter contracts and agreements as may be necessary and incidental to carry out the provisions of this chapter, and apply for and accept grants from the United States government and agencies and instrumentalities thereof, and any other source, in furtherance of the provisions of this chapter.*

*3. Conduct independent evaluations of the programs and activities of (i) state agencies and (ii) nonstate agencies that receive state funds, as provided by § 2.2-1509.01.*

*4. Receive complaints alleging (i) fraud, (ii) waste, including task or program duplication and inefficiency, (iii) abuse, or (iv) corruption; and determine whether the complaints give reasonable cause to investigate.*

*5. Investigate the management and operations of state agencies to determine whether acts of fraud, waste, abuse, or corruption have been committed or are being committed by state officers or state employees.*

*6. Prepare a detailed report of each investigation stating whether fraud, waste, abuse or corruption has been detected. If fraud, waste, abuse, or corruption is detected, the report shall (i) identify the person committing the wrongful act or omission, (ii) describe the wrongful act or omission, and (iii) describe corrective measures taken by the state agency in which the wrongful act or omission was committed to prevent recurrences of similar actions.*

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55 7. Provide timely notification to the appropriate attorney for the Commonwealth whenever the State  
56 Inspector General has reasonable grounds to believe there has been a violation of state criminal law.

57 8. Identify other state agencies that are also responsible for investigating, auditing, reviewing, or  
58 evaluating the management and operation of state agencies, and negotiate and enter into agreements  
59 with such agencies to share information and avoid duplication of effort.

60 9. Consult with state agencies and nonstate agencies receiving state funds and assist them in  
61 developing, implementing, and enforcing policies and procedures that will prevent or reduce the risk of  
62 wrongful acts and omissions by their employees and eliminate duplication and inefficiency.

63 10. Assist individual state agencies and nonstate agencies receiving state funds in developing clear  
64 goals and objective measures of performance for programs and activities. The goals and objective  
65 measures shall be a part of any independent evaluation conducted by the Inspector General.

66 § 2.2-307. Program evaluation of state and nonstate agencies.

67 A. The State Inspector General shall develop a schedule for the evaluation of the programs and  
68 activities of state agencies and nonstate agencies receiving state funding. The evaluation shall include,  
69 but not be limited to, the following measures and determinations regarding such programs and activities:  
70 (i) effectiveness, (ii) efficiency, (iii) cost, (iv) alternative service delivery options, and (v) consolidation  
71 opportunities. Such evaluation shall also determine whether a particular program or activity is  
72 appropriate to be continued as a government function. At the completion of the evaluation, the State  
73 Inspector General shall furnish a report to the state or nonstate agency including any recommendations  
74 to improve program effectiveness and efficiency. The State Inspector General shall prepare a report of  
75 each evaluation and submit the report to the Governor immediately upon its completion and to the  
76 General Assembly in its annual report. Nothing in this subsection shall be construed to prevent the State  
77 Inspector General from conducting an evaluation that is unscheduled or at the request of the Governor.

78 B. Within one year after an evaluation has been conducted pursuant to subsection A, the state or  
79 nonstate agency that is the subject of the evaluation shall report to the State Inspector General on the  
80 progress made toward performance goals and the implementation of any recommendations made by the  
81 State Inspector General.

82 § 2.2-308. Subpoenas.

83 A. The State Inspector General or a designated subordinate may issue a subpoena for the  
84 appearance of an individual before any hearing conducted by the Office of the Inspector General. The  
85 subpoena shall be served by the appropriate sheriff's officer and enforced by the court of that  
86 jurisdiction.

87 B. The State Inspector General may make an ex parte application to the circuit court for the city or  
88 county wherein evidence sought is kept, for the issuance of a subpoena duces tecum in furtherance of an  
89 investigation or to request production of any relevant records, documents and physical or other evidence  
90 of any person, partnership, association or corporation located in the Commonwealth. The court may  
91 issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon  
92 determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court  
93 may issue a subpoena duces tecum requiring the immediate production of evidence.

94 § 2.2-309. Cooperation of state agencies and officers.

95 A. Each state agency and every state officer and state employee, shall cooperate with, and provide  
96 assistance to, the State Inspector General in the performance of any investigation. Each state agency  
97 shall make its premises, equipment, personnel, books, records, and papers readily available to the State  
98 Inspector General upon request.

99 B. The State Inspector General may enter upon the premises of any state agency at any time, without  
100 prior announcement, if necessary to the successful completion of an investigation. In the course of an  
101 investigation, the State Inspector General may question any state officer or state employee serving in,  
102 and any person transacting business with, the state agency, and may inspect and copy any books,  
103 records, or papers in the possession of the state agency. The State Inspector General shall preserve the  
104 confidentiality of any information obtained from a state agency during the course of an investigation as  
105 required by applicable state and federal law.

106 § 2.2-310. Reports.

107 A. The State Inspector General shall prepare an annual report summarizing the activities of the  
108 Office. Such report shall include, but need not be limited to:

109 1. A description of any significant problems, abuses and deficiencies related to the management or  
110 operation of state agencies during the reporting period;

111 2. A description of the recommendations for corrective actions made by the Office during the  
112 reporting period with respect to significant problems, abuses or deficiencies identified;

113 3. An identification of each significant recommendation described in previous reports under this  
114 section for which corrective action has not been completed;

115 4. A summary of matters referred to the attorneys for the Commonwealth and law-enforcement  
116 agencies and actions taken on them during the reporting period; and

5. Information concerning the numbers of complaints received and types of investigations completed by the Office during the reporting period.

B. Within 30 days of the transmission of each annual report, the State Inspector General shall make copies of such report available to the public upon request and in accordance with § 2.2-3705.

C. The State Inspector General shall report immediately to the Governor whenever the Office becomes aware of particularly serious problems, abuses or deficiencies relating to the management or operation of a state agency.

D. The State Inspector General may conduct such additional investigations and make such reports relating to the management and operation of state agencies as are, in the judgment of the State Inspector General, necessary or desirable.

E. Notwithstanding any other provision of law, the reports, information or documents required by or under this section shall be transmitted directly to the Governor and the General Assembly by the State Inspector General.

F. Records that are confidential under federal or state law shall be maintained as confidential by the State Inspector General, and shall not be further disclosed, except as permitted by law.

§ 2.2-1508. Submission of executive budget to General Assembly.

A. On or before December 20 in the year immediately prior to the beginning of each regular session of the General Assembly held in an even-numbered year, the Governor shall submit to the presiding officer of each house of the General Assembly printed copies of a budget document, which shall be known as "The Executive Budget," based on his own conclusions and judgment, containing the following:

1. For each agency, the amount and number of positions appropriated for the current appropriation year and the amount and number of positions recommended for each year of the ensuing biennial period beginning with the first day of July thereafter, accompanied by an explanation of the recommended amount and number of positions.

2. A statement of historical and projected trends that influence the general economic conditions in the Commonwealth and a statement of the economic assumptions upon which revenue projections are based.

3. A statement of the Governor's proposed goals, objectives, and policies in the areas of:

- a. Administration of justice;
- b. Education, including intellectual and cultural development;
- c. Individual and family services;
- d. Resources and economic development, including specific references to economic development and management of natural resources;
- e. Transportation; and
- f. General government, including therein or as separate categories areas of multiple impact, such as telecommunications, energy, and urban development.

4. A statement organized by function, primary agency, and proposed appropriation item that sets forth:

- a. Identification of common programs and services;
- b. Service attainments or lack of attainments and service terminations or reductions for the biennium;
- c. Major goals, objectives, and specific outcomes related to expenditures for programs;
- d. Program measures and performance standards to be used in monitoring and evaluating services; and the development of appropriate evaluation cycles, within available resources;
- e. The amount of each primary agency's budget that is direct aid to localities.

5. A statement of proposed capital appropriations organized by the primary agency that sets forth the program need for the project and the proposed source of funding.

6. A listing of all activity, program-related, agency or departmental evaluations performed in the previous two years with guidance indicating the manner in which the public can gain access to the full text of such studies.

7. A schedule and description of all data processing or other projects in which the Commonwealth has entered into or plans to enter into a contract, agreement or other financing agreement or such other arrangement that requires that the Commonwealth either pay for the contract by foregoing revenue collections, or allows or assigns to another party the collection on behalf of or for the Commonwealth any fees, charges, or other assessment or revenues to pay for the project. Such schedule shall include by agency and project (i) a summary of the terms, (ii) the anticipated duration, and (iii) cost or charges to any user, whether a state agency or institutions or other party not directly a party to the project arrangements. The description shall also include any terms or conditions that bind the Commonwealth or restrict the Commonwealth operations and the methods of procurement employed to reach such terms.

B. On or before December 20 of the year immediately prior to the beginning of the regular session of the General Assembly held in odd-numbered years, the Governor shall submit to the presiding officer

178 of each house of the General Assembly printed copies of a budget document, which shall be known as  
179 "Executive Amendments to the Appropriation Act," describing all gubernatorial amendments proposed to  
180 the general appropriation act enacted in the immediately preceding even-numbered session.

181 C. The Department of Planning and Budget shall prepare "The Executive Budget" and the "Executive  
182 Amendments to the Appropriation Act" in a manner and with language that can be easily understood by  
183 the citizens of the Commonwealth and that provides, to the extent practical, a *direct* cross-reference to  
184 the Governor's recommended budget bill or amendments to the Appropriation Act. Such documents shall  
185 also be placed on the Internet to provide easy access by the public.

186 § 2.2-1509. Budget bill.

187 A. (Effective until July 1, 2008) On or before December 20 of the year immediately prior to the  
188 beginning of each regular session of the General Assembly held in an even-numbered year, the  
189 Governor also shall submit to the presiding officer of each house of the General Assembly, at the same  
190 time he submits "The Executive Budget," copies of a tentative bill for all proposed appropriations of the  
191 budget, for each year in the ensuing biennial appropriation period, which shall be known as "The Budget  
192 Bill." ~~"The Budget Bill" shall be organized by function, primary agency, and proposed appropriation~~  
193 ~~item and shall include (i) an identification of, and authorization for, common programs and (ii) the~~  
194 ~~appropriation of funds according to programs.~~ Strategic plan information and performance measurement  
195 results developed by each agency shall be made available to the General Assembly as it considers "The  
196 Budget Bill." Except as expressly provided in an appropriation act, whenever the amounts in a schedule  
197 for a single appropriation item are shown in two or more lines, the portions of the total amount shown  
198 on separate lines are for information purposes only and are not limiting. No such bill shall contain any  
199 appropriation the expenditure of which is contingent upon the receipt of revenues in excess of funds  
200 unconditionally appropriated.

201 A. (Effective July 1, 2008) On or before December 20 of the year immediately prior to the beginning  
202 of each regular session of the General Assembly held in an even-numbered year, the Governor also shall  
203 submit to the presiding officer of each house of the General Assembly, at the same time he submits  
204 "The Executive Budget," copies of a tentative bill for all proposed appropriations of the budget, for each  
205 year in the ensuing biennial appropriation period, which shall be known as "The Budget Bill." ~~"The~~  
206 ~~Budget Bill" shall be organized by function, primary agency, and proposed appropriation item and shall~~  
207 ~~include an identification of, and authorization for, common programs and the appropriation of funds~~  
208 ~~according to programs.~~ Except as expressly provided in an appropriation act, whenever the amounts in a  
209 schedule for a single appropriation item are shown in two or more lines, the portions of the total amount  
210 shown on separate lines are for information purposes only and are not limiting. No such bill shall  
211 contain any appropriation the expenditure of which is contingent upon the receipt of revenues in excess  
212 of funds unconditionally appropriated.

213 B. The salary proposed for payment for the position of each cabinet secretary and administrative  
214 head of each agency and institution of the executive branch of state government shall be specified in  
215 "The Budget Bill," showing the salary ranges and levels proposed for such positions.

216 C. "The Budget Bill" shall include all proposed capital appropriations, including each capital project  
217 to be financed through revenue bonds or other debt issuance, the amount of each project, and the  
218 identity of the entity that will issue the debt.

219 D. Concurrently with the submission of "The Budget Bill," the Governor shall submit a tentative bill  
220 involving a request for authorization of additional bonded indebtedness if its issuance is authorized by,  
221 or its repayment is proposed to be made in whole or in part, from revenues or appropriations contained  
222 in "The Budget Bill."

223 E. On or before December 20 of the year immediately prior to the beginning of each regular session  
224 held in an odd-numbered year of the General Assembly, the Governor shall submit to the presiding  
225 officer of each house printed copies of all gubernatorial amendments proposed to the general  
226 appropriation act adopted in the immediately preceding even-numbered year session. In preparing the  
227 amendments, the Governor may obtain estimates in the manner prescribed in §§ 2.2-1504, 2.2-1505, and  
228 2.2-1506. On the same date he shall also submit a tentative bill during the second year of the  
229 appropriation period, a request for authorization of additional bonded indebtedness if its issuance is  
230 authorized by, or its repayment is proposed to be made in whole or in part, from revenues or  
231 appropriations contained in the proposed gubernatorial amendments.

232 F. The proposed capital appropriations or capital projects described in, or for which proposed  
233 appropriations are made pursuant to, this section shall include the capital outlay projects required to be  
234 included in "The Budget Bill" pursuant to § 2.2-1509.1. The Governor shall propose appropriations for  
235 such capital outlay projects in "The Budget Bill" in accordance with the minimum amount of funding  
236 and the designated sources of funding for such projects as required under § 2.2-1509.1.

237 § 2.2-1509.01. Additional requirements for the Budget Bill.

238 A. *"The Budget Bill" shall be organized in a manner that is easily understood and shall set forth the*  
239 *following information:*

1. Each agency's mission, clearly defined goals and objectives, and objective performance measures and descriptions of how (i) the goals and objectives are directly related to furthering the agency's mission, and (ii) the agency is operating to achieve its mission, goals and objectives.

2. The total budget requested by each agency listed by function, programs and activities.

3. Each agency function, program and activity accompanied by specific goals and objectives, objective performance measures, including but not limited to efficiency and effectiveness, and a description of how those goals and objectives relate to the agency's mission or any relevant statute or Executive Order of the Governor. Each agency function, program and activity shall also include the total amount required to support such function, program or activity including but not limited to staffing and equipment, and the total amount actually expended by the agency in the two previous biennia.

4. Identification of and authorization for programs shared by two or more agencies.

5. The independent evaluation cycle for each agency, program and activity, as established by the State Inspector General created pursuant to § 2.2-305.

6. The source and amount of any anticipated revenue, whether the source has been included in previous appropriation acts, and the amount of actual revenue derived from the source over the previous two biennia.

B. "The Budget Bill" shall also set forth requests for expenditures by nonstate agencies, regional and local governing bodies and other entities funded in whole or in part by state funds. Such entities shall submit with any requested expenditure information sufficient to satisfy the requirements of subsection A in the same manner required of state agencies.

§ 2.2-3705. Exclusions to application of chapter.

A. The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records of all investigations of applications for licenses and permits, and all licensees and permittees made by or submitted to the Alcoholic Beverage Control Board, the State Lottery Department, the Virginia Racing Commission, or the Department of Charitable Gaming.

2. State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3.

3. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, which are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a state-supported institution of higher education, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

4. Personnel records containing information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any personnel record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

5. Medical and mental records, except that such records may be personally reviewed by the subject person or a physician of the subject person's choice. However, the subject person's mental records may not be personally reviewed by such person when the subject person's treating physician has made a part of such person's records a written statement that in his opinion a review of such records by the subject person would be injurious to the subject person's physical or mental health or well-being.

Where the person who is the subject of medical records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the medical records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Medical records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the medical records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or

chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of medical and mental records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. In instances where the person who is the subject thereof is an emancipated minor or a student in a public institution of higher education, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning patient abuse as may be compiled by the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall be open to inspection and copying as provided in § 2.2-3704. No such summaries or data shall include any patient-identifying information.

6. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the Attorney General; the members of the General Assembly or the Division of Legislative Services; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which is otherwise open to inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence.

As used in this subdivision:

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and the Director of the Virginia Liaison Office; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

7. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other records protected by the attorney-client privilege.

8. Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting under § 2.2-3711.

9. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment, or (iii) receipt of an honor or honorary recognition.

10. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

11. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by a public body.

As used in this subdivision, "test or examination" shall include (a) any scoring key for any such test or examination and (b) any other document that would jeopardize the security of the test or examination. Nothing contained in this subdivision shall prohibit the release of test scores or results as provided by law, or limit access to individual records as provided by law. However, the subject of such employment tests shall be entitled to review and inspect all records relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, the test or examination shall be made available to the public. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

12. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants. However, such material may be made available during normal working hours for copying, at the requester's expense, by the individual who is the subject thereof, in the offices of the Department of Health Professions or in the offices of any health regulatory board, whichever may possess the material.

13. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.

14. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.

15. Reports, documentary evidence and other information as specified in §§ 2.2-706 and 63.2-104.

16. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or § 62.1-134.1.

17. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

18. Vendor proprietary information software that may be in the official records of a public body. For the purpose of this subdivision, "vendor proprietary software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

19. Financial statements not publicly available filed with applications for industrial development financings.

20. Data, records or information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such data, records or information has not been publicly released, published, copyrighted or patented.

21. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

22. Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from the Department of Business Assistance, the Virginia Economic Development Partnership, the Virginia Tourism Authority, or local or regional industrial or economic development authorities or organizations, used by the Department, the Partnership, the Authority, or such entities for business, trade and tourism development; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by the Partnership, where competition or bargaining is involved and where, if such records are made public, the financial interest of the governmental unit would be adversely affected.

23. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

24. Confidential records, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

25. Computer software developed by or for a state agency, state-supported institution of higher education or political subdivision of the Commonwealth.

26. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management or to such personnel of any local public body, including local school boards as are responsible for conducting such investigations in confidence. However, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information or other individuals involved in the investigation.

27. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

28. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

29. Records and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

30. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

31. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-2638, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

32. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; and other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or

licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2. However, nothing in this section shall prohibit disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

33. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or § 15.2-2305. However, access to one's own information shall not be denied.

34. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

35. Appraisals and cost estimates of real property subject to a proposed purchase, sale or lease, prior to the completion of such purchase, sale or lease.

36. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

37. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the State Lottery Department relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

38. Records of studies and investigations by the State Lottery Department of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv) and (v) shall be open to inspection and copying upon completion of the study or investigation.

39. Those portions of engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit that would identify specific trade secrets or other information the disclosure of which would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

Those portions of engineering and construction drawings and plans that reveal critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.), the disclosure of which would jeopardize the safety or security of any public or private commercial office, multi-family residential or retail building or its occupants in the event of terrorism or other threat to public safety, to the extent that the owner or lessee of such property, equipment or system in writing (i) invokes the protections of this paragraph; (ii) identifies the drawings, plans, or other materials to be protected; and (iii) states the reasons why protection is necessary.

Nothing in this subdivision shall prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event.

40. Records concerning reserves established in specific claims administered by the Department of the

Treasury through its Division of Risk Management as provided in Article 5 (§ 2.2-1832 et seq.) of Chapter 18 of this title, or by any county, city, or town; and investigative notes, correspondence and information furnished in confidence with respect to an investigation of a claim or a potential claim against a public body's insurance policy or self-insurance plan. However, nothing in this subdivision shall prohibit the disclosure of information taken from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

41. Information and records collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

42. Reports and court documents required to be kept confidential pursuant to § 37.1-67.3.

43. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for the (i) Auditor of Public Accounts; (ii) *State Inspector General*; (iii) Joint Legislative Audit and Review Commission; ~~(iii)~~ (iv) Department of the State Internal Auditor with respect to an investigation initiated through the State Employee Fraud, Waste and Abuse Hotline; or ~~(iv)~~(v) committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825. Records of completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is prohibited by this section, the records disclosed shall include, but not be limited to, the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person.

44. Data formerly required to be submitted to the Commissioner of Health relating to the establishment of new or the expansion of existing clinical health services, acquisition of major medical equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

45. Documentation or other information that describes the design, function, operation or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

46. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

47. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, relating to the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or provided to the retirement system under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system or the Rector and Visitors of the University of Virginia. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

48. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

49. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

50. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exemption provided by this subdivision shall not apply to any wholly

547 owned subsidiary of a public body.

548 51. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department  
549 of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the  
550 Department not release such information.

551 52. Information required to be provided pursuant to § 54.1-2506.1.

552 53. Confidential information designated as provided in subsection D of § 2.2-4342 as trade secrets or  
553 proprietary information by any person who has submitted to a public body an application for  
554 prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

555 54. All information and records acquired during a review of any child death by the State Child  
556 Fatality Review team established pursuant to § 32.1-283.1, during a review of any child death by a local  
557 or regional child fatality review team established pursuant to § 32.1-283.2, and all information and  
558 records acquired during a review of any death by a family violence fatality review team established  
559 pursuant to § 32.1-283.3.

560 55. Financial, medical, rehabilitative and other personal information concerning applicants for or  
561 recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority  
562 under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

563 56. Confidential proprietary records that are voluntarily provided by a private entity pursuant to a  
564 proposal filed with a public entity or an affected local jurisdiction under the Public-Private  
565 Transportation Act of 1995 (§ 56-556 et seq.) or the Public-Private Education Facilities and  
566 Infrastructure Act of 2002 (§ 56-575.1 et seq.), pursuant to a promise of confidentiality from the  
567 responsible public entity or affected local jurisdiction, used by the responsible public entity or affected  
568 local jurisdiction for purposes related to the development of a qualifying transportation facility or  
569 qualifying project; and memoranda, working papers or other records related to proposals filed under the  
570 Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure  
571 Act of 2002, where, if such records were made public, the financial interest of the public or private  
572 entity involved with such proposal or the process of competition or bargaining would be adversely  
573 affected. In order for confidential proprietary information to be excluded from the provisions of this  
574 chapter, the private entity shall (i) invoke such exclusion upon submission of the data or other materials  
575 for which protection from disclosure is sought, (ii) identify the data or other materials for which  
576 protection is sought, and (iii) state the reasons why protection is necessary. For the purposes of this  
577 subdivision, the terms "affected local jurisdiction", "public entity" and "private entity" shall be defined  
578 as they are defined in the Public-Private Transportation Act of 1995 or in the Public-Private Education  
579 Facilities and Infrastructure Act of 2002. However, nothing in this subdivision shall be construed to  
580 prohibit the release of procurement records as required by § 56-573.1 or § 56-575.16. Procurement  
581 records shall not be interpreted to include proprietary, commercial or financial information, balance  
582 sheets, financial statements, or trade secrets that may be provided by the private entity as evidence of its  
583 qualifications.

584 57. Plans and information to prevent or respond to terrorist activity, the disclosure of which would  
585 jeopardize the safety of any person, including (i) critical infrastructure sector or structural components;  
586 (ii) vulnerability assessments, operational, procedural, transportation, and tactical planning or training  
587 manuals, and staff meeting minutes or other records; and (iii) engineering or architectural records, or  
588 records containing information derived from such records, to the extent such records reveal the location  
589 or operation of security equipment and systems, elevators, ventilation, fire protection, emergency,  
590 electrical, telecommunications or utility equipment and systems of any public building, structure or  
591 information storage facility. The same categories of records of any governmental or nongovernmental  
592 person or entity submitted to a public body for the purpose of antiterrorism response planning may be  
593 withheld from disclosure if such person or entity in writing (a) invokes the protections of this  
594 subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought,  
595 and (c) states with reasonable particularity why the protection of such records from public disclosure is  
596 necessary to meet the objective of antiterrorism planning or protection. Such statement shall be a public  
597 record and shall be disclosed upon request. Nothing in this subdivision shall be construed to prohibit the  
598 disclosure of records relating to the structural or environmental soundness of any building, nor shall it  
599 prevent the disclosure of information relating to any building in connection with an inquiry into the  
600 performance of that building after it has been subjected to fire, explosion, natural disaster or other  
601 catastrophic event.

602 58. All records of the University of Virginia or the University of Virginia Medical Center or Eastern  
603 Virginia Medical School, as the case may be, that contain proprietary, business-related information  
604 pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical  
605 School, as the case may be, including business development or marketing strategies and activities with  
606 existing or future joint venturers, partners, or other parties with whom the University of Virginia  
607 Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any  
608 arrangement for the delivery of health care, if disclosure of such information would be harmful to the

competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

59. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

60. Records of the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; and the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented.

61. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected, and, after June 30, 1997, where such information was provided pursuant to a promise of confidentiality.

62. Confidential proprietary records that are provided by a franchisee under § 15.2-2108 to its franchising authority pursuant to a promise of confidentiality from the franchising authority that relates to the franchisee's potential provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such records were made public, the competitive advantage or financial interests of the franchisee would be adversely affected. In order for confidential proprietary information to be excluded from the provisions of this chapter, the franchisee shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reason why protection is necessary.

63. Records of the Intervention Program Committee within the Department of Health Professions, to the extent such records may identify any practitioner who may be, or who is actually, impaired to the extent disclosure is prohibited by § 54.1-2517.

64. Records submitted as a grant application, or accompanying a grant application, to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Chapter 3.1 (§ 51.5-12.1 et seq.) of Title 51.5, to the extent such records contain (i) medical or mental records, or other data identifying individual patients or (ii) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical or scholarly issues, when such information has not been publicly released, published, copyrighted or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

65. Information that would disclose the security aspects of a system safety program plan adopted pursuant to 49 C.F.R. Part 659 by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

66. Documents and other information of a proprietary nature furnished by a supplier of charitable gaming supplies to the Department of Charitable Gaming pursuant to subsection E of § 18.2-340.34.

67. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Nothing in this subdivision shall be construed to prohibit disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

68. Any record copied, recorded or received by the Commissioner of Health in the course of an

670 examination, investigation or review of a managed care health insurance plan licensee pursuant to  
671 §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or  
672 all computer or other recordings.

673 69. Engineering and architectural drawings, operational, procedural, tactical planning or training  
674 manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance  
675 techniques, personnel deployments, alarm or security systems or technologies, or operational and  
676 transportation plans or protocols, to the extent such disclosure would jeopardize the security of any  
677 governmental facility, building or structure or the safety of persons using such facility, building or  
678 structure.

679 70. Records and reports related to Virginia apple producer sales provided to the Virginia State Apple  
680 Board pursuant to §§ 3.1-622 and 3.1-624.

681 71. Records of the Department of Environmental Quality, the State Water Control Board, State Air  
682 Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal  
683 environmental enforcement actions that are considered confidential under federal law and (ii)  
684 enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records  
685 shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the  
686 director of the agency. This subdivision shall not be construed to prohibit the disclosure of records  
687 related to inspection reports, notices of violation, and documents detailing the nature of any  
688 environmental contamination that may have occurred or similar documents.

689 72. As it pertains to any person, records related to the operation of toll facilities that identify an  
690 individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle  
691 enforcement system information; video or photographic images; Social Security or other identification  
692 numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone  
693 numbers; or records of the date or time of toll facility use.

694 73. Records of the Virginia Office for Protection and Advocacy consisting of documentary evidence  
695 received or maintained by the Office or its agents in connection with specific complaints or  
696 investigations, and records of communications between employees and agents of the Office and its  
697 clients or prospective clients concerning specific complaints, investigations or cases. Upon the  
698 conclusion of an investigation of a complaint, this exclusion shall no longer apply, but the Office may  
699 not at any time release the identity of any complainant or person with mental illness, mental retardation,  
700 developmental disabilities or other disability, unless (i) such complainant or person or his legal  
701 representative consents in writing to such identification or (ii) such identification is required by court  
702 order.

703 74. Information furnished in confidence to the Department of Employment Dispute Resolution with  
704 respect to an investigation, consultation, or mediation under Chapter 10 (§ 2.2-1000 et seq.) of this title,  
705 and memoranda, correspondence and other records resulting from any such investigation, consultation or  
706 mediation. However, nothing in this section shall prohibit the distribution of information taken from  
707 inactive reports in a form that does not reveal the identity of the parties involved or other persons  
708 supplying information.

709 75. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1,  
710 submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery  
711 Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

712 76. Records of the State Lottery Department pertaining to (i) the social security number, tax  
713 identification number, state sales tax number, home address and telephone number, personal and lottery  
714 banking account and transit numbers of a retailer, and financial information regarding the nonlottery  
715 operations of specific retail locations, and (ii) individual lottery winners, except that a winner's name,  
716 hometown, and amount won shall be disclosed.

717 77. Records, information and statistical registries required to be kept confidential pursuant to  
718 §§ 63.2-102 and 63.2-104.

719 78. Personal information, as defined in § 2.2-3801, including electronic mail addresses, furnished to a  
720 public body for the purpose of receiving electronic mail from the public body, provided that the  
721 electronic mail recipient has requested that the public body not disclose such information. However,  
722 access shall not be denied to the person who is the subject of the record.

723 79. (For effective date, see note) All data, records, and reports relating to the prescribing and  
724 dispensing of covered substances to recipients and any abstracts from such data, records, and reports that  
725 are in the possession of the Prescription Monitoring Program pursuant to Chapter 25.2 (§ 54.1-2519 et  
726 seq.) of Title 54.1 and any material relating to the operation or security of the Program.

727 80. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the  
728 Virginia Administrative Dispute Resolution Act.

729 81. The names, addresses and telephone numbers of complainants furnished in confidence with  
730 respect to an investigation of individual zoning enforcement complaints made to a local governing body.

731 82. Records relating to the negotiation and award of a specific contract where competition or

bargaining is involved and where the release of such records would adversely affect the bargaining position or negotiating strategy of the public body. Such records shall not be withheld after the public body has made a decision to award or not to award the contract. In the case of procurement transactions conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the provisions of this subdivision shall not apply, and any release of records relating to such transactions shall be governed by the Virginia Public Procurement Act.

83. Records submitted as a grant application, or accompanying a grant application, to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.) of Title 23 to the extent such records contain proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical or scholarly issues, when such information has not been publicly released, published, copyrighted or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

84. Records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

85. Security plans and specific vulnerability assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster or other catastrophic event, or (ii) any person on school property has suffered or been threatened with any personal injury.

86. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

87. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

B. Neither any provision of this chapter nor any provision of Chapter 38 (§ 2.2-3800 et seq.) of this title shall be construed as denying public access to (i) contracts between a public body and its officers or employees, other than contracts settling public employee employment disputes held confidential as personnel records under subdivision A 4; (ii) records of the position, job classification, official salary or rate of pay of, and records of the allowances or reimbursements for expenses paid to any officer, official or employee of a public body; or (iii) the compensation or benefits paid by any corporation organized by the Virginia Retirement System or its officers or employees. The provisions of this subsection, however, shall not require public access to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person incarcerated in a state, local or federal correctional facility, whether or not such facility is (i) located in the Commonwealth or (ii) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.). However, this subsection shall not be construed to prevent an incarcerated person from exercising his constitutionally protected rights, including, but not limited to, his rights to call for evidence in his favor in a criminal prosecution.

D. Nothing in this chapter shall be construed as denying public access to the nonexempt portions of a report of a consultant hired by or at the request of a local public body or the mayor or chief executive or administrative officer of such public body if (i) the contents of such report have been distributed or disclosed to members of the local public body or (ii) the local public body has scheduled any action on a matter that is the subject of the consultant's report.

**2. That this acts shall be known and may be cited as the "Budget Reform and Inspector General Act of 2004."**

**3. That the provisions of this act amending and reenacting § 2.2-3705 and adding in Title 2.2 a chapter numbered 3.1, consisting of sections numbered 2.2-304 through 2.2-310, shall become effective on July 1, 2005.**

**4. That the provisions of this act amending and reenacting §§ 2.2-1508 and 2.2-1509 and adding a section numbered 2.2-1509.01 shall apply to all biennial budgets beginning on and after July 1, 2006.**