

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 64

An Act to amend and reenact §§ 2.1-1.5, 2.1-45, 2.1-51.21, 2.1-116 as currently effective and as may become effective, §§ 2.1-132, 2.1-451, 2.1-467, 2.1-467.2, 7.1-28, 8.01-673, 8.01-675.4, 9-6.25:2, 14.1-112 as currently effective and as may become effective, § 16.1-306.1 as may become effective, §§ 17-47.4, 17-60, 17-111.5, 24.2-926, 30-28.15, 30-34.5, 30-34.6, 30-34.7, 42.1-1, 42.1-2, 42.1-3.1, 42.1-8, 42.1-9, 42.1-10, 42.1-11, 42.1-13, 42.1-15, 42.1-17, 42.1-18, 42.1-19, 42.1-41, 42.1-51, 42.1-54, 42.1-72, 42.1-78, 42.1-79, 42.1-79.1, 42.1-82, 42.1-83, 42.1-85, 42.1-86, 42.1-87, 42.1-88, 42.1-91, 53.1-24, 63.1-74.1, 63.1-235 as currently effective and as may become effective, §§ 63.1-314.3, and 64.1-94 of the Code of Virginia, relating to the Virginia State Library and Archives.

[H 641]

Approved March 10, 1994

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.5, 2.1-45, 2.1-51.21, 2.1-116 as currently effective and as may become effective, §§ 2.1-132, 2.1-451, 2.1-467, 2.1-467.2, 7.1-28, 8.01-673, 8.01-675.4, 9-6.25:2, 14.1-112 as currently effective and as may become effective, §§ 16.1-306.1, 17-47.4, 17-60, 17-111.5, 24.2-926, 30-28.15, 30-34.5, 30-34.6, 30-34.7, 42.1-1, 42.1-2, 42.1-3.1, 42.1-8, 42.1-9, 42.1-10, 42.1-11, 42.1-13, 42.1-15, 42.1-17, 42.1-18, 42.1-19, 42.1-41, 42.1-51, 42.1-54, 42.1-72, 42.1-78, 42.1-79, 42.1-79.1, 42.1-82, 42.1-83, 42.1-85, 42.1-86, 42.1-87, 42.1-88, 42.1-91, 53.1-24, 63.1-74.1, 63.1-235 as currently effective and as may become effective, §§ 63.1-314.3, and 64.1-94 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-1.5. Entities not subject to standard nomenclature.

The following entities are not subject to the provisions of § 2.1-1.2 due to the unique characteristics or enabling legislation of the entities:

Authorities.

Richmond Eye and Ear Hospital Authority.
Small Business Financing Authority.
State Education Assistance Authority.
Virginia Agriculture Development Authority.
Virginia College Building Authority.
Virginia Education Loan Authority.
Virginia Housing Development Authority.
Virginia Innovative Technology Authority.
Virginia Port Authority.
Virginia Public Building Authority.
Virginia Public School Authority.
Virginia Resources Authority.
Virginia Student Assistance Authorities.

Boards.

Board of Commissioners, Virginia Agriculture Development Authority.
Board of Commissioners, Virginia Port Authority.
Board of Directors, Richmond Eye and Ear Hospital Authority.
Board of Directors, Small Business Financing Authority.
Board of Directors, Virginia Student Assistance Authorities.
Board of Directors, Virginia Innovative Technology Authority.
Board of Directors, Virginia Resources Authority.
Board of Regents, Gunston Hall Plantation.
Board of Regents, James Monroe Memorial Law Office and Library.
Board of Trustees, Family and Children's Trust Fund.
Board of Trustees, Frontier Culture Museum of Virginia.
Board of Trustees, Jamestown-Yorktown Foundation.
Board of Trustees, Miller School of Albemarle.
Board of Trustees, Rural Virginia Development Foundation.
Board of Trustees, The Science Museum of Virginia.
Board of Trustees, Virginia Museum of Fine Arts.
Board of Trustees, Virginia Museum of Natural History.
Board of Trustees, Virginia Outdoor Foundation.
Board of Visitors, Christopher Newport University.
Board of Visitors, The College of William and Mary in Virginia.

Board of Visitors, George Mason University.
Board of Visitors, Gunston Hall Plantation.
Board of Visitors, James Madison University.
Board of Visitors, Longwood College.
Board of Visitors, Mary Washington College.
Board of Visitors to Mount Vernon.
Board of Visitors, Norfolk State University.
Board of Visitors, Old Dominion University.
Board of Visitors, Radford University.
Board of Visitors, University of Virginia.
Board of Visitors, Virginia Commonwealth University.
Board of Visitors, Virginia Military Institute.
Board of Visitors, Virginia Polytechnic Institute and State University.
Board of Visitors, Virginia State University.
Governing Board, Virginia College Building Authority.
Governing Board, Virginia Public School Authority.
Library Board, ~~Virginia State Library and Archives~~ *The Library of Virginia*.
State Board for Community Colleges, Virginia Community College System.

Commissions.

Alexandria Historical Restoration and Preservation Commission.
Chesapeake Bay Bridge and Tunnel Commission.
Hampton Roads Sanitation District Commission.

Districts.

Chesapeake Bay Bridge and Tunnel District.
Hampton Roads Sanitation District.

Educational Institutions.

Christopher Newport University.
College of William and Mary in Virginia.
Frontier Culture Museum of Virginia.
George Mason University.
James Madison University.
Jamestown-Yorktown Foundation.
Longwood College.
Mary Washington College.
Miller School of Albemarle.
Norfolk State University.
Old Dominion University.
Radford University.
The Science Museum of Virginia.
University of Virginia.
Virginia Commonwealth University.
Virginia Community College System.
Virginia Military Institute.
Virginia Museum of Fine Arts.
Virginia Polytechnic Institute and State University.
~~Virginia State Library and Archives~~ *The Library of Virginia*.
Virginia State University.

Foundations.

Chippokes Plantation Farm Foundation.
Rural Virginia Development Foundation.
Virginia Conservation and Recreation Foundation.
Virginia Historic Preservation Foundation.
Virginia Outdoor Foundation.

Museum.

Virginia Museum of Natural History.

Plantation.

Gunston Hall Plantation.

System.

Virginia Retirement System.

§ 2.1-45. Disposition of official correspondence.

A. The Governor preceding the end of his term of office shall have delivered to ~~the Virginia State Library and Archives~~ *The Library of Virginia* for safekeeping all correspondence and other records of his office during his term; provided that this shall not apply to correspondence or other records of a personal or private nature, or active files necessary for the transaction of business by the Office of the

Governor, the decision thereon to be made by the Governor. Records delivered to ~~the Virginia State Library and Archives~~ *The Library of Virginia* shall be made accessible to the public, once appropriate cataloging has been completed.

B. Should any subsequent Governor need such records for the transaction of business of the Office of the Governor, such records may be reviewed at the Library and copied, if necessary, but the Governor and his staff shall assure that the original records are preserved intact and remain in ~~the Virginia State Library and Archives~~ *The Library of Virginia*.

§ 2.1-51.21. Agencies for which responsible.

The Secretary of Education shall be responsible to the Governor for the following agencies: Department of Education, State Council of Higher Education, Virginia Student Assistance Authorities, Virginia Museum of Fine Arts, The Science Museum of Virginia, Frontier Culture Museum of Virginia, ~~Virginia State Library and Archives~~ *The Library of Virginia*, Jamestown-Yorktown Foundation, Board of Regents of Gunston Hall, and the Virginia Advisory Council for Adult Education and Literacy. The Governor may, by executive order, assign any other state executive agency to the Secretary of Education, or reassign any agency listed above to another secretary.

§ 2.1-116. Certain officers and employees exempt from chapter.

A. The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents, and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the national guard and the naval militia;
10. Student employees in institutions of learning, and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees and employees compensated on an hourly or daily basis;
12. County, city, town and district officers, deputies, assistants and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The following officers and employees of the Virginia Retirement System: retirement system chief investment officer, retirement system investment officer, retirement system assistant investment officer and investment financial analyst;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, the Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History and ~~the Virginia State Library and Archives~~ *The Library of Virginia*, and approved by the Director of the Department of Personnel and Training as requiring specialized and professional training;
16. The following officers and employees of executive branch agencies: those who report directly to the agency head; additionally, those at the level immediately below those who report directly to the agency head and are at a salary grade of sixteen or higher. However, in agencies with fewer than fifty employees, only the immediate advisor or advisors or deputy or deputies of the agency head shall be exempt. In implementing this exemption, personnel actions shall be taken without regard to race, sex, color, national origin, religion, age, handicap or political affiliation. Recruitment and selection of individuals covered by this exemption shall be handled in a manner consistent with policies applicable to classified positions. Notwithstanding the above, all superintendents and wardens in the Department of Corrections shall be exempt from this chapter. Additionally, all persons responsible for the internal audit and personnel and employee relations functions for each agency shall be included in this chapter. Each Governor's Secretary shall have a final authority in determining on an ongoing basis the officers and employees exempted by this subdivision and pursuant to its provisions. Such officers or employees shall thereafter serve at the pleasure and will of their appointing authority. The Department of Personnel and Training shall advise and assist each Governor's Secretary in making these determinations and shall be responsible for maintaining an ongoing and up-to-date list of the affected positions;
17. The sales and marketing employees of the State Lottery Department;
18. Production workers for the Virginia Industries for the Blind Sheltered Workshop programs; and
19. Employees of the Medical College of Virginia Hospitals and the University of Virginia Medical Center who are determined by the Department of Personnel and Training to be health care providers; however, any changes in compensation plans for such employees shall be subject to the review and

approval of the Secretary of Education. Such employees shall remain subject to the provisions of § 2.1-114.5:1.

B. The dismissal of any employee referred to in subdivision A 16 of this section pursuant to this chapter shall not affect the retirement benefits, and annual and sick leave benefits accrued to such employee at the time of his dismissal, nor shall any such employee be subject to any diminution of any other employee benefits by virtue of the provisions of this chapter.

§ 2.1-116. Certain officers and employees exempt from chapter.

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents, and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the national guard and the naval militia;
10. Student employees in institutions of learning, and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees and employees compensated on an hourly or daily basis;
12. County, city, town and district officers, deputies, assistants and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The following officers and employees of the Virginia Retirement System: retirement system chief investment officer, retirement system investment officer, retirement system assistant investment officer and investment financial analyst;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, the Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History and ~~the Virginia State Library and Archives~~ *The Library of Virginia*, and approved by the Director of the Department of Personnel and Training as requiring specialized and professional training;
16. The sales and marketing employees of the State Lottery Department; and
17. Production workers for the Virginia Industries for the Blind Sheltered Workshop programs.

§ 2.1-132. Office space.

The Governor shall assign to the Attorney General office space in ~~the State Library and Archives~~ *The Library of Virginia* Building or elsewhere for the Attorney General, his assistants and employees suitable for the transaction of the legal business of the Commonwealth.

§ 2.1-451. Cases in which purchasing through Division not mandatory.

Unless otherwise ordered by the Governor, the purchasing of materials, equipment, supplies and nonprofessional services through the Division of Purchases and Supply is not mandatory in the following cases:

1. Such materials, equipment and supplies as are incident to the performance of a contract for labor or for labor and materials;
2. Manuscripts, maps, audiovisual materials, books, pamphlets and periodicals purchased for the use of ~~the Virginia State Library and Archives~~ *The Library of Virginia* or any other library in the Commonwealth supported in whole or in part by state appropriation;
3. Perishable articles, provided that no article except fresh vegetables, fresh fish, fresh eggs and milk shall be considered perishable within the meaning of this clause, unless so classified by the Division of Purchases and Supply;
4. Materials, equipment and supplies needed by the Commonwealth Transportation Board; however, this exception may include office stationery and supplies, office equipment, janitorial equipment and supplies, coal and fuel oil for heating purposes only when authorized in writing by the Division;
5. Materials, equipment and supplies needed by the Virginia Alcoholic Beverage Control Board; however, this exception may include office stationery and supplies, office equipment, janitorial equipment and supplies, coal and fuel oil for heating purposes only when authorized in writing by the Division;
6. Binding and rebinding of the books and other literary materials of libraries operated by the Commonwealth or under its authority;
7. Printing of the records of the Supreme Court; and
8. Financial services, including without limitation, underwriters, financial advisors, investment

advisors and banking services.

§ 2.1-467. Distribution of annual or biennial reports.

A. Unless otherwise provided by law, the Division of Purchases and Supply shall cause to be distributed by the reporting department, agency or institution, the printed volumes of annual or biennial reports as follows:

1. One or more copies to the Governor, as he may direct;
2. One copy to the President of the Senate;
3. Such number of copies to ~~the State Library and Archives~~ *The Library of Virginia* as may be designated by the State Librarian, pursuant to § 2.1-467.2;
4. One copy to the Clerk of the Senate for the use of the Senate and one copy to the Clerk of the House of Delegates for the use of the House;
5. Such number of copies to the Law Library of the University of Virginia as may be designated by the Law Librarian, pursuant to § 30-34.9; and
6. One copy to the Division of Purchases and Supply, Department of General Services.

B. The Division of Purchases and Supply shall distribute to all legislators and agency heads a list of state agencies for the purpose of selecting those agencies whose reports they wish to receive. The Division shall also make provision on the list for individuals to specify the types of agency reports they wish to receive, including annual or biennial, recurring, major or all reports. Agencies shall be informed by the Division as to those individuals who wish to receive their reports and should limit the distribution of their reports accordingly.

C. Any member of the General Assembly or agency head may at any time file with the Division of Purchases and Supply a request that he not be sent reports from agencies named by him and that his name be deleted from the mailing lists of such agencies. The Division shall notify all agencies involved.

D. State agencies shall update their mailing lists annually and shall limit the quantities printed to the reasonably foreseeable demand.

§ 2.1-467.2. Agencies to furnish copies to The Library of Virginia.

Every agency shall furnish such number of copies as may be designated by the State Librarian of each of its publications at the time of issue to ~~the Virginia State Library and Archives~~ *The Library of Virginia* for its collection and copies sufficient for the depository system and for exchange purposes, not exceeding 100 copies.

§ 7.1-28. Custody and use of seals; impressions displayed in The Library of Virginia.

The seals of the Commonwealth described in §§ 7.1-26 and 7.1-27 shall be kept and used as provided by law, and at least three clear impressions thereof shall be kept and displayed by the State Librarian in some suitable place in ~~the Virginia State Library and Archives~~ *The Library of Virginia*, for public inspection.

§ 8.01-673. Inspection and return of records; certiorari when part of record is omitted; binding or retention of records.

A. The Supreme Court may, when a case has before been in an appellate court, inspect the record upon the former appeal; and the court may, in any case, after reasonable notice to counsel in the appellate court, award a writ of certiorari to the clerk of the court below, and have brought before it, when part of a record is omitted, the whole or any part of such record.

B. When an appeal is refused or after it has been allowed and decided, the Clerk of the Supreme Court shall return the record to the clerk of the circuit court or other tribunal. The clerk of such court or tribunal shall return the record upon the request of the Clerk of the Supreme Court. As soon as a case is decided, the Clerk of the Supreme Court shall cause the appendix and the briefs of counsel to be recorded and preserved in any manner which meets archival standards as recommended by the Archives and Records Division of ~~the State Library and Archives~~ *The Library of Virginia*.

The manuscript of the record in a case in which an opinion was delivered prior to 1950 by the Supreme Court upon refusal of an appeal shall not be destroyed and shall be retained by the clerk of such court in his files.

§ 8.01-675.4. Inspection and return of records; certiorari when part of record is omitted; retention of records.

When a case has previously been in an appellate court, the Court of Appeals may inspect the record of the former appeal. The court may, in any case, after reasonable notice to counsel in the appellate court, award a writ of certiorari to the clerk of the trial court and have brought before it, when part of a record is omitted, the whole or any part of such record. As soon as a case is decided, the clerk of the Court of Appeals shall cause the appendix, if any, and briefs of counsel to be recorded and preserved in any manner which meets archival standards as recommended by the Archives and Records Division of ~~the State Library and Archives~~ *The Library of Virginia*.

§ 9-6.25:2. Policy boards, commissions and councils.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following policy boards, commissions and councils:

Apprenticeship Council
Athletic Board

Auctioneers Board
 Blue Ridge Regional Education and Training Council
 Board for Accountancy
 Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects
 Board for Barbers
 Board for Contractors
 Board for Cosmetology
 Board for Geology
 Board for Hearing Aid Specialists
 Board for Opticians
 Board for Professional and Occupational Regulation
 Board for Professional Soil Scientists
 Board for Waterworks and Wastewater Works Operators
 Board for the Visually Handicapped
 Board of Agriculture and Consumer Services
 Board of Audiology and Speech-Language Pathology
 Board of Conservation and Recreation
 Board of Correctional Education
 Board of Dentistry
 Board of Directors, Virginia Student Assistance Authorities
 Board of Examiners in the Department of Mines, Minerals and Energy
 Board of Funeral Directors and Embalmers
 Board of Health Professions
 Board of Historic Resources
 Board of Housing and Community Development
 Board of Medical Assistance Services
 Board of Medicine
 Board of Nursing
 Board of Nursing Home Administrators
 Board of Optometry
 Board of Pharmacy
 Board of Professional Counselors
 Board of Psychology
 Board of Recreation Specialists
 Board of Rehabilitative Services
 Board of Social Services
 Board of Social Work
 Board of Surface Mining Review
 Board of Veterinary Medicine
 Board on Conservation and Development of Public Beaches
 Chesapeake Bay Local Assistance Board
 Child Day Care and Early Childhood Programs, Virginia Council on
 Child Day-Care Council
 Commission on Local Government
 Commonwealth Transportation Board
 Council on Human Rights
 Council on Information Management
 Criminal Justice Services Board
 Department of Environmental Quality
 Disability Services Council
 Farmers Market Board, Virginia
 Interdepartmental Council on Rate-setting for Children's Facilities
 Library Board, ~~the Virginia State Library and Archives~~ *The Library of Virginia*
 Marine Resources Commission
 Milk Commission
 Pesticide Control Board
 Real Estate Appraiser Board
 Real Estate Board
 Reciprocity Board, Department of Motor Vehicles
 Safety and Health Codes Board
 Seed Potato Board
 Southside Virginia Marketing Council
 Specialized Transportation Council
 State Board of Corrections

State Board of Elections
 State Board of Health
 State Board of Youth and Family Services
 State Health Department, Sewage Handling and Disposal Appeal Review Board
 State Library Board
 State Mental Health, Mental Retardation and Substance Abuse Services Board
 State Water Control Board
 Substance Abuse Certification Board
 Treasury Board, The, Department of the Treasury
 Virginia Aviation Board
 Virginia Board for Asbestos Licensing
 Virginia Fire Services Board
 Virginia Gas and Oil Board
 Virginia Health Planning Board
 Virginia Health Services Cost Review Council
 Virginia Manufactured Housing Board
 Virginia Parole Board
 Virginia Public Telecommunications Board
 Virginia Soil and Water Conservation Board
 Virginia Voluntary Formulary Board
 Virginia Waste Management Board
 Virginia World Trade Council
 Waste Management Facility Operators, Board for.

§ 14.1-112. Clerks of circuit courts; generally.

A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

(1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or Chapter 5 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.

(2) For recording and indexing in the proper book any writing and all matters therewith, except plats, or for recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of one dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages. In addition, a fee of one dollar shall be charged for indexing any document for each name indexed exceeding a total of ten in number. One dollar of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by ~~the State Library and Archives~~ *The Library of Virginia* in cooperation with the circuit court clerks.

(3) For recording a plat, or copy thereof which is to be recorded in the plat book, ten dollars.

(4) For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

(5) For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, ten dollars.

(6) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, ten dollars.

(7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this section, administering all necessary oaths and writing proper affidavits, three dollars.

(8) For issuing any execution, and recording the return thereof, \$1.50 and for all services rendered by the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

(9) [Repealed.]

(10) For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, for each page, a fee to be established in the discretion of the clerk not to exceed one dollar for the first two pages and fifty cents for each page thereafter.

(11) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, two dollars, and for attaching the certificate of the judge, if the clerk is requested to do so, fifty cents.

(12) through (14) [Repealed.]

(15) Upon conviction in felony cases the clerk shall charge the defendant thirty-two dollars in each case.

(16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-two dollars in each case.

(16a) Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

(17) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifteen dollars in cases not exceeding \$500, twenty-five dollars in cases not exceeding \$5,000, thirty-five dollars in cases not exceeding \$50,000, forty dollars in cases not exceeding \$100,000, fifty dollars in cases not exceeding \$500,000 and \$100 in cases exceeding \$500,000; and in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

(18) [Repealed.]

(19) For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, ten dollars.

(20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

(21) For the registration in the proper book of any professional licenses required to be registered in the clerk's office, five dollars.

(22) For docketing and indexing a judgment from any other court of this Commonwealth, a fee of five dollars; for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five dollars.

(23) For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, ten dollars, to be paid by the party filing said papers at the time of filing; however, this section shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

(24) For receiving and processing an application for a tax deed, ten dollars.

(25) For all services rendered by the clerk in any condemnation proceeding instituted by the Commonwealth, twenty-five dollars.

(26) For docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, fifty cents.

(27) For noting and filing the assignment of a judgment pursuant to the provisions of § 8.01-452, five dollars.

(28) For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, one dollar.

(29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten dollars.

(30) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an execution creditor, five dollars.

(31) For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, twenty dollars.

(32) For providing court records or documents on microfilm, per frame, ten cents.

The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 14.1-112. Clerks of circuit courts; generally.

A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

(1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or Chapter 5 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.

(2) For recording and indexing in the proper book any writing and all matters therewith, except plats, or for recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of one dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages. In addition, a fee of one dollar shall be charged for indexing any document for each name indexed exceeding a total of ten in number. One dollar of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by the ~~State Library and Archives~~ *The Library of Virginia* in cooperation with the circuit court clerks.

(3) For recording a plat, or copy thereof which is to be recorded in the plat book, ten dollars.

(4) For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

(5) For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, ten dollars.

(6) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, ten dollars.

(7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this section, administering all necessary oaths and writing proper affidavits, three dollars.

(8) For issuing any execution, and recording the return thereof, \$1.50 and for all services rendered by the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

(9) [Repealed.]

(10) For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, for each page, a fee to be established in the discretion of the clerk not to exceed one dollar for the first two pages and fifty cents for each page thereafter.

(11) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, two dollars, and for attaching the certificate of the judge, if the clerk is requested to do so, fifty cents.

(12) through (14) [Repealed.]

(15) Upon conviction in felony cases, the clerk shall charge the defendant thirty-two dollars in each case.

(16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-two dollars in each case.

(16a) Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

(17) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifteen dollars in cases not exceeding \$500, twenty-five dollars in cases not exceeding \$5,000, thirty-five dollars in cases not exceeding \$50,000, forty dollars in cases not exceeding \$100,000, fifty dollars in cases not exceeding \$500,000 and \$100 in cases exceeding \$500,000; and in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

(18) [Repealed.]

(19) For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, ten dollars.

(20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

(21) For the registration in the proper book of any professional licenses required to be registered in the clerk's office, five dollars.

(22) For docketing and indexing a judgment from any other court of this Commonwealth, a fee of five dollars; for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five dollars.

(23) For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, ten dollars, to be paid by the party filing said papers at the time of filing.

(24) For receiving and processing an application for a tax deed, ten dollars.

(25) For all services rendered by the clerk in any condemnation proceeding instituted by the Commonwealth, twenty-five dollars.

(26) For docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, fifty cents.

(27) For noting and filing the assignment of a judgment pursuant to the provisions of § 8.01-452, five dollars.

(28) For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, one dollar.

(29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten dollars.

(30) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an execution creditor, five dollars.

(31) For all services rendered by the clerk in matters filed in circuit court under § 8.01-217 relating to change of name, twenty dollars.

(32) For providing court records or documents on microfilm, per frame, ten cents.

The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 16.1-306.1. Retention and expungement of certain case records.

A. This section shall apply to the following cases filed in the family court:

1. Suits for divorce and for annulling or affirming marriage;
2. Suits for separate maintenance;
3. Suits for equitable distribution based on a foreign decree;
4. Petitions for change of name; and
5. Petitions regarding records of birth.

B. Notwithstanding the provisions of § 16.1-306, the clerk of the family court shall retain all documents, as defined in § 16.1-69.53, for the following periods:

1. All case files shall be retained for twenty years and may thereafter be destroyed, except as provided in subdivision 2 hereof.

2. The entire file of any case deemed by the family court clerk to have historical value, as defined in § 42.1-77, or genealogical significance shall be retained permanently as shall cases in which the title to real estate is established or conveyed by an order or decree of the court or by a property settlement agreement. The final order for all cases in which the title to real estate is so affected shall include an appropriate notification thereof to the family court clerk.

C. The clerk of a family court may cause any or all ended records, papers or documents pertaining to court cases which have been ended for a period of three years or longer to be destroyed if such records, papers or documents no longer have administrative, fiscal, historical or legal value to warrant continued retention; provided such records, papers or documents have been microfilmed. Such microfilm and microphotographic process and equipment shall meet state archival microfilm standards pursuant to § 42.1-82. Such microfilm shall be placed in conveniently accessible files and provisions made for examining and using same. The clerk shall further provide security negative microfilm copies of such ended cases for storage in the Archives and Records Division of ~~the Virginia State Library and Archives~~ *The Library of Virginia*.

§ 17-47.4. Disposition of papers in ended cases.

A. All case files for cases ended prior to January 1, 1913, shall be permanently maintained in hardcopy form, either in the locality served by the circuit court where such files originated or in the Archives and Records Division of ~~the Virginia State Library and Archives~~ *The Library of Virginia* in accordance with the provisions of §§ 42.1-83 and 42.1-86.

B. The following records for cases ending on or after January 1, 1913, may be destroyed in their entirety at the discretion of the clerk of each circuit court after having been retained for ten years:

1. Conditional sales contracts;
2. Concealed weapons permit applications;
3. Minister appointments;
4. Petitions for appointment of trustee;
5. Name changes;
6. Nolle prosequi cases;
7. Law and chancery matters that are voluntarily dismissed, including nonsuits, cases that are dismissed as settled and agreed, and cases that are discontinued or dismissed under § 8.01-335;
8. Misdemeanor and traffic cases, including those which were commenced on a felony charge but concluded as a misdemeanor;
9. Suits to enforce a lien;
10. Garnishments;
11. Executions except for those covered in § 8.01-484; and
12. Miscellaneous oaths and qualifications, but only if the order or oath or qualification is spread in the appropriate order book.

C. All other records or cases ending on or after January 1, 1913, may be destroyed in their entirety at the discretion of the clerk of each circuit court subject to the following guidelines:

1. All civil and chancery case files to which subsection D does not pertain may be destroyed after twenty years from the court order date.

2. All criminal case files involving a misdemeanor may be destroyed after ten years from the court order date.

3. All criminal case files involving a felony may be destroyed (i) after twenty years from the court order date or (ii) when the sentence term ends, whichever comes later.

D. Under the provisions of subsections B and C, the entire file of any case deemed by the local clerk of court to have historical value, as defined in § 42.1-77, or genealogical or sensational significance shall be retained permanently as shall all cases in which the title to real estate is established, conveyed or condemned by an order or decree of the court or by a property settlement agreement. The final order for all cases in which the title to real estate is so affected shall include an appropriate notification thereof to the clerk.

E. Except as provided in subsection A, the clerk of a circuit court may cause any or all ended records, papers, or documents pertaining to law, chancery, and criminal cases which have been ended for a period of three years or longer to be destroyed if such records, papers, or documents no longer have administrative, fiscal, historical, or legal value to warrant continued retention, provided such records,

papers, or documents have been microfilmed. Such microfilm and microphotographic process and equipment shall meet state archival microfilm standards pursuant to § 42.1-82 and such microfilm shall be placed in conveniently accessible files and provisions made for examining and using same. The clerk shall further provide security negative microfilm copies of such ended cases for storage in the Archives and Records Division of ~~the Virginia State Library and Archives~~ *The Library of Virginia*.

§ 17-60. Documents to be recorded in deed books.

All deeds, deeds of trust, deeds of release, certificates of satisfaction or certificates of partial satisfaction, quitclaim deeds, homestead deeds, grants, transfers and mortgages of real estate, releases of such mortgages, powers of attorney to convey real estate, leases of real estate, notices of lis pendens and all contracts in reference to real estate, which have been acknowledged as required by law, and certified copies of final judgments or decrees of partition affecting the title or possession of real estate, any part of which is situated in the county or city in which it is sought to be recorded, and all other writings relating to or affecting real estate which are authorized to be recorded, shall, unless otherwise provided, be recorded in a book to be known as the deed book. All deeds, deeds of trust, deeds of release, quitclaim deeds, grants, transfers, and mortgages of real estate or any addendum or memorandum relating to any of these instruments submitted for recordation in the deed books of the appropriate office of the clerk of court shall be prepared according to the requirements for deeds as set forth in §§ 55-48 and 55-58 and shall include the names of all grantors and grantees in the first clause of each such instrument. Each instrument shall be indexed under all such names in accordance with the provisions of § 17-79. With the approval of the judges of a circuit court of any county or city, recording may be accomplished by a procedural microphotographic process which meets archival standards as recommended by the Archives Division of ~~the State Library and Archives~~ *The Library of Virginia*.

§ 17-111.5. Printing and distribution of Rules of the Supreme Court.

The Executive Secretary of the Supreme Court of Virginia shall have printed sufficient copies of the Rules of the Supreme Court and amendments thereto, adopted from time to time pursuant to subsection A of § 8.01-3 for delivery pursuant to this section.

The Director shall deliver:

1. One copy of such rules and amendments thereto to the following:

- a. Each justice of the Supreme Court
- b. The Clerk of the Supreme Court
- c. The judges of each court of this Commonwealth
- d. The clerk of each court of this Commonwealth
- e. The Secretary of the Virginia State Bar
- f. The Clerk of the House of Delegates
- g. The Clerk of the Senate
- h. The Division of Legislative Services
- i. Each member of the General Assembly
- j. The clerk of each of the district courts of the United States held in this Commonwealth
- k. ~~The State Library and Archives~~ *Library of Virginia*

l. The State Law Library;

2. Six copies of such rules and amendments to each of the following:

- a. The Attorney General
- b. The State Corporation Commission
- c. The Virginia Workers' Compensation Commission;

3. Annually on the request of the respective deans of the accredited schools of law in this Commonwealth, such number of copies of the rules and the amendments unincorporated therein, from time to time, as each such dean shall certify to him is needed for instructional purposes; and

4. To the Secretary of the Virginia State Bar, from time to time, such number of copies as the Secretary shall from time to time request. The Secretary shall distribute such rules and amendments from time to time to the members of the Virginia State Bar, and to others whom he deems interested in and affected by the same.

The Executive Secretary of the Supreme Court of Virginia shall fix the price for each copy of the rules and amendments distributed in an amount to cover the cost of printing, mailing, and handling, and shall collect such costs from the distributees set forth in subdivisions 3 and 4 of this section and pay all such funds collected into the state treasury.

§ 24.2-926. Custody of reports; inspection and copying.

Every officer, electoral board, or the State Board, with whom reports are required by this chapter to be filed, shall file and preserve such reports and keep them as part of the office's records for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later. The State Board shall forward the reports it preserves to ~~the State~~ *The Library of Virginia* for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).

All reports shall be open to inspection by any person during the business hours of the office in which they are filed. Copies shall be produced for any person requesting them who shall pay the reasonable cost of the copies.

Copies of such reports certified by the principal administrative officer in whose office they are kept shall be evidence in all courts to the same extent as the original report would be if produced and proved.

§ 30-28.15. Use of state libraries; withdrawal of books; charges.

A. The Division, through its Director and employees, shall have access to the State Law Library and ~~the Virginia State Library and Archives~~ *The Library of Virginia*, with the right to withdraw, in the performance of their duties, any books, pamphlets or printed data from either library, subject to the rules of the libraries as to time.

B. Upon the request of the Division, the library of any state-supported institution of higher education shall furnish the Division photocopies of materials on file without any charge except the actual cost of photocopying. Such libraries shall not charge the Division for any library exchange services.

§ 30-34.5. Printing and distribution of Acts of Assembly.

A. The Commission shall, within forty-five days following the adjournment of the General Assembly sine die, send to each requesting member of the General Assembly a copy of each Act of Assembly signed by the Governor or if otherwise enacted into law, in the form in which it is signed by the Governor or otherwise enacted into law. Each act so sent shall be clearly denominated with the House of Delegates or the Senate bill number assigned to it by the respective houses of the General Assembly.

B. The Commission shall also requisition, through the Division of Legislative Automated Systems, as soon as approved by the Governor, not in excess of 5,000 copies of the acts and joint resolutions of the General Assembly. These it shall have bound in ordinary half binding, with the index and tables required by law to be printed with the acts and joint resolutions of the General Assembly, and as soon as practicable after the close of each session of the General Assembly, shall deliver by mail, express or otherwise, if requested pursuant to § 30-34.4.1:

1. One copy to the Governor; and such additional copies as may be requested for use in the Governor's office;

2. One copy to each of the Governor's secretaries;

3. One copy to each head of department; each division of the Governor's office, the Commissioner of the Virginia Workers' Compensation Commission, the Employment Commission and the Department of Motor Vehicles, the Director of the Department of Game and Inland Fisheries and the Executive Secretary of the Compensation Board and the Director of the Virginia Retirement System;

4. As many copies to the Division of Legislative Services as may be required by the Division for its use or for exchange with other states;

5. One copy to each member of the General Assembly; however, up to four additional copies may be obtained upon application to the Division of Legislative Automated Systems;

6. One copy to the Lieutenant Governor;

7. One copy to each judge;

8. Five copies to the State Corporation Commission;

9. Twenty-five copies to the Attorney General;

10. One copy to the reporter of the Supreme Court, the Executive Secretary of the Supreme Court, and each clerk of any court, attorney for the Commonwealth, Commissioner of the Revenue, Treasurer, public library, school board, judge and clerk of any court held in this Commonwealth under the laws of the United States and each attorney and marshal in this Commonwealth holding office under the United States;

11. One copy to the city manager of a city, the mayor of a town and the county administrator, manager or executive depending on the county's form of government; however, an additional copy for use within the city, town or county may be obtained upon application to the Division of Legislative Automated Systems;

12. Five copies to ~~the State Library and Archives~~ *The Library of Virginia*;

13. Five copies to the State Law Library;

14. One copy to the head of each university and college in this Commonwealth;

15. One copy to the library of each university and college in this Commonwealth;

16. One copy each to the Schools for the Deaf and the Blind;

17. Five copies to the Clerk of the Senate for the use of the Senate;

18. Ten copies to the Clerk of the House of Delegates for the use of the House;

19. Three copies to the Auditor of Public Accounts;

20. Three additional copies to the Comptroller;

21. One copy to the county attorney in those counties which have created the office of the county attorney;

22. One copy to the Joint Legislative Audit and Review Commission;

23. One copy to the Committee on Appropriations of the House of Delegates;

24. One copy to the Committee on Finance of the Senate; and

25. One copy to the Division of Legislative Automated Systems.

§ 30-34.6. Printing and distribution of Journals of Senate and House.

A. The Commission, through the Division of Legislative Automated Systems, shall order all printing

done by direction of the Senate or the House of Delegates, or their respective clerks. Within a reasonable time after the close of each session of the General Assembly the Commission shall cause to be printed and bound the Journals of the Senate and the House of Delegates, with an index thereto, in sufficient quantity to make the following distribution:

1. One copy to the Governor;
2. Fifteen copies each to the Clerk of the Senate and the Clerk of the House;
3. Ten copies to ~~the State Library and Archives~~ *The Library of Virginia*;
4. One copy to the library of each educational institution in this Commonwealth;
5. One copy to each public library which makes written application therefor to the Commission;
6. One copy to the President of the Senate and one copy to the Speaker of the House;
7. One copy to the Division of Legislative Services;
8. One copy to each requesting member of the Senate and the House of Delegates;
9. One copy to the Joint Legislative Audit and Review Commission;
10. One copy to the Committee on Appropriations of the House of Delegates;
11. One copy to the Committee on Finance of the Senate; and
12. Two copies to the Division of Legislative Automated Systems.

B. The number of copies to be printed and the quality of binding shall be designated by the Commission.

§ 30-34.7. Printing and distribution of documents of Senate and House.

A. Within a reasonable time after the close of each session of the General Assembly the Commission shall cause to be printed and bound the documents of the Senate and the House of Delegates prepared and reported during such session. The documents shall be printed and bound in sufficient quantity to make the following distribution:

1. One copy to the Governor;
2. One copy to the Lieutenant Governor;
3. One copy to each requesting member of the Senate and the House of Delegates;
4. Two copies to the Division of Legislative Services;
5. One copy to the Division of Legislative Automated Systems;
6. Five copies to the Clerk of the House of Delegates;
7. Five copies to the Clerk of the Senate;
8. Six copies to the Law Library at the University of Virginia;
9. Three copies to the Law Library of the Marshall-Wythe School of Law of the College of William and Mary;
10. Three copies to the Law Library of the George Mason University School of Law;
11. Fifty copies to ~~the State Library and Archives~~ *The Library of Virginia*;
12. Two copies to the State Law Library; and
13. One copy to each public library or university or college library in the Commonwealth, provided that the library has requested such copy in writing to the Commission.

B. The number of copies to be printed and the quality of the binding shall be designated by the Commission.

§ 42.1-1. The Library of Virginia.

The ~~Virginia State Library, which~~ *Library of Virginia* is hereby declared an educational institution and an institution of learning, ~~shall be continued and shall hereafter be known as the Virginia State Library and Archives~~. The ~~Virginia State Library and Archives~~ *Library of Virginia* shall be the library agency of the Commonwealth, the archival agency of the Commonwealth, and the reference library at the seat of government. It shall have the following powers and duties:

- (1) [Repealed.]
- (2) To accept gifts, bequests and endowments for the purposes which fall within the general legal powers and duties of ~~the State Library and Archives~~ *The Library of Virginia*. Unless otherwise specified by the donor or legator, the Library ~~and Archives~~ may either expend both the principal and interest of any gift or bequest or may invest such sums as the Board deems advisable, with the consent of the State Treasurer, in securities in which sinking funds may be invested. The Library ~~and Archives~~ shall be deemed to be an institution of higher education within the meaning of § 23-9.2;
- (3) To purchase and maintain a general collection of books, periodicals, newspapers, maps, films, audiovisual materials and other materials for the use of the people of the Commonwealth as a means for the promotion of knowledge within the Commonwealth. The scope of the ~~Library and Archives'~~ *Library's* collections shall be determined by the Library Board on recommendation of the State Librarian, and, in making these decisions, the Board and Librarian shall take into account the book collections of public libraries and college and university libraries throughout the Commonwealth and the availability of such collections to the general public. The Board shall make available for circulation to libraries or to the public such of its materials as it deems advisable;
- (4) To give assistance, advice and counsel to other agencies of the Commonwealth maintaining libraries and special reference collections as to the best means of establishing and administering such libraries and collections. It may establish in ~~the State Library and Archives~~ *The Library of Virginia* a

union catalogue of all books, pamphlets and other materials owned and used for reference purposes by all other agencies of the Commonwealth and of all books, pamphlets and other materials maintained by libraries in the Commonwealth which are of interest to the people of the whole Commonwealth;

(5) To fix reasonable penalties for damage to or failure to return any book, periodical or other material owned by the Library and Archives, or for violation of any rule or regulation concerning the use of books, periodicals, and other materials in custody of the Library and Archives;

(6) To give direction, assistance and counsel to all libraries in the Commonwealth, to all communities which may propose to establish libraries, and to all persons interested in public libraries, as to means of establishment and administration of such libraries, selection of books, retrieval systems, cataloguing, maintenance, and other details of library management, and to conduct such inspections as are necessary;

(7) To engage in such activities in aid of city, county, town, regional and other public libraries as will serve to develop the library system of the Commonwealth;

(8) To administer and distribute state and federal library funds in accordance with law and its own regulations to the city, county, town and regional libraries of the Commonwealth; and

(9) To enter into contracts with other states or regions or districts for the purpose of providing cooperative library services.

Wherever in this title and the Code of Virginia the terms "State Library" or "Library" appear referring to the Virginia State Library, they shall mean the Virginia State Library and Archives *The Library of Virginia*.

§ 42.1-2. The Library of Virginia under direction of Library Board; membership; chairman and vice-chairman; committees and advisory bodies.

The ~~State Library and Archives~~ *Library of Virginia* shall be directed by a board, consisting of fifteen members, to be appointed by the Governor, which shall be and remain a corporation under the style of "The Library Board," sometimes in this chapter called the Board. Prior to such appointments the Board may submit to the Governor lists of candidates based upon interest and knowledge, geographic representation, participation in community affairs, and concern for the welfare of the Commonwealth. In no case shall the Governor be bound to make any appointment from among the nominees of the Board. The Board shall meet and organize by electing from its number a chairman and vice-chairman. It shall have the power to appoint such committees and advisory bodies as it deems advisable.

§ 42.1-3.1. Authority of Board generally.

The Board shall be vested with full authority (i) to establish policy concerning what books and other library materials are to be kept, housed, or exhibited by ~~the State Library and Archives~~ *The Library of Virginia*; (ii) to enter into agreements with institutions and organizations with purposes similar to its own; (iii) to adopt and amend bylaws; (iv) to charge for such services as deemed proper; and (v) to do such other things as it deems proper to promote education in the realm of history and library and archival science throughout the Commonwealth through ~~the State Library and Archives~~ *The Library of Virginia*.

The Board is hereby authorized to sell, grant, and convey or to change the form of investments or control of any funds, securities or other property, provided such action is not inconsistent with the terms of the instrument under which the property may have been acquired.

The Board may confer the honorary degree of patron of letters on any person who has, in its opinion, made an outstanding contribution in the realm of history, or library or archival science.

§ 42.1-8. Rules and regulations.

The Board shall make rules and regulations, not inconsistent with law, for the government and use of ~~the State Library and Archives~~ *The Library of Virginia*, and may by general or special regulation determine what books and other possessions of the Library may not be removed therefrom.

§ 42.1-9. When Library to be kept open.

~~The State Library and Archives~~ *Library of Virginia* shall be kept open for such days and hours each day as may be prescribed for other state agencies at the seat of government. But the Board may, in its discretion, prescribe additional hours in which the Library shall be kept open.

§ 42.1-10. Acquisition of books and other library matter.

The Library may from time to time acquire books and other library matter by gift, purchase, exchange or loan. And the Library shall cause to be procured, from time to time, as opportunity may offer, a copy of any book, pamphlet, manuscript, or other library material, relating to the history of Virginia, not now in ~~the State Library and Archives~~ *The Library of Virginia*, which can be obtained on reasonable terms.

§ 42.1-11. Editing and publishing state records and other special matter; list of publications.

The Board may edit, or cause to be edited, arranged and published, as the funds at its disposal permit, the state records now or hereafter deposited in ~~the State Library and Archives~~ *The Library of Virginia* and such other special matter as it deems of sufficient value.

The Board may cause to be printed any manuscript relating to the history of Virginia which has not been published, including such portions of the executive journals and letter books, and of the legislative papers, as the Board may deem proper, and shall cause the papers so to be printed to be arranged for

that purpose and preserved for reference; and shall cause the records in the Library pertaining to the various wars in which the Commonwealth has been engaged to be edited, arranged, and published so as to show the service of citizens of the Commonwealth in such wars.

The Library may expend funds to list its publications in appropriate commercial listings.

§ 42.1-13. Appointment; terms of office; employment; duties.

The Governor shall appoint a librarian, to be known as the State Librarian, who shall serve at his pleasure. The State Librarian shall appoint principal assistants and approve the appointment of other employees. The terms of office and employment of such assistants and employees shall be subject to the personnel regulations of the Commonwealth.

The State Librarian shall supervise the administration of ~~the State Library and Archives~~ *The Library of Virginia*. The State Librarian shall make requests for appropriations of necessary funds and approve all expenditures of Library funds. Such expenditures shall be made as provided by law.

§ 42.1-15. Duties of State Librarian.

The State Librarian shall have charge of ~~the State Library and Archives~~ *The Library of Virginia*. He shall see that the Library is properly kept and that its contents are properly preserved and cared for.

He shall be secretary of the Board, and shall perform all duties belonging to that position. He shall keep a record of all proceedings of the Board and such financial records as are required by the Commonwealth.

§ 42.1-17. Cities and towns to furnish copies of official publications.

The mayor of each city and town in the Commonwealth shall send regularly at the time of publication to ~~the State Library and Archives~~ *The Library of Virginia* two copies of each of the official publications of such city or town, and also two copies of each publication of former years of which the supply has not been exhausted. Official publications for the purpose of this section shall embrace printed reports, in pamphlet or book form, of the officials of the city or town, printed volumes of ordinances and such other special publications as the city or town may authorize to be printed.

§ 42.1-18. Exchanges; donation, etc., of duplicate material.

The Library may arrange for the exchange of the Virginia publications with such states and institutions, the general government and other governments, societies and others, as it sees fit. Publications received on exchange are to become the property of ~~the State Library and Archives~~ *The Library of Virginia*, except statute and law books, which shall be placed in the Law Library. The Library may also, when deemed advantageous, donate, exchange or sell any or all duplicate material now or hereafter the property of ~~the State Library and Archives~~ *The Library of Virginia*, and other printed material not within the scope of its collections. The Librarian shall keep an accurate account of all such sales and pay the money arising therefrom into the general fund of the state treasury.

§ 42.1-19. Establishment of depository system; sending state publications to members.

~~The State Library and Archives~~ *Library of Virginia* shall establish a depository system and send to the members thereof copies of state publications furnished pursuant to § 2.1-467.2.

§ 42.1-41. Funds and expenses of regional library system.

The expenses of the regional library system shall be apportioned among the participating political subdivisions on such basis as shall be agreed upon in the contract. The treasurer of the regional library board shall have the custody of the funds of the regional free library system; and the treasurers or other financial officers of the participating jurisdictions shall transfer quarterly to him all moneys collected or appropriated for this purpose in their respective jurisdictions. Such funds shall be expended only for the library service for which the county or city contracted and for no other purpose. The regional library board shall furnish a detailed report of receipts and disbursements of all funds at the regular meeting of the governing body of every participating jurisdiction after the close of the state's fiscal year. It shall make a similar report to ~~the State Library and Archives~~ *The Library of Virginia*. The treasurer of the board shall be bonded for an amount to be determined by the board. The board may authorize the treasurer to pay bond premiums from state aid library funds.

§ 42.1-51. Obligations of libraries and systems receiving aid.

The obligations of the various library systems and libraries receiving state aid, shall consist of establishing and maintaining an organization as approved by the Board, provided that personnel standards of such library systems and libraries shall conform to the provisions of § 42.1-15.1. All books and bookmobiles purchased with state aid funds shall, if the Board so determines, become the property of ~~the State Library and Archives~~ *The Library of Virginia* in the case of any library system or library which does not meet its obligations as determined by the Board.

§ 42.1-54. Procedure for purchase of books, materials and equipment and payment on salaries.

All proposals for books, materials and equipment to be purchased with state aid funds and all proposals for aid in the payment of salaries of certified librarians shall be submitted for approval to ~~the State Library and Archives~~ *The Library of Virginia* by the libraries, library systems or contracting libraries applying for state aid, in form prescribed by the Board, and those approved may be ordered by the libraries, library systems or contracting libraries. Payments and disbursements from the funds appropriated for this purpose shall be made by the State Treasurer upon the approval of the duly authorized representative of the Board, to the libraries, library systems or contracting libraries within

thirty days of the beginning of each quarter.

§ 42.1-72. Injuring or destroying books and other property of libraries.

Any person who willfully, maliciously or wantonly writes upon, injures, defaces, tears, cuts, mutilates, or destroys any book or other library property belonging to or in the custody of any public, county or regional library, ~~the State Library and Archives~~ *The Library of Virginia*, other repository of public records, museums or any library or collection belonging to or in the custody of any educational, eleemosynary, benevolent, hereditary, historical library or patriotic institution, organization or society, shall be guilty of a Class 1 misdemeanor.

§ 42.1-78. Confidentiality safeguarded.

Any records made confidential by law shall be so treated. Records which by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this chapter. Records in the custody of ~~the State Library and Archives~~ *The Library of Virginia* which are required to be closed to the public shall be open for public access 100 years after the date of creation of the record. No provision of this chapter shall be construed to authorize or require the opening of any records ordered to be sealed by a court. All records deposited in the archives that are not made confidential by law shall be open to public access.

§ 42.1-79. Records management function vested in Board; State Library Board to be official custodian; State Archivist.

The archival and records management function shall be vested in the State Library Board. The State Library Board shall be the official custodian and trustee for the Commonwealth of all public records of whatever kind which are transferred to it from any public office of the Commonwealth or any political subdivision thereof. As the Commonwealth's official repository of public records, ~~the State Library and Archives~~ *The Library of Virginia* shall assume administrative control of such records on behalf of the Commonwealth.

The State Librarian shall name a State Archivist who shall perform such functions as the State Librarian assigns.

§ 42.1-79.1. Retention and disposition of medical records.

The medical records of all persons not under a disability shall be retained by all public agencies acting as custodians of medical records for ten years following the last date of treatment or contact. Such agencies shall retain the medical records of minors and persons under a disability for a minimum of five years following the age of majority or the removal of the disability, or ten years following the last date of treatment or contact, whichever comes later. Such agencies shall retain the medical records of deceased persons for a minimum of five years following the date of death.

Agencies of the Commonwealth which generate medical records shall be encouraged to destroy such medical records upon expiration of the required retention period. Such agencies may, at their discretion, retain summaries of destroyed medical records.

Medical records submitted to ~~the State Library and Archives~~ *The Library of Virginia* for retention and disposition in accordance with the terms of this section are presumed to be inactive. It shall be the duty of the originating agency to (i) designate medical records of minors, persons under a disability, or deceased persons prior to submission to ~~the State Library and Archives~~ *The Library of Virginia* for retention and disposition, and (ii) to notify patients that their records will be destroyed after the appropriate retention period. Unless notified otherwise by the originating agency, the State Librarian shall begin to count the required retention period from the first date of submission. Prior to destroying any medical records, the State Librarian or his designee shall notify the originating agency that the retention period has run out and that, unless the agency reclaims the medical records, the records will be destroyed.

No employee of ~~the State Library and Archives~~ *The Library of Virginia* or any agency acting in accordance with the terms of this section shall be liable, civilly or criminally, for the destruction of medical records.

The provisions of this section shall not supersede the provisions of § 16.1-306 or any other laws of this Commonwealth pertaining to the retention and disposition of records generated by agencies other than those agencies originating medical records.

§ 42.1-82. Duties and powers of Library Board.

The State Library Board shall with the advice of the Council:

1. Issue regulations to facilitate the creation, preservation, storage, filing, microfilming, management, and destruction of public records by all agencies. Such regulations shall establish procedures for records management containing recommendations for the retention, disposal or other disposition of public records; procedures for the physical destruction or other disposition of public records proposed for disposal; and standards for the reproduction of records by photocopy or microphotography processes with the view to the disposal of the original records. Such standards shall relate to the quality of film used, preparation of the records for filming, proper identification of the records so that any individual document or series of documents can be located on the film with reasonable facility, and that the copies contain all significant record detail, to the end that the photographic or microphotographic copies shall be of archival quality.

2. Issue regulations specifying permissible qualities of paper, ink, and other materials to be used by agencies for public record purposes. The Board shall determine the specifications for and shall select and make available to all agencies lists of approved papers, photographic materials, ink, typewriter ribbons, carbon papers, stamping pads, or other writing devices for different classes of public records, and only those approved may be purchased for use in the making of such records. These regulations and specifications shall apply to clerks of courts of record.

3. Provide assistance to agencies in determining what records no longer have administrative, legal, fiscal, or historical value and should be destroyed or disposed of in another manner. Each public official having in his custody official records shall assist the Board in the preparation of an inventory of all public records in his custody and in preparing a suggested schedule for retention and disposition of such records. No land or personal property book shall be destroyed without being first offered to ~~the State Library and Archives~~ *The Library of Virginia* for preservation.

All records created prior to the Constitution of 1902 that are declared archival may be transferred to the archives.

§ 42.1-83. Program for inventorying, scheduling, microfilming records; records of counties and cities; storage of records.

The State Library Board shall formulate and execute a program to inventory, schedule, and microfilm official records of counties and cities which it determines have permanent value and to provide safe storage for microfilm copies of such records, and to give advice and assistance to local officials in their programs for creating, preserving, filing and making available public records in their custody.

Any original records shall be either stored in ~~the State Library and Archives~~ *The Library of Virginia* or in the locality at the decision of the local officials responsible for maintaining public records. Any original records shall be returned to the locality upon the written demand of the local officials responsible for maintaining local public records. Microfilm shall be stored in ~~the State Library and Archives~~ *The Library of Virginia* but the use thereof shall be subject to the control of the local officials responsible for maintaining local public records.

§ 42.1-85. Duties of State Librarian; agencies to cooperate; agencies to designate records officer.

The State Librarian shall administer a records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of public records consistent with rules, regulations, or standards promulgated by the State Library Board, including operations of a records center or centers. It shall be the duty of the State Librarian to establish procedures and techniques for the effective management of public records, to make continuing surveys of paper work operations, and to recommend improvements in current records management practices, including the use of space, equipment, and supplies employed in creating, maintaining, and servicing records.

It shall be the duty of any agency with public records to cooperate with the State Librarian in conducting surveys and to establish and maintain an active, continuing program for the economical and efficient management of the records of such agency.

Each state agency and political subdivision of this Commonwealth shall designate as many as appropriate, but at least one, records officer to serve as a liaison to ~~the State Library and Archives~~ *The Library of Virginia* for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction of obsolete records. Designation of state agency records officers shall be by the respective agency head. Designation of a records officer for political subdivisions shall be by the governing body or chief administrative official of the political subdivision.

§ 42.1-86. Program to select and preserve important records; availability to public; security copies.

In cooperation with the head of each agency, the State Librarian shall establish and maintain a program for the selection and preservation of public records considered essential to the operation of government and for the protection of the rights and interests of persons. He shall provide for preserving, classifying, arranging, and indexing so that such records are made available to the public and shall make security copies or designate as security copies existing copies of such essential public records. Security copies shall be of archival quality and shall be made by photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces and forms a durable medium. Security copies shall have the same force and effect for all purposes as the original record and shall be as admissible in evidence as the original record whether the original record is in existence or not. Security copies shall be preserved in the place and manner prescribed by the State Library Board and the Governor. Public records deemed unnecessary for the transaction of the business of any agency, yet deemed to be of administrative, legal, fiscal, or historical value, may be transferred with the consent of the State Librarian to the custody of ~~the State Library and Archives~~ *The Library of Virginia*.

§ 42.1-87. Where records kept; duties of agencies; repair, etc., of record books; agency heads not divested of certain authority.

Custodians of public records shall keep them in fireproof safes, vaults or in rooms designed to ensure proper preservation and in such arrangement as to be easily accessible. Current public records should be kept in the buildings in which they are ordinarily used. It shall be the duty of each agency to cooperate with ~~the State Library and Archives~~ *The Library of Virginia* in complying with rules and regulations

promulgated by the Board. Each agency shall establish and maintain an active and continuing program for the economic and efficient management of records.

Record books should be copied or repaired, renovated or rebound if worn, mutilated, damaged or difficult to read. Whenever the public records of any public official are in need of repair, restoration or rebinding, a judge of the court of record or the head of such agency or political subdivision of the Commonwealth may authorize that the records in need of repair be removed from the building or office in which such records are ordinarily kept, for the length of time necessary to repair, restore or rebind them, provided such restoration and rebinding preserves the records without loss or damage to them. Any public official who causes a record book to be copied shall attest it and shall certify an oath that it is an accurate copy of the original book. The copy shall then have the force of the original.

Nothing in this chapter shall be construed to divest agency heads of the authority to determine the nature and form of the records required in the administration of their several departments or to compel the removal of records deemed necessary by them in the performance of their statutory duty.

§ 42.1-88. Custodians to deliver all records at expiration of term; penalty for noncompliance.

Any custodian of any public records shall, at the expiration of his term of office, appointment or employment, deliver to his successor, or, if there be none, to ~~the State Library and Archives~~ *The Library of Virginia*, all books, writings, letters, documents, public records, or other information, recorded on any medium kept or received by him in the transaction of his official business; and any such person who shall refuse or neglect for a period of ten days after a request is made in writing by the successor or State Librarian to deliver the public records as herein required shall be guilty of a Class 3 misdemeanor.

§ 42.1-91. Development of disaster plan.

~~The State Library and Archives~~ *Library of Virginia* shall develop a plan to ensure preservation of public records in the event of disaster or emergency as defined in § 44-146.16. This plan shall be coordinated with the Department of Emergency Services and copies shall be distributed to all agency heads. The personnel of the Library shall be responsible for coordinating emergency recovery operations when public records are affected.

§ 53.1-24. Record of convictions and register to be kept.

The Director shall file and preserve a copy of the judgment furnished by the clerk of the court of conviction of each prisoner and keep a register describing the term of his confinement, for what offense, and when received into a state correctional facility. The Director may dispose of these records with the consent of the Board and ~~the State Library and Archives~~ *The Library of Virginia* in accordance with retention regulations for records maintained by the Department established under the Virginia Public Records Act (§ 42.1-76 et seq.).

§ 63.1-74.1. Operation of library service for the handicapped; agreement with *The Library of Virginia*.

The Department is hereby authorized to maintain and operate a library service for the blind, visually handicapped, and physically handicapped who are eligible for such services as defined in Title I of the Federal Library Services and Construction Act Amendments of 1977 (P.L. 95-123). Special materials which are provided through this program may include but are not limited to sound reproduction machines such as tape players and record players; talking book records; magnetic tapes; large print books; ~~braille~~ *Braille* books; book holders; page turners; captioned films for the deaf; and special electronic devices used as reading aids. The Board may enter into an agreement or agreements with ~~the Virginia State Library and Archives~~ *The Library of Virginia* for the purpose of receiving federal funds provided through the above referred to act for the operation of this program.

§ 63.1-235. Separate order book, file and index of adoption cases; to whom available; permanent retention.

The clerk of any court having jurisdiction in adoption cases shall, with the approval of the judge of said court entered of record, establish and maintain a separate and exclusive order book, file and index of adoption cases, none of which shall be exposed to public view but which shall be made available by such clerk to attorneys of record, social service officials, court officials, and to such other persons as the court shall direct in specific cases by order of the court entered in accordance with § 63.1-236.

Such records shall be retained permanently in original form or on microfilm. Such microfilm and microphotographic process and equipment shall meet state archival standards and such microfilm shall be available for examination to those persons listed above. The clerk shall further provide security negative microfilm copies of such records for storage in the Archives and Records Division of ~~the Virginia State Library and Archives~~ *The Library of Virginia*.

§ 63.1-235. Separate file and index of adoption cases; to whom available; permanent retention.

The clerk of any court having jurisdiction in adoption cases shall establish and maintain a separate and exclusive file and index of adoption cases, none of which shall be exposed to public view but which shall be made available by such clerk to attorneys of record, social service officials, court officials, and to such other persons as the family court shall direct in specific cases by order of the court entered in accordance with § 63.1-236.

Such records shall be retained permanently by the circuit court for adoptions filed prior to January 1, 1995, or by the family court in which the case was filed in original form or on microfilm. Such

microfilm and microphotographic process and equipment shall meet state archival standards and such microfilm shall be available for examination to those persons listed above. The clerk shall further provide security negative microfilm copies of such records for storage in the Archives and Records Division of ~~the Virginia State Library and Archives~~ *The Library of Virginia*.

§ 63.1-314.3. Members of Council; terms; vacancies; chairman.

A. The Council shall consist of no more than twenty-five members, to be appointed by the Governor as follows:

Three citizens at large, one of whom is a consumer of human services and one of whom has a disability; two representatives from business or industry or both; two representatives of local government representing one rural and one urban locality; one representative of United Way of Virginia; one representative from the Virginia Cooperative Extension Services; one representative from ~~the Virginia State Library and Archives~~ *The Library of Virginia*; one representative of the armed services residing in Virginia; one representative from the information and referral regional providers; one labor representative; one representative from each of the six information and referral centers' regional boards and one representative from the Virginia Association of Community Action Agencies.

B. Members of the Council shall be appointed for four-year terms except that persons appointed to fill vacancies shall be appointed for the unexpired term.

C. Persons appointed to the Council shall be knowledgeable about the development and implementation of information and referral programs and the services to be provided by the program.

D. The chairman of the Council shall be appointed by the Governor from its membership.

§ 64.1-94. Wills to be recorded; recording copies; effect; indexing; transfer to ~~the Virginia State Library and Archives~~ *The Library of Virginia*.

Every will or authenticated copy admitted to probate by any court or clerk of any circuit court shall be recorded by the clerk and remain in the clerk's office, except during such time as the same may be carried to another court under a subpoena duces tecum. A duly certified copy of such will or of any authenticated copy so admitted to record may be recorded in any county or city wherein there is any estate, real or personal, devised or bequeathed by such will.

The personal representative of the testator shall cause a duly certified copy of any will or of any authenticated copy so admitted to record to be recorded in any county or city wherein there is any real estate of which the testator died seized or which is devised by his will. On and after July 1, 1964, such will shall be indexed in the General Indices of Deeds in such clerk's office in the name of the testator as grantor, except in such clerk's office wherein General Indices to Wills are kept.

Every will, or such a duly certified copy as is mentioned in this section, when duly recorded shall have the effect of notice to all persons of any devise or disposal by the will of real estate situated in a county or city in which such will or copy is so recorded.

Every clerk on recording any will, or such a copy as is mentioned in this section, shall index the same as required by law.

With the approval of the judges of a circuit court of any county or city, the clerk of such court may transfer such original wills from his office to the Archives Division of ~~the Virginia State Library and Archives~~ *The Library of Virginia*.