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SENATE BILL NO. 1132

Offered January 20, 1997

A BILL to amend and reenact §§ 2.1-1.6, 2.1-342, 9-6.14:4.1, and §§ 9-6.23 and 14.1-112, as they are currently effective and as they may become effective, and § 14.1-123 and to amend the Code of Virginia by adding an article numbered 12 in Chapter 2 of Title 32.1, consisting of sections numbered 32.1-73.1 through 32.1-73.4, relating to the Commonwealth Neurotrauma Initiative.

Patrons—Couric, Barry, Edwards, Howell, Lambert, Martin, Potts, Quayle, Saslaw and Walker;
Delegates: Cooper, Katzen, Mims and Van Yahres

Referred to the Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6, 2.1-342, 9-6.14:4.1, and §§ 9-6.23 and 14.1-112, as they are currently effective and as they may become effective, and § 14.1-123 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding an article numbered 12 in Chapter 2 of Title 32.1, consisting of sections numbered 32.1-73.1 through 32.1-73.4, as follows:

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board for
Aging, Advisory Board on the
Agriculture and Consumer Services, Board of
Air Pollution, State Advisory Board on
Alcoholic Beverage Control Board, Virginia
Apple Board, Virginia State
Appomattox State Scenic River Advisory Board
Aquaculture Advisory Board
Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for
Art and Architectural Review Board
Athletic Board, Virginia
Auctioneers Board
Audiology and Speech-Language Pathology, Board of
Aviation Board, Virginia
Barbers, Board for
Branch Pilots, Board for
Bright Flue-Cured Tobacco Board, Virginia
Building Code Technical Review Board, State
Catoctin Creek State Scenic River Advisory Board
Cattle Industry Board, Virginia
Cave Board
Certified Seed Board, State
Chesapeake Bay Local Assistance Board
Chickahominy State Scenic River Advisory Board
Child Abuse and Neglect, Advisory Board on
Chippokes Plantation Farm Foundation, Board of Trustees
Clinch Scenic River Advisory Board
Coal Mining Examiners, Board of
Coal Research and Development Advisory Board, Virginia
Coal Surface Mining Reclamation Fund Advisory Board
Coastal Land Management Advisory Council, Virginia
Conservation and Development of Public Beaches, Board on
Conservation and Recreation, Board of
Contractors, Board for
Corn Board, Virginia
Correctional Education, Board of
Corrections, State Board of
Cosmetology, Board for
Criminal Justice Services Board

INTRODUCED

SB1132

60 Dark-Fired Tobacco Board, Virginia
61 Deaf and Hard-of-Hearing, Advisory Board for the Department for the
62 Dentistry, Board of
63 Design-Build/Construction Management Review Board
64 Education, State Board of
65 Egg Board, Virginia
66 Emergency Medical Services Advisory Board
67 Farmers Market Board, Virginia
68 Film Office Advisory Board
69 Fire Services Board, Virginia
70 Forensic Science Advisory Board
71 Forestry, Board of
72 Funeral Directors and Embalmers, Board of
73 Game and Inland Fisheries, Board of
74 Geology, Board for
75 Goose Creek Scenic River Advisory Board
76 Health Planning Board, Virginia
77 Health Professions, Board of
78 Health, State Board of
79 Hearing Aid Specialists, Board for
80 Hemophilia Advisory Board
81 Historic Resources, Board of
82 Housing and Community Development, Board of
83 Industrial Development Services Advisory Board
84 Irish Potato Board, Virginia
85 Juvenile Justice, State Board of
86 Litter Control and Recycling Fund Advisory Board
87 Marine Products Board, Virginia
88 Medical Advisory Board, Department of Motor Vehicles
89 Medical Board of the Virginia Retirement System
90 Medicare and Medicaid, Advisory Board on
91 Medicine, Board of
92 Mental Health, Mental Retardation and Substance Abuse Services Board, State
93 Migrant and Seasonal Farmworkers Board
94 Military Affairs, Board of
95 Mineral Mining Examiners, Board of
96 Minority Business Enterprise, Interdepartmental Board of the Department of
97 Networking Users Advisory Board, State
98 *Neurotrauma Initiative Advisory Board, Commonwealth*
99 Nottoway State Scenic River Advisory Board
100 Nursing, Board of
101 Nursing Home Administrators, Board of
102 Occupational Therapy, Advisory Board on
103 Oil and Gas Conservation Board, Virginia
104 Opticians, Board for
105 Optometry, Board of
106 Peanut Board, Virginia
107 Personnel Advisory Board
108 Pesticide Control Board
109 Pharmacy, Board of
110 Physical Therapy to the Board of Medicine, Advisory Board on
111 Plant Pollination Advisory Board
112 Polygraph Examiners Advisory Board
113 Pork Industry Board, Virginia
114 Poultry Products Board, Virginia
115 Private College Advisory Board
116 Private Security Services Advisory Board
117 Professional and Occupational Regulation, Board for
118 Professional Counselors, Board of
119 Professional Soil Scientists, Board for
120 Psychiatric Advisory Board
121 Psychology, Board of

- 122 Public Buildings Board, Virginia
- 123 Public Telecommunications Board, Virginia
- 124 Radiation Advisory Board
- 125 Real Estate Appraiser Board
- 126 Real Estate Board
- 127 Reciprocity Board, Department of Motor Vehicles
- 128 Recreational Fishing Advisory Board, Virginia
- 129 Recreation Specialists, Board of
- 130 Reforestation Board
- 131 Rehabilitation Providers, Advisory Board on
- 132 Rehabilitative Services, Board of
- 133 Respiratory Therapy, Advisory Board on
- 134 Retirement System Review Board
- 135 Rockfish State Scenic River Advisory Board
- 136 Safety and Health Codes Board
- 137 Seed Potato Board
- 138 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 139 Shenandoah State Scenic River Advisory Board
- 140 Small Business Advisory Board
- 141 Small Business Environmental Compliance Advisory Board
- 142 Small Grains Board, Virginia
- 143 Social Services, Board of
- 144 Social Work, Board of
- 145 Soil and Water Conservation Board, Virginia
- 146 Soybean Board, Virginia
- 147 State Air Pollution Control Board
- 148 Substance Abuse Certification Board
- 149 Surface Mining Review, Board of
- 150 Sweet Potato Board, Virginia
- 151 T & M Vehicle Dealers' Advisory Board
- 152 Teacher Education and Licensure, Advisory Board on
- 153 Tourism and Travel Services Advisory Board
- 154 Transportation Board, Commonwealth
- 155 Transportation Safety, Board of
- 156 Treasury Board, The, Department of the Treasury
- 157 Veterans' Affairs, Board on
- 158 Veterinary Medicine, Board of
- 159 Virginia Board for Asbestos Licensing
- 160 Virginia Coal Mine Safety Board
- 161 Virginia Correctional Enterprises Advisory Board
- 162 Virginia Employment Commission, State Advisory Board for the
- 163 Virginia Higher Education Tuition Trust Fund, Board of the
- 164 Virginia Horse Industry Board
- 165 Virginia Manufactured Housing Board
- 166 Virginia Retirement System, Board of Trustees
- 167 Virginia Sheep Industry Board
- 168 Virginia Veterans Cemetery Board
- 169 Virginia Waste Management Board
- 170 Visually Handicapped, Virginia Board for the
- 171 Voluntary Formulary Board, Virginia
- 172 War Memorial Foundation, Virginia, Board of Trustees
- 173 Waste Management Facility Operators, Board for
- 174 Water Resources Research Center Statewide Advisory Board, Virginia
- 175 Waterworks and Wastewater Works Operators, Board for
- 176 Well Review Board, Virginia.
- 177 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 178 referred to as boards:
- 179 Compensation Board
- 180 State Board of Elections
- 181 State Water Control Board
- 182 Virginia Parole Board

Virginia Veterans Care Center Board of Trustees.

§ 2.1-342. Official records to be open to inspection; procedure for requesting records and responding to request; charges; exceptions to application of chapter.

A. Except as otherwise specifically provided by law, all official records shall be open to inspection and copying by any citizens of the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall not be denied to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth. The custodian of such records shall take all necessary precautions for their preservation and safekeeping. Any public body covered under the provisions of this chapter shall make an initial response to citizens requesting records open to inspection within five work days after the receipt of the request by the public body which is the custodian of the requested records. Such citizen request shall designate the requested records with reasonable specificity. A specific reference to this chapter by the requesting citizen in his request shall not be necessary to invoke the provisions of this chapter and the time limits for response by the public body. The response by the public body within such five work days shall be one of the following responses:

1. The requested records shall be provided to the requesting citizen.

2. If the public body determines that an exemption applies to all of the requested records, it may refuse to release such records and provide to the requesting citizen a written explanation as to why the records are not available with the explanation making specific reference to the applicable Code sections which make the requested records exempt.

3. If the public body determines that an exemption applies to a portion of the requested records, it may delete or excise that portion of the records to which an exemption applies, but shall disclose the remainder of the requested records and provide to the requesting citizen a written explanation as to why these portions of the record are not available to the requesting citizen with the explanation making specific reference to the applicable Code sections which make that portion of the requested records exempt. Any reasonably segregatable portion of an official record shall be provided to any person requesting the record after the deletion of the exempt portion.

4. If the public body determines that it is practically impossible to provide the requested records or to determine whether they are available within the five-work-day period, the public body shall so inform the requesting citizen and shall have an additional seven work days in which to provide one of the three preceding responses.

Nothing in this section shall prohibit any public body from petitioning the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with this petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

The public body may make reasonable charges for the copying, search time and computer time expended in the supplying of such records. The public body may also make a reasonable charge for preparing documents produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records or documents, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than fifty acres. Such charges for the supplying of requested records shall be estimated in advance at the request of the citizen. The public body may require the advance payment of charges which are subject to advance determination.

In any case where a public body determines in advance that search and copying charges for producing the requested documents are likely to exceed \$200, the public body may, before continuing to process the request, require the citizen requesting the information to agree to payment of an amount not to exceed the advance determination by five percent. The period within which the public body must respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the citizen requesting the information.

Official records maintained by a public body on a computer or other electronic data processing system which are available to the public under the provisions of this chapter shall be made reasonably accessible to the public at reasonable cost. Beginning July 1, 1997, every public body of state government shall compile, and annually update, an index of computer databases which contains at a minimum those databases created by them on or after July 1, 1997. "Computer database" means a structured collection of data or documents residing in a computer. Such index shall be an official record and shall include, at a minimum, the following information with respect to each database listed therein: a list of data fields, a description of the format or record layout, the date last updated, a list of any data

fields to which public access is restricted, a description of each format in which the database can be copied or reproduced using the public body's computer facilities, and a schedule of fees for the production of copies in each available form. The form, context, language, and guidelines for the indices and the databases to be indexed shall be developed by the Director of the Department of Information Technology in consultation with the State Librarian and the State Archivist. The public body shall not be required to disclose its software security, including passwords.

Public bodies shall not be required to create or prepare a particular requested record if it does not already exist. Public bodies may, but shall not be required to, abstract or summarize information from official records or convert an official record available in one form into another form at the request of the citizen. The public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

Failure to make any response to a request for records shall be a violation of this chapter and deemed a denial of the request.

B. 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. Memoranda, correspondence, evidence and complaints related to criminal investigations; adult arrestee photographs when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of such photograph will no longer jeopardize the investigation; reports submitted to the state and local police, to investigators authorized pursuant to § 53.1-16 and to the campus police departments of public institutions of higher education as established by Chapter 17 (§ 23-232 et seq.) of Title 23 in confidence; portions of records of local government crime commissions that would identify individuals providing information about crimes or criminal activities under a promise of anonymity; records of local police departments relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such departments under a promise of confidentiality; and all records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment. Information in the custody of law-enforcement officials relative to the identity of any individual other than a juvenile who is arrested and charged, and the status of the charge or arrest, shall not be excluded from the provisions of this chapter.

Criminal incident information relating to felony offenses shall not be excluded from the provisions of this chapter; however, where the release of criminal incident information is likely to jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information.

2. 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 Charitable Gaming Commission.

3. State income, business, and estate tax returns, personal property tax returns, scholastic records and personnel records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, and medical and mental records, except that such records can 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 be reviewed only 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 to any person except the subject by the administrator or chief medical officer of the facility or except as provided by law.

For the purposes of this chapter such 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 releasable as provided in subsection A of this section. No such summaries or data shall include any patient-identifying information. Where the person who is the subject of scholastic or medical and mental records is under the age of eighteen, 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

306 is an emancipated minor or a student in a state-supported institution of higher education, such right of
307 access may be asserted by the subject person.

308 4. Memoranda, working papers and correspondence (i) held by or requested from members of the
309 General Assembly or the Division of Legislative Services or (ii) held or requested by the Office of the
310 Governor or Lieutenant Governor, Attorney General or the mayor or other chief executive officer of any
311 political subdivision of the Commonwealth or the president or other chief executive officer of any
312 state-supported institution of higher education. This exclusion shall not apply to memoranda, studies or
313 other papers held or requested by the mayor or other chief executive officer of any political subdivision
314 which are specifically concerned with the evaluation of performance of the duties and functions of any
315 locally elected official and were prepared after June 30, 1992 nor shall this exclusion apply to agenda
316 packets prepared and distributed to public bodies for use at a meeting.

317 Except as provided in § 30-28.18, memoranda, working papers and correspondence of a member of
318 the General Assembly held by the Division of Legislative Services shall not be released by the Division
319 without the prior consent of the member.

320 5. Written opinions of the city, county and town attorneys of the cities, counties and towns in the
321 Commonwealth and any other writing protected by the attorney-client privilege.

322 6. Memoranda, working papers and records compiled specifically for use in litigation or as a part of
323 an active administrative investigation concerning a matter which is properly the subject of an executive
324 or closed meeting under § 2.1-344 and material furnished in confidence with respect thereto.

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

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

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

334 As used in this subdivision 9, "test or examination" shall include (i) any scoring key for any such
335 test or examination, and (ii) any other document which would jeopardize the security of such test or
336 examination. Nothing contained in this subdivision 9 shall prohibit the release of test scores or results as
337 provided by law, or limit access to individual records as is provided by law. However, the subject of
338 such employment tests shall be entitled to review and inspect all documents relative to his performance
339 on such employment tests.

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

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

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

353 12. Memoranda, legal opinions, working papers and records recorded in or compiled exclusively for
354 executive or closed meetings lawfully held pursuant to § 2.1-344.

355 13. Reports, documentary evidence and other information as specified in §§ 2.1-373.2 and 63.1-55.4.

356 14. Proprietary information gathered by or for the Virginia Port Authority as provided in
357 § 62.1-132.4 or § 62.1-134.1.

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

361 16. Vendor proprietary information software which may be in the official records of a public body.
362 For the purpose of this section, "vendor proprietary software" means computer programs acquired from a
363 vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

364 17. Data, records or information of a proprietary nature produced or collected by or for faculty or
365 staff of state institutions of higher learning, other than the institutions' financial or administrative
366 records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly
367 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.

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

19. 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.

20. 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 or local or regional industrial or economic development authorities or organizations, used by the Department, the Partnership, 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.

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

22. Documents as specified in § 58.1-3.

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

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

25. 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 Personnel and Training; however, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form which does not reveal the identity of charging parties, persons supplying the information or other individuals involved in the investigation.

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

27. 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.

28. Documents 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 § 2.1-639.40 or of formulating advisory opinions to members on standards of conduct, or both.

29. 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.

30. 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 (§ 2.1-714 et seq.); however, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form which does not reveal the identity of the parties involved or other persons supplying information.

31. 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 9 (§ 63.1-172 et seq.) and 10 (§ 63.1-195 et seq.) of Title 63.1; 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.

32. Reports, manuals, specifications, documents, minutes or recordings of staff meetings or other information or materials of the Virginia Board of Corrections, the Virginia Department of Corrections or any institution thereof to the extent, as determined by the Director of the Department of Corrections or his designee or of the Virginia Board of Juvenile Justice, the Virginia Department of Juvenile Justice or any facility thereof to the extent as determined by the Director of the Department of Juvenile Justice, or his designee, that disclosure or public dissemination of such materials would jeopardize the security of any correctional or juvenile facility or institution, as follows:

(i) Security manuals, including emergency plans that are a part thereof;

(ii) Engineering and architectural drawings of correctional and juvenile facilities, and operational specifications of security systems utilized by the Departments, provided the general descriptions of such

429 security systems, cost and quality shall be made available to the public;

430 (iii) Training manuals designed for correctional and juvenile facilities to the extent that they address
431 procedures for institutional security, emergency plans and security equipment;

432 (iv) Internal security audits of correctional and juvenile facilities, but only to the extent that they
433 specifically disclose matters described in (i), (ii), or (iii) above or other specific operational details the
434 disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;

435 (v) Minutes or recordings of divisional, regional and institutional staff meetings or portions thereof to
436 the extent that such minutes deal with security issues listed in (i), (ii), (iii), and (iv) of this subdivision;

437 (vi) Investigative case files by investigators authorized pursuant to § 53.1-16; however, nothing in
438 this section shall prohibit the disclosure of information taken from inactive reports in a form which does
439 not reveal the identity of complainants or charging parties, persons supplying information, confidential
440 sources, or other individuals involved in the investigation, or other specific operational details the
441 disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;
442 nothing herein shall permit the disclosure of materials otherwise exempt as set forth in subdivision 1 of
443 subsection B of this section;

444 (vii) Logs or other documents containing information on movement of inmates, juvenile clients or
445 employees; and

446 (viii) Documents disclosing contacts between inmates, juvenile clients and law-enforcement
447 personnel.

448 Notwithstanding the provisions of this subdivision, reports and information regarding the general
449 operations of the Departments, including notice that an escape has occurred, shall be open to inspection
450 and copying as provided in this section.

451 33. Personal information, as defined in § 2.1-379, (i) filed with the Virginia Housing Development
452 Authority concerning individuals who have applied for or received loans or other housing assistance or
453 who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by
454 the Virginia Housing Development Authority, (ii) concerning persons participating in or persons on the
455 waiting list for federally funded rent-assistance programs, or (iii) filed with any local redevelopment and
456 housing authority created pursuant to § 36-4 concerning persons participating in or persons on the
457 waiting list for housing assistance programs funded by local governments or by any such authority.
458 However, access to one's own information shall not be denied.

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

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

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

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

479 38. Official records of studies and investigations by the State Lottery Department of (i) lottery
480 agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the
481 law or regulations which cause abuses in the administration and operation of the lottery and any
482 evasions of such provisions, or (v) use of the lottery as a subterfuge for organized crime and illegal
483 gambling where such official records have not been publicly released, published or copyrighted. All
484 studies and investigations referred to under subdivisions (iii), (iv) and (v) shall be subject to public
485 disclosure under this chapter upon completion of the study or investigation.

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

disclosure.

40. [Repealed.]

41. Records concerning reserves established in specific claims administered by the Department of General Services through its Division of Risk Management as provided in Article 5.1 (§ 2.1-526.1 et seq.) of Chapter 32 of this title, or by any county, city, or town.

42. Information and records collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Care System pursuant to § 32.1-112.

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

44. [Repealed.]

45. Investigative notes; correspondence and information furnished in confidence with respect to an investigation; and official records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission; or investigative notes, correspondence, documentation and information furnished and provided to or produced by or for the Department of the State Internal Auditor with respect to an investigation initiated through the State Employee Fraud, Waste and Abuse Hotline. Nothing in this chapter 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; however, disclosure, unless such disclosure is prohibited by this section, of information from the records of completed investigations shall include, but is not 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. In the event 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.

46. Data formerly required to be submitted to the Commissioner of Health relating to the establishment of new or 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.

47. Documentation or other information which 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.

48. 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 Interstate Commerce Commission or the Federal Rail Administration with respect to data provided in confidence to the Interstate Commerce Commission and the Federal Railroad Administration.

49. In the case of corporations organized by the Virginia Retirement System, RF&P Corporation and its wholly owned subsidiaries, (i) proprietary information provided by, and financial information concerning, coventurers, partners, lessors, lessees, or investors, and (ii) records concerning the condition, acquisition, disposition, use, leasing, development, coventuring, or management of real estate the disclosure of which would have a substantial adverse impact on the value of such real estate or result in a competitive disadvantage to the corporation or subsidiary.

50. 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.

51. 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.

52. [Repealed.]

53. 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 Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240) 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 Interstate Commerce Commission or the Federal Rail Administration with respect to data provided in confidence to the Interstate Commerce Commission and the Federal Railroad Administration. However, the exemption provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

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

552 55. Reports, documents, memoranda or other information or materials which describe any aspect of
553 security used by the Virginia Museum of Fine Arts to the extent that disclosure or public dissemination
554 of such materials would jeopardize the security of the Museum or any warehouse controlled by the
555 Museum, as follows:

556 a. Operational, procedural or tactical planning documents, including any training manuals to the
557 extent they discuss security measures;

558 b. Surveillance techniques;

559 c. Installation, operation, or utilization of any alarm technology;

560 d. Engineering and architectural drawings of the Museum or any warehouse;

561 e. Transportation of the Museum's collections, including routes and schedules; or

562 f. Operation of the Museum or any warehouse used by the Museum involving the:

563 (1) Number of employees, including security guards, present at any time; or

564 (2) Busiest hours, with the maximum number of visitors in the Museum.

565 56. Reports, documents, memoranda or other information or materials which describe any aspect of
566 security used by the Virginia Department of Alcoholic Beverage Control to the extent that disclosure or
567 public dissemination of such materials would jeopardize the security of any government store as defined
568 in Title 4.1, or warehouse controlled by the Department of Alcoholic Beverage Control, as follows:

569 (i) Operational, procedural or tactical planning documents, including any training manuals to the
570 extent they discuss security measures;

571 (ii) Surveillance techniques;

572 (iii) The installation, operation, or utilization of any alarm technology;

573 (iv) Engineering and architectural drawings of such government stores or warehouses;

574 (v) The transportation of merchandise, including routes and schedules; and

575 (vi) The operation of any government store or the central warehouse used by the Department of
576 Alcoholic Beverage Control involving the:

577 a. Number of employees present during each shift;

578 b. Busiest hours, with the maximum number of customers in such government store; and

579 c. Banking system used, including time and place of deposits.

580 57. Information required to be provided pursuant to § 54.1-2506.1.

581 58. Confidential information designated as provided in subsection D of § 11-52 as trade secrets or
582 proprietary information by any person who has submitted to a public body an application for
583 prequalification to bid on public construction projects in accordance with subsection B of § 11-46.

584 59. All information and records acquired during a review of any child death by the State Child
585 Fatality Review Team established pursuant to § 32.1-283.1.

586 60. Investigative notes, correspondence, documentation and information provided to or produced by
587 or for the committee or the auditor with respect to an investigation or audit conducted pursuant to
588 § 15.1-765.2. Nothing in this section shall prohibit disclosure of information from the records of
589 completed investigations or audits in a form that does not reveal the identity of complainants or persons
590 supplying information.

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

594 62. Confidential proprietary records which are voluntarily provided by a private entity pursuant to a
595 proposal filed with a public entity under the Public-Private Transportation Act of 1995 (§ 56-556 et
596 seq.), pursuant to a promise of confidentiality from the responsible public entity, used by the responsible
597 public entity for purposes related to the development of a qualifying transportation facility; and
598 memoranda, working papers or other records related to proposals filed under the Public-Private
599 Transportation Act of 1995, where, if such records were made public, the financial interest of the public
600 or private entity involved with such proposal or the process of competition or bargaining would be
601 adversely affected. In order for confidential proprietary information to be excluded from the provisions
602 of this chapter, the private entity shall (i) invoke such exclusion upon submission of the data or other
603 materials for which protection from disclosure is sought, (ii) identify the data or other materials for
604 which protection is sought, and (iii) state the reasons why protection is necessary. For the purposes of
605 this subdivision, the terms public entity and private entity shall be defined as they are defined in the
606 Public-Private Transportation Act of 1995.

607 63. Records of law-enforcement agencies, to the extent that such records contain specific tactical
608 plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or
609 the general public; engineering plans, architectural drawings, or operational specifications of
610 governmental law-enforcement facilities, including but not limited to courthouses, jails, and detention
611 facilities, to the extent that disclosure could jeopardize the safety or security of law-enforcement offices;
612 however, general descriptions shall be provided to the public upon request.

613 64. All records of the University of Virginia or the University of Virginia Medical Center which

contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center, including its business development or marketing strategies and its activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the Medical Center.

65. 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.

66. Records of the Medical College of Virginia Hospitals Authority pertaining to any of the following: (i) 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 (ii) 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.

67. *Grant applications and accompanying unpublished materials which are submitted, pursuant to Article 12 (§ 32.1-73.1 et seq.) of Chapter 2 of Title 32.1, to the Commonwealth Neurotrauma Initiative Advisory Board for consideration of funding and any patient data which might be included in such grant application or may be received by the Advisory Board.*

C. Neither any provision of this chapter nor any provision of Chapter 26 (§ 2.1-377 et seq.) of this title shall be construed as denying public access to contracts between a public official and a public body, other than contracts settling public employee employment disputes held confidential as personnel records under subdivision 3 of subsection B of this section, or to records of the position, job classification, official salary or rate of pay of, and to records of the allowances or reimbursements for expenses paid to, any public officer, official or employee at any level of state, local or regional government in the Commonwealth or to the compensation or benefits paid by any corporation organized by the Virginia Retirement System, RF&P Corporation and its wholly owned subsidiaries, to their officers or employees. The provisions of this subsection, however, shall not apply to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.

§ 9-6.14:4.1. Exemptions and exclusions.

A. Although required to comply with § 9-6.18 of the Virginia Register Act (§ 9-6.15 et seq.), the following agencies are exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 9-6.14:14.1, 9-6.14:21 and 9-6.14:22:

1. The General Assembly.

2. Courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

3. The Department of Game and Inland Fisheries in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.

4. The Virginia Housing Development Authority.

5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities.

6. Educational institutions operated by the Commonwealth provided that, with respect to § 9-6.14:22, such educational institutions shall be exempt from the publication requirements only with respect to regulations which pertain to (i) their academic affairs; (ii) the selection, tenure, promotion and disciplining of faculty and employees; (iii) the selection of students; and (iv) rules of conduct and disciplining of students.

7. The Milk Commission in promulgating regulations regarding (i) producers' license and base, (ii) classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.

8. The Virginia Resources Authority.

- 675 9. Agencies expressly exempted by any other provision of this Code.
676 10. The Virginia Voluntary Formulary Board in formulating recommendations regarding amendments
677 to the Formulary pursuant to § 32.1-81.
678 11. The Council on Information Management.
679 12. The Department of General Services in promulgating standards for the inspection of buildings for
680 asbestos pursuant to § 2.1-526.14.
681 13, 14. [Repealed.]
682 15. The State Council of Higher Education for Virginia, in developing, issuing, and revising
683 guidelines pursuant to § 23-9.6:2.
684 16. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to
685 subsection B of § 3.1-726.
686 17. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and
687 Consumer Services in promulgating regulations pursuant to subsections B and C of § 3.1-106.4,
688 subsection B of § 3.1-126.12:1, § 3.1-271.1, § 3.1-398, subsections B and C of § 3.1-828.4, and
689 subsection A of § 3.1-884.21:1.
690 18. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines,
691 and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of
692 optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.
693 19. The Board of Medicine, in consultation with the Board of Pharmacy, when promulgating
694 amendments to the Physician's Assistant Formulary established pursuant to § 54.1-2952.1.
695 20. The Boards of Medicine and Nursing in promulgating amendments to the Nurse Practitioner
696 Formulary established pursuant to § 54.1-2957.01.
697 21. The Virginia War Memorial Foundation.
698 22. The Virginia Medicaid Prior Authorization Advisory Committee in making recommendations to
699 the Board of Medical Assistance Services regarding prior authorization for prescription drug coverage
700 pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
701 23. The State Board of Education, in developing, issuing, and revising guidelines pursuant to
702 § 22.1-280.3.
703 24. The Virginia Student Assistance Authorities.
704 25. The Virginia Racing Commission, when acting by and through its duly appointed stewards or in
705 matters related to any specific race meeting.
706 26. The Virginia Small Business Financing Authority.
707 27. The Virginia Economic Development Partnership Authority.
708 28. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations
709 pursuant to clause A (ii) of § 59.1-156.
710 B. Agency action relating to the following subjects is exempted from the provisions of this chapter:
711 1. Money or damage claims against the Commonwealth or agencies thereof.
712 2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
713 3. The location, design, specifications or construction of public buildings or other facilities.
714 4. Grants of state or federal funds or property.
715 5. The chartering of corporations.
716 6. Customary military, naval or police functions.
717 7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of
718 the Commonwealth.
719 8. The conduct of elections or eligibility to vote.
720 9. Inmates of prisons or other such facilities or parolees therefrom.
721 10. The custody of persons in, or sought to be placed in, mental, penal or other state institutions as
722 well as the treatment, supervision, or discharge of such persons.
723 11. Traffic signs, markers or control devices.
724 12. Instructions for application or renewal of a license, certificate, or registration required by law.
725 13. Content of, or rules for the conduct of, any examination required by law.
726 14. The administration of a pool or pools authorized by Article 7.1 (§ 2.1-234.9:1 et seq.) of Chapter
727 14 of Title 2.1.
728 15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent
729 with duly adopted regulations of the State Lottery Board, and provided that such regulations are
730 published and posted.
731 16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish,
732 finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.
733 17. Any operating procedures for review of child deaths developed by the State Child Fatality
734 Review Team pursuant to § 32.1-283.1.
735 18. *The process of reviewing and ranking grant applications submitted to the Commonwealth*
736 *Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 32.1-73.1 et seq.) of Chapter 2 of Title*

32.1.

C. The following agency actions otherwise subject to this chapter and § 9-6.18 of the Virginia Register Act are excluded from the operation of Article 2 (§ 9-6.14:7.1 et seq.) of this chapter:

1. Agency orders or regulations fixing rates or prices.

2. Regulations which establish or prescribe agency organization, internal practice or procedures, including delegations of authority.

3. Regulations which consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.

4. Regulations which:

(a) Are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved;

(b) Are required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or

(c) Are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing; notice of the proposed adoption of these regulations and the Registrar's above determination shall be published in the Virginia Register not less than thirty days prior to the effective date thereof.

5. Regulations which an agency finds are necessitated by an emergency situation. For the purposes of this subdivision, "emergency situation" means (i) a situation involving an imminent threat to public health or safety or (ii) a situation in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation shall be effective in 280 days or less from enactment of the law or the appropriation act or the effective date of the federal regulation, and the regulation is not exempt under the provisions of subdivision C 4 of this section. In such cases, the agency shall state in writing the nature of the emergency and of the necessity for such action and may adopt such regulations. Pursuant to § 9-6.14:9, such regulations shall become effective upon approval by the Governor and filing with the Registrar of Regulations. Such regulations shall be limited to no more than twelve months in duration. During the twelve-month period, an agency may issue additional emergency regulations as needed addressing the subject matter of the initial emergency regulation, but any such additional emergency regulations shall not be effective beyond the twelve-month period from the effective date of the initial emergency regulation. If the agency wishes to continue regulating the subject matter governed by the emergency regulation beyond the twelve-month limitation, a regulation to replace the emergency regulation shall be promulgated in accordance with Article 2 (§ 9-6.14:7.1 et seq.) of this chapter. The Notice of Intended Regulatory Action to promulgate a replacement regulation shall be published within sixty days of the effective date of the emergency regulation, and the proposed replacement regulation shall be published within 180 days after the effective date of the emergency regulation.

6. [Repealed.]

7. Preliminary program permit fees of the Department of Environmental Quality assessed pursuant to subsection C of § 10.1-1322.2.

8. Regulations of the Pesticide Control Board adopted pursuant to subsection B of § 3.1-249.51 or clause (v) or (vi) of subsection C of § 3.1-249.53 after having been considered at two or more Board meetings and one public hearing.

9. Regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 which are limited to reducing fees charged to regulants and applicants.

10. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to § 45.1-161.82.

11. General permits issued by the State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.), of Title 10.1 if the Board: (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of subsection B of § 9-6.14:7.1, (ii) following the passage of thirty days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in subsection F of § 9-6.14:7.1, and (iv) conducts at least one public hearing on the proposed general permit.

12. General permits issued by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 if the Board: (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of subsection B of § 9-6.14:7.1, (ii) following the passage of thirty days from the

798 publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed
799 of relevant stakeholders, including potentially affected citizens groups, to assist in the development of
800 the general permit, (iii) provides notice and receives oral and written comment as provided in subsection
801 F of § 9-6.14:7.1, and (iv) conducts at least one public hearing on the proposed general permit.

802 Whenever regulations are adopted under this subsection C, the agency shall state as part thereof that
803 it will receive, consider and respond to petitions by any interested person at any time with respect to
804 reconsideration or revision. The effective date of regulations adopted under this subsection shall be in
805 accordance with the provisions of § 9-6.14:9.3, except in the case of emergency regulations, which shall
806 become effective as provided in subsection A of § 9-6.14:9.

807 D. The following agency actions otherwise subject to this chapter are excluded from the operation of
808 Article 3 (§ 9-6.14:11 et seq.) of this chapter:

809 1. The assessment of taxes or penalties and other rulings in individual cases in connection with the
810 administration of the tax laws.

811 2. The award or denial of claims for workers' compensation.

812 3. The grant or denial of public assistance.

813 4. Temporary injunctive or summary orders authorized by law.

814 5. The determination of claims for unemployment compensation or special unemployment.

815 6. The suspension of any license, certificate, registration or authority granted any person by the
816 Department of Health Professions or the Department of Professional and Occupational Regulation for the
817 dishonor, by a bank or financial institution named, of any check, money draft or similar instrument used
818 in payment of a fee required by statute or regulation.

819 E. Appeals from decisions of the Governor's Employment and Training Department otherwise subject
820 to this chapter are excluded from the operation of Article 4 (§ 9-6.14:15 et seq.) of this chapter.

821 F. The Marine Resources Commission, otherwise subject to this chapter and § 9-6.18 of the Virginia
822 Register Act, is excluded from the operation of subsection C of this section and of Article 2
823 (§ 9-6.14:7.1 et seq.) of this chapter; however, the authorization for any general permit or guidelines for
824 activity undertaken pursuant to Title 28.2 by the Marine Resources Commission shall be in accordance
825 with the provisions of this chapter.

826 G. A regulation for which an exemption is claimed under this section and which is placed before a
827 board or commission for consideration shall be provided at least two days in advance of the board or
828 commission meeting to members of the public that request a copy of that regulation. A copy of that
829 regulation shall be made available to the public attending such meeting.

830 H. The Joint Legislative Audit and Review Commission shall conduct a review periodically of
831 exemptions and exclusions authorized by this section. The purpose of this review shall be to assess
832 whether there are any exemptions or exclusions which should be discontinued or modified.

833 I. Minor changes to regulations being published in the Virginia Administrative Code under the
834 Virginia Register Act, Chapter 1.2 (§ 9-6.15 et seq.) of this title, made by the Virginia Code
835 Commission pursuant to § 9-77.10:1 shall be exempt from the provisions of this chapter.

836 § 9-6.23. (Effective until July 1, 1997) Prohibition against service by legislators on boards and
837 commissions within the executive branch.

838 Members of the General Assembly shall be ineligible to serve on boards and commissions within the
839 executive branch which are responsible for administering programs established by the General Assembly.
840 Such prohibition shall not extend to boards and commissions engaged solely in policy studies or
841 commemorative activities. If any law directs the appointment of any member of the General Assembly
842 to a board or commission in the executive branch which is responsible for administering programs
843 established by the General Assembly, such portion of such law shall be void, and the Governor shall
844 appoint another person from the Commonwealth at large to fill such a position. The provisions of this
845 section shall not apply, however, to members of the Board for Branch Pilots, who shall be appointed as
846 provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as
847 provided for in § 2.1-741; to members of the Council on Indians, who shall be appointed as provided
848 for in § 9-138.1; to members of the Virginia Technology Council, who shall be appointed as provided
849 for in § 9-145.51; to members of the Board of Trustees of the Southwest Virginia Higher Education
850 Center, who shall be appointed as provided in § 23-231.3; to members of the Maternal and Child Health
851 Council, who shall be appointed as provided for in § 9-318; to members of the Virginia Interagency
852 Coordinating Council who shall be appointed as provided in § 2.1-750; to members of the Advisory
853 Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided in
854 § 9-326; to members of the Workforce 2000 Advisory Council, who shall be appointed as provided in
855 § 2.1-116.18; to members of the Advisory Commission on Welfare Reform, who shall be appointed as
856 provided in § 63.1-133.44; to members of the Virginia Correctional Enterprises Advisory Board, who
857 shall be appointed as provided in § 2.1-451.2; to members appointed to the Virginia Veterans Cemetery
858 Board pursuant to § 2.1-739.2; to members of the Commonwealth Neurotrauma Initiative Advisory
859 Board, who shall be appointed as provided in § 32.1-73.3; or to members of the Commonwealth

Competition Commission, who shall be appointed as provided in § 9-343.

§ 9-6.23. (Effective July 1, 1997) Prohibition against service by legislators on boards and commissions within the executive branch.

Members of the General Assembly shall be ineligible to serve on boards and commissions within the executive branch which are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards and commissions engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board or commission in the executive branch which is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position. The provisions of this section shall not apply, however, to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board on Veterans' Affairs, who shall be appointed as provided for in § 2.1-741; to members of the Council on Indians, who shall be appointed as provided for in § 9-138.1; to members of the Virginia Technology Council, who shall be appointed as provided for in § 9-145.51; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided in § 23-231.3; to members of the Maternal and Child Health Council, who shall be appointed as provided for in § 9-318; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided in § 2.1-750; to members of the Advisory Council on the Virginia Business-Education Partnership Program, who shall be appointed as provided in § 9-326; to members of the Advisory Commission on Welfare Reform, who shall be appointed as provided in § 63.1-133.44; to members of the Virginia Correctional Enterprises Advisory Board, who shall be appointed as provided in § 2.1-451.2; to members appointed to the Virginia Veterans Cemetery Board pursuant to § 2.1-739.2; *to members of the Commonwealth Neurotrauma Initiative Advisory Board, who shall be appointed as provided in § 32.1-73.3*; or to members of the Commonwealth Competition Commission, who shall be appointed as provided in § 9-343.

§ 14.1-112. (For effective date - See note) 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, 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, and for recording plats too large to be recorded in the deed books, and for each sheet thereof, thirteen dollars. This fee shall be in addition to the fee for recording a deed or other instrument recorded in conjunction with such plat sheet or sheets including the fee of one dollar set forth in subdivision (1). Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. 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 Library of Virginia in cooperation with the circuit court clerks.

(3) [Repealed.]

(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, a fee of fifty cents for each page. However, there shall be no charge to the

921 recipient of a final order or decree to send an attested copy to such party.

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

925 (12) through (14) [Repealed.]

926 (15) Upon conviction in felony cases or when a felony defendant's suspension of sentence and
927 probation is revoked pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs,
928 the clerk shall charge the defendant thirty-five dollars in each case.

929 In addition, in each case in which a person is convicted of a violation of any provision of Article 1
930 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of \$100 for each felony
931 conviction and each felony disposition under § 18.2-251 and (ii) a fee of \$100 per case for any forensic
932 laboratory analysis performed for use in prosecution of such violation. Such fees shall be taxed as costs
933 to the defendant and shall be paid into the general fund of the state treasury.

934 In addition, in all felony cases, including the revocation of suspension of sentence and probation held
935 pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall collect
936 and tax as costs (i) the expense of reporting or recording the trial or hearing in an amount equal to the
937 per diem charges of the reporter or reasonable charge attributable to the cost of operating the mechanical
938 or electronic devices in accordance with § 19.2-165, (ii) a fee of two dollars and fifty cents per charge,
939 (iii) the fees of the attorney for the Commonwealth as provided for in § 14.1-121, (iv) the compensation
940 of court-appointed counsel as provided in § 19.2-163, (v) the fees of the public defenders as provided
941 for in § 19.2-163.2, (vi) the additional costs per charge imposed under § 19.2-368.18 to be deposited
942 into the Criminal Injuries Compensation Fund, and (vii) in any court of record in which electronic
943 devices are used for the purpose of recording testimony, a sum not to exceed twenty dollars for each
944 day or part of a day of the trial to be paid by the clerk into a special fund to be used for the purpose of
945 repairing, replacing or supplementing such electronic devices, or if a sufficient amount is available, to
946 pay the purchase price of such devices in whole or in part. For the purpose of this subdivision, repairing
947 shall include maintenance or service contracts.

948 (16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-five dollars
949 in each case. Sums shall be collected for and paid to the benefit of the Virginia Crime Victim-Witness
950 Fund as provided for in § 19.2-11.3 irrespective of whether the defendant was convicted of a
951 misdemeanor chargeable under the Code of Virginia or pursuant to a local ordinance.

952 In addition, in each case in which a person is convicted of a violation of any provision of Article 1
953 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of fifty dollars for each
954 misdemeanor conviction and (ii) a fee of \$100 per case for any forensic laboratory analysis performed
955 for use in prosecution of such violation. Such fees shall be taxed as costs to the defendant and shall be
956 paid into the general fund of the state treasury.

957 In addition, for each misdemeanor case the clerk shall collect and tax as costs (i) the fees of the
958 attorneys for the Commonwealth as provided for in § 14.1-121, (ii) the compensation of court-appointed
959 counsel as provided in § 19.2-163, (iii) the fees of the public defenders as provided for in § 19.2-163.2,
960 (iv) the additional costs imposed under § 19.2-368.18 to be deposited into the Criminal Injuries
961 Compensation Fund, and (v) in any court in which electronic devices are used for the purpose of
962 recording testimony, a sum not to exceed five dollars for each day or part of a day of the trial to be
963 paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing
964 such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices
965 in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service
966 contracts.

967 (16a) Upon the defendant's being required to successfully complete traffic school or a driver
968 improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as
969 if he had been convicted.

970 (17) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifty dollars in cases not
971 exceeding \$50,000, \$100 in cases not exceeding \$100,000, and \$150 in cases exceeding \$100,000; and
972 in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting
973 the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a
974 cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be
975 charged upon the filing of a counterclaim. The fees prescribed above shall be collected upon the filing
976 of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed
977 in the Supreme Court of Virginia.

978 (17a) In addition to the fees chargeable for actions at law, for the costs of proceedings for judgments
979 by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered
980 or certified mail, (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the
981 amount of the confessed judgment, (iii) for the sheriff for serving each copy of the order entering
982 judgment, one dollar and twenty-five cents, and (iv) for docketing the judgment and issuing executions

thereon, the same fees as prescribed in subdivision (22) of this section.

(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) [Repealed.]

(22) For docketing and indexing a judgment from any other court of this Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of five dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five dollars; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars.

(23) For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge ten dollars, to be paid by the party filing said papers at the time of filing; however, this subdivision 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) , (27) [Repealed.]

(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; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

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

(33) In all chancery causes, the clerk's fee chargeable to the plaintiff shall be fifty dollars to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. However, no fee shall be charged for the filing of a cross-bill in any pending suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

(34) For the acceptance of credit cards in lieu of money to collect and secure all fees, fines, restitution, forfeiture, penalties and costs in accordance with § 19.2-353.3, the clerk shall collect a service charge of four percent of the amount paid.

(35) For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of twenty dollars or ten percent of the amount to be paid, whichever is greater, in accordance with § 19.2-353.3.

(36) For all services rendered in an adoption proceeding, a fee of twenty dollars, in addition to the fee imposed under § 63.1-236.1, to be paid by the petitioner or petitioners.

(37) For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

(38) For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of five dollars to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

(39) For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, a fee of twenty dollars.

(40) For issuance of hunting and trapping permits in accordance with § 10.1-1154, twenty-five cents.

(41) For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

(42) [Repealed.]

(43) For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of one dollar.

1044 (44) For filing power of attorney for service of process, or resignation or revocation thereof, in
 1045 accordance with § 59.1-71, a fee of twenty-five cents.

1046 (45) For recordation of certificate and registration of names of nonresident owners in accordance with
 1047 § 59.1-74, a fee of ten dollars.

1048 (46) For maintaining the information required under the Overhead High Voltage Line Safety Act
 1049 (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

1050 (47) For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of two dollars.

1051 (48) For filing a financing statement in accordance with § 8.9-403, the fee shall be as prescribed
 1052 under that section.

1053 (49) For filing a termination statement in accordance with § 8.9-404, the fee shall be as prescribed
 1054 under that section.

1055 (50) For filing assignment of security interest in accordance with § 8.9-405, the fee shall be as
 1056 prescribed under that section.

1057 (51) *Upon conviction of offenses for speeding pursuant to Article 8 (§ 46.2-870 et seq.) of Chapter 8*
 1058 *of Title 46.2 and each first time conviction for driving while intoxicated pursuant to Article 2*
 1059 *(§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 or reckless driving pursuant to Article 7 (§ 46.2-852 et*
 1060 *seq.) of Chapter 8 of Title 46.2, the clerk shall charge the defendant a fee of twelve dollars and fifty*
 1061 *cents; for each subsequent conviction of offenses for driving while intoxicated pursuant to Article 2*
 1062 *(§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 or reckless driving pursuant to Article 7 (§ 46.2-852 et*
 1063 *seq.) of Chapter 8 of Title 46.2, the clerk shall charge the defendant a fee of twenty-five dollars. These*
 1064 *additional costs per conviction shall be deposited into the Commonwealth Neurotrauma Initiative Trust*
 1065 *Fund established pursuant to § 32.1-73.2.*

1066 In accordance with § 14.1-133.2, the clerk shall collect fees under subdivisions (8), (15), (16), (17),
 1067 (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for courthouse
 1068 construction, renovation or maintenance.

1069 In accordance with § 14.1-125.1, the clerk shall collect fees under subdivisions (8), (17), (20), (23) if
 1070 applicable, (25), (29), (31), (33), (36), and (38) to be designated for services provided for the poor,
 1071 without charge, by a nonprofit legal aid program.

1072 In accordance with § 14.1-133.3, the clerk shall collect fees under subdivisions (15) and (16) to be
 1073 designated for the Intensified Drug Enforcement Jurisdiction Fund.

1074 In accordance with § 42.1-70, the clerk shall collect fees under subdivisions (8), (17), (20), (23) if
 1075 applicable, (25), (29), (31), (33), (36), and (38) to be designated for public law libraries.

1076 *In accordance with § 32.1-73.2, the clerk shall collect fees under subdivision (51) for deposit to the*
 1077 *Commonwealth Neurotrauma Initiative Trust Fund.*

1078 The provisions of this section shall control the fees charged by clerks of circuit courts for the
 1079 services above described.

1080 § 14.1-112. (Delayed effective date - See notes) Clerks of circuit courts; generally.

1081 A clerk of a circuit court shall, for services performed by virtue of his office, charge the following
 1082 fees:

1083 (1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or Chapter 5
 1084 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the
 1085 recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's
 1086 certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.

1087 (2) For recording and indexing in the proper book any writing and all matters therewith, or for
 1088 recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of one
 1089 dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages, and
 1090 for recording plats too large to be recorded in the deed books, and for each sheet thereof, thirteen
 1091 dollars. This fee shall be in addition to the fee for recording a deed or other instrument recorded in
 1092 conjunction with such plat sheet or sheets including the fee of one dollar set forth in subdivision (1).
 1093 Only a single fee as authorized by this subdivision shall be charged for recording a certificate of
 1094 satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. In
 1095 addition, a fee of one dollar shall be charged for indexing any document for each name indexed
 1096 exceeding a total of ten in number. One dollar of the fee collected for recording and indexing shall be
 1097 designated for use in preserving the permanent records of the circuit courts. The sum collected for this
 1098 purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

1099 (3) [Repealed.]

1100 (4) For appointing and qualifying any personal representative, committee, trustee, guardian, or other
 1101 fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not
 1102 exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates
 1103 exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

1104 (5) For entering and granting and for issuing any license, other than a marriage license or a hunting
 1105 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, a fee of fifty cents for each page. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

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

(12) through (14) [Repealed.]

(15) Upon conviction in felony cases or when a felony defendant's suspension of sentence and probation is revoked pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall charge the defendant thirty-five dollars in each case.

In addition, in each case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of \$100 for each felony conviction and each felony disposition under § 18.2-251, and (ii) a fee of \$100 per case for any forensic laboratory analysis performed for use in prosecution of such violation. Such fees shall be taxed as costs to the defendant and shall be paid into the general fund of the state treasury.

In addition, in all felony cases, including the revocation of suspension of sentence and probation held pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall collect and tax as costs (i) the expense of reporting or recording the trial or hearing in an amount equal to the per diem charges of the reporter or reasonable charge attributable to the cost of operating the mechanical or electronic devices in accordance with § 19.2-165, (ii) a fee of two dollars and fifty cents per charge, (iii) the fees of the attorney for the Commonwealth as provided for in § 14.1-121, (iv) the compensation of court-appointed counsel as provided in § 19.2-163, (v) the fees of the public defenders as provided for in § 19.2-163.2, (vi) the additional costs per charge imposed under § 19.2-368.18 to be deposited into the Criminal Injuries Compensation Fund, and (vii) in any court of record in which electronic devices are used for the purpose of recording testimony, a sum not to exceed twenty dollars for each day or part of a day of the trial to be paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service contracts.

(16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-five dollars in each case. Sums shall be collected for the benefit of and paid to the Virginia Crime Victim-Witness Fund as provided for in § 19.2-11.3 irrespective of whether the defendant was convicted of a misdemeanor chargeable under the Code of Virginia or pursuant to a local ordinance.

In addition, in each case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of fifty dollars for each misdemeanor conviction and (ii) a fee of \$100 per case for any forensic laboratory analysis performed for use in prosecution of such violation. Such fees shall be taxed as costs to the defendant and shall be paid into the general fund of the state treasury.

In addition, for each misdemeanor case the clerk shall collect and tax as costs (i) the fees of the attorneys for the Commonwealth as provided for in § 14.1-121, (ii) the compensation of court-appointed counsel as provided in § 19.2-163, (iii) the fees of the public defenders as provided for in § 19.2-163.2, (iv) the additional costs imposed under § 19.2-368.18 to be deposited into the Criminal Injuries Compensation Fund, and (v) in any court in which electronic devices are used for the purpose of recording testimony, a sum not to exceed five dollars for each day or part of a day of the trial to be paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service contracts.

(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 fifty dollars in cases not exceeding \$50,000, \$100 in cases not exceeding \$100,000, and \$150 in cases exceeding \$100,000; and

1167 in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting
1168 the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a
1169 cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be
1170 charged upon the filing of a counterclaim. The fees prescribed above shall be collected upon the filing
1171 of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed
1172 in the Supreme Court of Virginia.

1173 (17a) In addition to the fees chargeable in actions at law, for the costs of proceedings for judgments
1174 by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered
1175 or certified mail, (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the
1176 amount of the confessed judgment, (iii) for the sheriff for serving each copy of the order entering
1177 judgment, one dollar and twenty-five cents, and (iv) for docketing the judgment and issuing executions
1178 thereon, the same fees as prescribed in subdivision (22) of this section.

1179 (18) [Repealed.]

1180 (19) For qualifying notaries public, including the making out of the bond and any copies thereof,
1181 administering the necessary oaths, and entering the order, ten dollars.

1182 (20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required
1183 thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

1184 (21) [Repealed.]

1185 (22) For docketing and indexing a judgment from any other court of this Commonwealth, for
1186 docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of
1187 § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment
1188 pursuant to § 8.01-452, a fee of five dollars; and for issuing an abstract of any recorded judgment, when
1189 proper to do so, a fee of five dollars; and for filing, docketing, indexing and mailing notice of a foreign
1190 judgment, a fee of twenty dollars.

1191 (23) For all services rendered by the clerk in any court proceeding for which no specific fee is
1192 provided by law, the clerk shall charge ten dollars, to be paid by the party filing said papers at the time
1193 of filing.

1194 (24) For receiving and processing an application for a tax deed, ten dollars.

1195 (25) For all services rendered by the clerk in any condemnation proceeding instituted by the
1196 Commonwealth, twenty-five dollars.

1197 (26), (27) [Repealed.]

1198 (28) For making the endorsements on a forthcoming bond and recording the matters relating to such
1199 bond pursuant to the provisions of § 8.01-529, one dollar.

1200 (29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten
1201 dollars.

1202 (30) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an
1203 execution creditor, five dollars.

1204 (31) For all services rendered by the clerk in matters filed in circuit court under § 8.01-217 relating
1205 to change of name, twenty dollars; however, this subdivision shall not be applicable in cases where the
1206 change of name is incident to a divorce.

1207 (32) For providing court records or documents on microfilm, per frame, ten cents.

1208 (33) In all chancery cases, the clerk's fee chargeable to the plaintiff shall be fifty dollars to be paid
1209 by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified
1210 copy of the final decree. However, no fee shall be charged for the filing of a cross-bill in any pending
1211 suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree
1212 of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of
1213 both such decrees.

1214 (34) For the acceptance of credit cards in lieu of money to collect and secure all fees, fines,
1215 restitution, forfeiture, penalties and costs in accordance with § 19.2-353.3, the clerk shall collect a
1216 service charge of four percent of the amount paid.

1217 (35) For the return of any check unpaid by the financial institution on which it was drawn or notice
1218 is received from the credit card issuer that payment will not be made for any reason, the clerk shall
1219 collect, if allowed by the court, a fee of twenty dollars or ten percent of the amount to be paid,
1220 whichever is greater, in accordance with § 19.2-353.3.

1221 (36) For all services rendered in an adoption proceeding, a fee of twenty dollars, in addition to the
1222 fee imposed under § 63.1-236.1, to be paid by the petitioner or petitioners.

1223 (37) For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the
1224 same amount as the fee for the original license.

1225 (38) For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of five
1226 dollars to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided
1227 for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same
1228 fee as for recording a deed as provided for in this section, to be paid by the party upon whose request

such certificate is recorded or order is entered.

(39) For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, a fee of twenty dollars.

(40) For issuance of hunting and trapping permits in accordance with § 10.1-1154, twenty-five cents.

(41) For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

(42) [Repealed.]

(43) For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of one dollar.

(44) For filing power of attorney for service of process, or resignation or revocation thereof, in accordance with § 59.1-71, a fee of twenty-five cents.

(45) For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of ten dollars.

(46) For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

(47) For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of two dollars.

(48) For filing a financing statement in accordance with § 8.9-403, the fee shall be as prescribed under that section.

(49) For filing a termination statement in accordance with § 8.9-404, the fee shall be as prescribed under that section.

(50) For filing assignment of security interest in accordance with § 8.9-405, the fee shall be as prescribed under that section.

(51) *Upon conviction of offenses for speeding pursuant to Article 8 (§ 46.2-870 et seq.) of Chapter 8 of Title 46.2 and each first time conviction for driving while intoxicated pursuant to Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 or reckless driving pursuant to Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2, the clerk shall charge the defendant a fee of twelve dollars and fifty cents; for each subsequent conviction of offenses for driving while intoxicated pursuant to Article 2 (§ 18.2-266 et seq.) of Chapter 8 of Title 18.2 or reckless driving pursuant to Article 7 (§ 46.2-852 et seq.) of Chapter 7 of Title 46.2, the clerk shall charge the defendant a fee of twenty-five dollars. These additional costs per conviction shall be deposited into the Commonwealth Neurotrauma Initiative Trust Fund established pursuant to § 32.1-73.2.*

In accordance with § 14.1-133.2, the clerk shall collect fees under subdivisions (8), (15), (16), (17), (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for courthouse construction, renovation or maintenance.

In accordance with § 14.1-125.1, the clerk shall collect fees under subdivisions (8), (17), (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

In accordance with § 14.1-133.3, the clerk shall collect fees under subdivisions (15) and (16) to be designated for the Intensified Drug Enforcement Jurisdiction Fund.

In accordance with § 42.1-70, the clerk shall collect fees under subdivisions (8), (17), (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for public law libraries.

In accordance with § 32.1-73.2, the clerk shall collect fees under subdivision (51) for deposit to the Commonwealth Neurotrauma Initiative Trust Fund.

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

§ 14.1-123. Fees for services performed by judges or clerks of district courts in criminal or traffic cases.

A. Fees for services performed by the judges or clerks of district courts in criminal or traffic actions and proceedings shall be as follows and such fees shall be included in the taxed costs:

1. For processing a case of a misdemeanor or a traffic violation, including a case in which there has been written appearance and waiver of court hearing, and including swearing witnesses and taxing costs, twenty-seven dollars.

Assessment of this fee shall be based on:

(i) An appearance for court hearing in which there has been a finding of guilty;

(ii) A written appearance with waiver of court hearing and entry of guilty plea;

(iii) For a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty.

In addition to any other fee prescribed by this subsection, a fee of ten dollars shall be taxed as costs whenever a defendant, fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the fee provided in this subsection more than once for a single appearance or trial in absence related to that incident. A defendant with charges which arise from separate incidents shall be taxed a

fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence; or

(iv) An appearance for court hearing in which the court requires that the defendant successfully complete traffic school or a driver improvement clinic, in lieu of a finding of guilty.

2. For processing any check tendered in a case of traffic violation that has been returned unpaid by any banking institution, such fee as is determined pursuant to § 19.2-353.3.

3. Upon conviction of offenses for speeding pursuant to Article 8 (§ 46.2-870 et seq.) of Chapter 8 of Title 46.2 and each first time conviction for driving while intoxicated pursuant to Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 or conviction for reckless driving pursuant to Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 or any comparable local ordinance, the amount of twelve dollars and fifty cents for each first such conviction in each case and twenty-five dollars for each subsequent conviction for driving while intoxicated pursuant to Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 or for reckless driving pursuant to Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 or any comparable local ordinance shall be paid into the Commonwealth Neurotrauma Initiative Trust Fund established pursuant to § 32.1-73.2.

B. Three dollars of the amount collected hereunder in subsection A 1 and 2 shall be collected for the benefit of and paid to the Virginia Crime Victim-Witness Fund as provided for in § 19.2-11.3 irrespective of whether the defendant's case was processed as a violation of the Code of Virginia or as a violation of a local ordinance.

Article 12.

The Commonwealth Neurotrauma Initiative.

§ 32.1-73.1. Definitions.

As used in this article:

"Advisory Board" means the Commonwealth Neurotrauma Initiative Advisory Board.

"Board" means the Board of Health.

"Fund" means the Commonwealth Neurotrauma Initiative Trust Fund established pursuant to § 32.1-73.2.

"Neurotrauma" means an injury to the central nervous system, i.e., a traumatic spinal cord or brain injury which results in loss of physical and cognitive functions.

§ 32.1-73.2. Commonwealth Neurotrauma Initiative Trust Fund established.

A. For the purpose of preventing traumatic spinal cord or brain injuries and improving the treatment and care of Virginians with traumatic spinal cord or brain injuries, there is hereby created in the state treasury a special nonreverting fund to be known as the Commonwealth Neurotrauma Initiative Trust Fund, hereinafter referred to as the "Fund." The Fund shall be established on the books of the Comptroller as a revolving fund and shall be administered by the Commonwealth Neurotrauma Initiative Advisory Board, in cooperation with the Commissioner of Health. The Fund shall consist of certain additional charges for certain offenses which shall be collected pursuant to subdivision (51) of § 14.1-112 and subsection C of § 14.1-123 and shall be deposited into the state treasury to the credit of the Fund as follows: (i) twelve dollars and fifty cents for each conviction for a speeding violation pursuant to Article 8 (§ 46.2-870 et seq.) of Chapter 8 of Title 46.2 and each first time conviction for driving while intoxicated pursuant to Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 or conviction for reckless driving pursuant to Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 and (ii) twenty-five dollars for each subsequent conviction for driving while intoxicated pursuant to Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 or reckless driving pursuant to Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2. The Fund may also receive grants, donations, and bequests from public and private sources to be used for the purposes of this article.

B. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall be distributed according to the grant procedures established pursuant to § 32.1-73.4. Moneys in the Fund shall be used solely to support grants as follows: (i) ten percent of the funds shall be allocated for education on prevention of traumatic spinal cord or brain injuries, (ii) forty percent shall be allocated for basic science and clinical research on the mechanisms and treatment of neurotrauma, and (iii) forty percent shall be allocated for rehabilitative research and community-based rehabilitative services for individuals with traumatic spinal cord or brain injuries. Ten percent of such Fund may be used for administration.

§ 32.1-73.3. Commonwealth Neurotrauma Initiative Advisory Board established; membership; terms; duties and responsibilities.

For the purpose of administering, in coordination with the Commissioner of Health, the Commonwealth Neurotrauma Initiative Trust Fund, there is hereby established the Commonwealth Neurotrauma Initiative Advisory Board, hereinafter referred to as the Advisory Board.

The Advisory Board shall consist of six members as follows: one member of the General Assembly, with such membership rotating between the Senate and the House of Delegates; one person licensed to practice medicine in Virginia; one Virginian with traumatic spinal cord or brain injury or a caretaker

thereof; one citizen-at-large who shall not be an elected or appointed public official; the State Health Commissioner; and the Commissioner of Rehabilitative Services. The State Health Commissioner and the Commissioner of Rehabilitative Services may appoint designees to serve on the Advisory Board. The initial member of the General Assembly shall be a member of the Senate of Virginia. The member of the General Assembly shall be appointed by the Speaker of the House of Delegates or the Senate Committee on Privileges and Elections, as appropriate to the rotation. The Governor shall appoint the person licensed to practice medicine in Virginia, the Virginian with spinal cord or brain injury or the caretaker thereof, and the citizen-at-large. Nominations for appointments may be submitted, at the discretion of the Governor, from relevant organizations.

B. Members appointed by the Governor shall serve for terms of four years. The member of the General Assembly shall serve for a term of four years or during his term of office, if shorter than four years. No member shall serve more than two successive terms of four years. The chairman shall be elected from the membership of the Advisory Board for a term of one year and shall be eligible for reelection. The Advisory Board shall meet at the call of the chairman or the Commissioner.

C. The Advisory Board shall:

1. Administer, in cooperation with the Commissioner of Health, the Commonwealth Neurotrauma Initiative Trust Fund, in accordance with such regulations of the Board of Health as shall be established for the Fund;

2. Recommend to the Board of Health policies and procedures for the administration of the Fund, including criteria for reviewing and ranking grant applications, distribution of funds, and areas of research need in accordance with the provisions of subsection B of § 32.1-73.2;

3. Review and rank or arrange for reviewers and technical advisers to review and rank grant applications for education, basic science and clinical research, and rehabilitative research and community-based rehabilitative services;

4. Report, to the Governor and the General Assembly as deemed appropriate, aggregate data on the operations and funding of the Commonwealth Neurotrauma Initiative Trust Fund.

D. The Advisory Board may appoint grant reviewers and other technical advisers to assist it in its duties. Such reviewers and technical advisers shall be appointed in such manner as to provide equal representation from Virginia's three medical schools. Whenever reviewers or technical advisers sit as a committee, the chairman of the Advisory Board or his designee shall serve as chairman.

§ 32.1-73.4. Procedures for grant applications.

The Board of Health shall promulgate regulations establishing procedures and policies for soliciting and receiving grant applications and criteria for reviewing and ranking such applications, including, but not limited to, goals, timelines, forms, eligibility, and mechanisms to ensure avoidance of any conflicts of interest or appearances thereof. The Board shall receive the recommendations of the Advisory Board prior to promulgating or revising any such regulations.