



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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July 1, 2013

2013 FOIA LEGISLATIVE UPDATE

NOTE: Unless otherwise stated, the changes in the law described herein will take effect July 1, 2013.

I. Introduction

The General Assembly passed a total of 16 bills amending the Virginia Freedom of Information Act (FOIA) during the 2013 Session. House Bill 2026 (Dudenhefer) and Senate Bills 1263 (Stuart) and 1264 (Stuart) all passed the General Assembly as recommendations of the FOIA Council. HB 2026 and SB 1263 concerned electronic meetings, and SB 1264 concerned access to law-enforcement records.

Four of the 16 bills create new records exemptions as follows:

- Creates an exemption for certain records of the Department of Aviation. HB 1855 (Knight) amending §§ 2.2-3705.6 and 2.2-3705.7;
- Creates an exemption for certain records of disaster recovery and evacuation plans of hospitals and nursing homes. HB 2280 (Ward) amending § 2.2-3705.2;
- Creates an exemption for certain records containing trade secrets provided to the Department of Environmental Quality. SB 1212 (Stuart) amending § 2.2-3705.6;
- Creates an exemption for certain records of the Commonwealth's Attorneys' Services Council. SB 1334 (Norment) amending § 2.2-3705.7.

Twelve of the 16 bills amend existing provisions of FOIA as follows:

- Amends an existing exemption for certain records of minors participating in park and recreation programs. HB 1524 (Villanueva) amending § 2.2-3705.7;
- Defines "members of the General Assembly" to include legislative aides in the working paper and correspondence exemption. HB 1639 (Greason) amending § 2.2-3705.7;
- Makes various technical and other statutory changes necessary to implement the privatization of the Virginia Office for Protection and Advocacy. HB 1844 (Orrock) amending §§ 2.2-3705.3 and 2.2-3711;

- Makes various changes relating to the Fraud and Abuse Whistle Blower Reward Fund, including a technical amendment to an existing records exemption. HB 1845 (Loupassi) and SB 1178 (Ruff) amending § 2.2-3705.3;
- Amends an existing provision to allow a member of a public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. HB 2026 (Dudenhefer) amending § 2.2-3708.1;
- Amends an existing closed meeting exemption to allow the board of trustees of the Jamestown-Yorktown Foundation to convene a closed meeting when the topic is the discussion or consideration of matters relating to specific gifts, bequests, and grants. HB 2043 (Robinson) amending § 2.2-3711;
- Makes various amendments relating to the State Inspector General, including a technical amendment to an existing records exemption. HB 2114 (Landes) and SB 1176 (Ruff) amending § 2.2-3705.3;
- Amends various provisions relating to the conduct of electronic meetings. SB 1263 (Stuart) amending §§ 2.2-3708 and 2.2-3708.1; also amends § 30-179, relating to the powers and duties of the FOIA Council;
- Amends various provisions relating to criminal and other records held by law-enforcement agencies and makes corresponding technical amendments. SB 1264 (Stuart) amending §§ 2.2-3706, 2.2-3711, and 15.2-1713.1;
- Creates the Department of Small Business and Supplier Diversity by consolidating the powers and duties of the Department of Business Assistance and the Department of Minority Business Enterprise; makes a corresponding technical amendment to an existing records exemption. The bill has a delayed effective date of January 1, 2014. SB 1350 (McWaters) amending § 2.2-3705.6.

Section II of this update presents a brief overview of amendments to FOIA section by section in order to provide context and organization to the numerous bills. Section III presents a brief overview of other access-related legislation passed during the 2013 Session of the General Assembly.

For more specific information on the particulars of each bill, please see the bill itself. Unless otherwise indicated, the changes will become effective July 1, 2013.

II. Amendments to the Freedom of Information Act

§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.

Virginia Freedom of Information Act; exempt records; disaster preparedness plans. Exempts from mandatory disclosure records of hospitals and nursing homes regulated by the Board of Health that are provided to the Board, to the extent such records reveal the disaster recovery plans or the evacuation plans for such facilities in the event of fire, explosion, natural disaster, or other catastrophic event. The bill provides that nothing shall be construed to prohibit the disclosure of records relating to the effectiveness of

executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event. HB 2280 (2013 Acts of Assembly, c. 600).

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

Virginia Office for Protection and Advocacy; privatization. Makes various technical and other statutory changes necessary to implement the privatization of the Virginia Office for Protection and Advocacy. HB 1844 (2013 Acts of Assembly, c. 571).

Fraud and Abuse Whistle Blower Reward Fund; amount of reward; duties of the State Inspector General. Reduces the minimum recovery required for an award from the Fraud and Abuse Whistle Blower Reward Fund from \$10,000 to \$5,000 and expands the purposes for which the Fund may be used to include supporting the administration of the Fund, defraying Fund advertising costs, and subsidizing the operation of the Fraud, Waste and Abuse Hotline, all expenditures for which are capped at five percent of the Fund. Under the bill, all moneys recovered by the Office of the State Inspector General as a result of whistle blower activity and alerts originating in the Office shall be deposited into the Fund. The bill also provides that by the end of each quarter 85 percent of all sums recovered be remitted to the institutions or agencies on whose behalf the recovered sums were secured, unless otherwise directed by a court of law. In addition, the bill (i) authorizes the State Inspector General to split a reward among multiple whistle blowers reporting the same qualifying incident of wrongdoing or abuse, (ii) requires the State Inspector General to submit an annual report to the General Assembly summarizing the activities of the Fund, and (iii) changes the name of the State Employee Fraud, Waste and Abuse Hotline to the Fraud, Waste and Abuse Hotline. The bill contains technical amendments, including a technical amendment to an existing records exemption. HB 1845 (2013 Acts of Assembly, c. 572) and SB 1178 (2013 Acts of Assembly, c. 690).

State Inspector General; powers and duties. Grants additional powers to the State Inspector General relating to audit functions of state and nonstate agencies and provides that the State Inspector General and no more than 30 members of the investigative unit shall be law-enforcement officers. The bill requires the State Inspector General to enter into a memorandum of understanding with the Department of State Police relative to their respective roles and responsibilities. The bill reorganizes the State Inspector General's powers and duties and generally reorganizes the law relating to the Office of the State Inspector General. The bill contains technical amendments, including a technical amendment to an existing records exemption. HB 2114 (2013 Acts of Assembly, c. 717) and SB 1176 (2013 Acts of Assembly, c. 723).

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

Virginia Freedom of Information Act; exempt records of the Department of Aviation. Exempts from the mandatory disclosure provisions of FOIA (i) documents and other information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of

Aviation or the Virginia Aviation Board and (ii) records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records. The bill requires in both instances that the submitting entity identify in writing the records or portions thereof to be protected and state why protection is necessary. HB 1855 (2013 Acts of Assembly, c. 574).

Provision of information to Department of Environmental Quality; protection of trade secrets. Requires that every person who the Department of Environmental Quality has reason to believe is generating or handling waste provide the Department with information about the waste upon request. The bill exempts trade secrets contained in such information from disclosure by the Department under certain conditions while still allowing the Department to provide such information to the Environmental Protection Agency or as otherwise required by law. SB 1212 (2013 Acts of Assembly, c. 54).

Department of Small Business and Supplier Diversity created. Creates the Department of Small Business and Supplier Diversity by consolidating the powers and duties of the Department of Business Assistance and the Department of Minority Business Enterprise. The bill abolishes the Department of Business Assistance and the Department of Minority Business Enterprise. The bill has a delayed effective date of January 1, 2014, and contains numerous technical amendments to accomplish this consolidation. The bill includes a technical amendment to an existing records exemption. SB 1350 (2013 Acts of Assembly, c. 482).

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.

Virginia Freedom of Information Act; exempt records of the Department of Aviation. *See summary under § 2.2-3705.6, supra.* HB 1855 (2013 Acts of Assembly, c. 574).

Virginia Freedom of Information Act; records exemption for the Commonwealth's Attorneys' Services Council. Provides an exemption from the mandatory disclosure requirements of the Freedom of Information Act for records of the Commonwealth's Attorneys' Services Council to the extent such records are (i) prepared for and utilized by the Council in the training of state prosecutors or law-enforcement personnel, where such records are not otherwise available to the public and the release of such records would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities, or (ii) materials created for the investigation and prosecution of a criminal case. SB 1334 (2013 Acts of Assembly, c. 481).

Virginia Freedom of Information Act; records of minors participating in park and recreation programs. Reverses the default rule of FOIA that certain park and recreation records of minors are subject to the mandatory disclosure provisions of FOIA unless the parent or an emancipated person who is the subject of the record requests in writing that the record not be disclosed. Under the bill, these records would be exempt from public disclosure unless and until the parent or emancipated person who is the subject of the record waives the protection. HB 1524 (2013 Acts of Assembly, c. 554).

Virginia Freedom of Information Act; correspondence of legislative aides exempt. Clarifies by defining "member of the General Assembly" that the working papers and correspondence of the legislative aides of members of the General Assembly are not subject to the mandatory disclosure provisions of FOIA when the aides are working on behalf of the member. HB 1639 (2013 Acts of Assembly, c. 199).

§ 2.2-3706. Disclosure of criminal records; limitations.

Freedom of Information Act; access to criminal and other records held by public bodies engaged in criminal law-enforcement activities. Reorganizes § 2.2-3706 of the Freedom of Information Act relating to access to criminal records and other records held by law-enforcement agencies. The only substantive changes in the bill are to (i) expand to the state law-enforcement agencies the ability to withhold portions of noncriminal incident information and (ii) allow law-enforcement agencies to make a verbal response for requests for criminal incident information. The bill also clarifies that personnel records of persons employed by a law-enforcement agency are not noncriminal records but subject to the personnel records and background investigation records exemptions. The bill contains technical amendments and is a recommendation of the Virginia Freedom of Information Advisory Council. SB 1264 (2013 Acts of Assembly, c. 695).

§ 2.2-3708. Electronic communication meetings; applicability; physical quorum required; notice; report.

Virginia Freedom of Information Act; meeting by electronic communication means by certain committees, subcommittees, etc., of state public bodies; personal matters. Authorizes an advisory public body, defined as any state public body classified as advisory pursuant to § 2.2-2100 or any committee, subcommittee, or other entity, however designated, of a state public body created to advise the state public body, to meet by electronic communication means without a quorum of the advisory public body being physically assembled at one location, provided, among other requirements, the meeting is conducted utilizing a combined audio and visual communication method. The bill requires any advisory public body holding this kind of electronic communication meeting to make an audiovisual recording of the meeting, which recording shall be preserved by the advisory public body for a period of three years from the date of the meeting. The bill also enhances the annual reporting requirements for any public body authorized to conduct electronic communication meetings and requires the FOIA Council to develop a form that an authorized public body must make available to the public at any such meeting for public comment. The above-described provisions of the bill by its terms will expire on July 1, 2014. Finally, the bill allows a member of any public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. Currently, such remote participation is allowed only for emergency, medical condition, or distance from the meeting location of more than 60 miles. The bill is a recommendation of the Virginia Freedom of Information Advisory Council. SB 1263 (2013 Acts of Assembly, c. 694).

§ 2.2-3708.1. Participation in meetings in event of emergency; certain disabilities; distance from meeting location for certain public bodies.

Virginia Freedom of Information Act; remote participation in a meeting by a member of a public body; personal matter. Allows a member of a public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. Currently, such remote participation is allowed only for emergency, medical condition, or distance from the meeting location of more than 60 miles. The bill is a recommendation of the Virginia Freedom of Information Advisory Council. HB 2026 (2013 Acts of Assembly, c. 119).

Virginia Freedom of Information Act; meeting by electronic communication means by certain committees, subcommittees, etc., of state public bodies; personal matters. *See summary under § 2.2-3708, supra.* SB 1263 (2013 Acts of Assembly, c. 694).

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

Virginia Office for Protection and Advocacy; privatization. *See summary under § 2.2-3705.3, supra.* HB 1844 (2013 Acts of Assembly, c. 571).

Virginia Freedom of Information Act; closed meetings; Jamestown-Yorktown Foundation. Allows the board of trustees of the Jamestown-Yorktown Foundation to convene a closed meeting when the topic is the discussion or consideration of matters relating to specific gifts, bequests, and grants. HB 2043 (2013 Acts of Assembly, c. 580).

Freedom of Information Act; access to criminal and other records held by public bodies engaged in criminal law-enforcement activities. *See summary under § 2.2-3706; makes a corresponding technical amendment.* SB 1264 (2013 Acts of Assembly, c. 695).

III. Other Access-Related Legislation

Title 2.2 Administration of Government.

Consolidation of water quality programs. Moves several water quality programs currently administered by the Department of Conservation and Recreation to the Department of Environmental Quality. The Department of Environmental Quality and the State Water Control Board will have oversight of water quality planning and laws dealing with stormwater management, erosion and sediment control, and the Chesapeake Bay Preservation Areas. The Virginia Soil and Water Conservation Board will have continuing responsibility for oversight of the soil and water conservation districts and of resource management planning. The Virginia Soil and Water Conservation Board will continue to be responsible for administration of the flood prevention and dam safety laws. The Board will continue to be staffed by the Department of Conservation and Recreation. The bill contains provisions regarding the disclosure of certain records. HB 2048 (2013 Acts of Assembly, c. 756) and SB 1279 (2013 Acts of Assembly, c. 793).

Title 3.2 Agriculture, Animal Care, and Food.

Consolidation of water quality programs. *See summary under Title 2.2, supra.* HB 2048 (2013 Acts of Assembly, c. 756) and SB 1279 (2013 Acts of Assembly, c. 793).

Title 6.2 Financial Institutions and Services.

Voluntary regulatory self-assessments by banks; privilege. Creates a privilege for self-assessment reports of a bank or its holding company, affiliates, and subsidiaries. The privilege makes a self-assessment report not admissible or subject to discovery in civil or administrative proceeding. The privilege shall not apply if it is waived; if the report is disclosed to certain third parties; if it is determined that the privilege is being asserted for a fraudulent purpose or that the report was prepared to avoid disclosure of information in a proceeding that was underway at the time of its preparation, or the report addresses a matter reasonably expected to cause imminent and substantial harm to bank customers or consumers; or if the report is requested by a bank regulator under certain circumstances. The bill also provides that such records shall not be disclosed under FOIA. HB 2237 (2013 Acts of Assembly, c. 32) and SB 988 (2013 Acts of Assembly, c. 148).

Title 8.01 Civil Remedies and Procedure.

Clerk's fees; electronic records; certification of records; etc. Revises various powers and duties of circuit court clerks for certification of records, assessment of fees, etc., such as (i) providing that the use of the term "copy teste," "true copy," or "certified copy" is prima facie evidence that a document is a certified copy of the official record kept in the clerk's office; (ii) providing that no judgment for certain assessments or fees shall be recorded as a judgment in favor of the Commonwealth if such assessments or fees have been fully paid by the date of sentencing; (iii) defining "operational expenses," which are funded by certain clerk's fees, to include various technology maintenance and enhancements; (iv) clarifying that a clerk shall forward an abstract of certain convictions to the Department of Motor Vehicles within 18 days after such conviction or, in the case of civil judgments, within 30 days after the judgment has become final; (v) allowing the clerk to maintain records in adoption cases in electronic format; and (vi) repealing the requirement that a clerk verify the accuracy of a record made by him. HB 1658 (2013 Acts of Assembly, c. 263).

Confidentiality of child support guidelines worksheets in mediated agreements. Eliminates two provisions requiring the disclosure of financial information obtained for the purposes of completing a child support guidelines worksheet in the course of mediation to the court even when an agreement has not been reached by the parties. Under current law, these provisions conflict with a mediator's duty of confidentiality. This bill is a recommendation of the Committee on District Courts. HB 1795 (2013 Acts of Assembly, c. 283) and SB 1028 (2013 Acts of Assembly, c. 383).

Title 9.1 Commonwealth Public Safety.

Sex Offender and Crimes Against Minors Registry Act; offenses requiring registration. Adds to the list of offenses that require a person to register on the Sex Offender Registry certain offenses comparable to those currently requiring registration

where the conviction was under Title 18.1 of the Code of Virginia, which was in effect prior to 1975 when Title 18.2 came into effect. HB 1862 (2013 Acts of Assembly, c. 750) and SB 1032 (2013 Acts of Assembly, c. 781).

Title 10.1 Conservation.

Consolidation of water quality programs. *See summary under Title 2.2, supra.* HB 2048 (2013 Acts of Assembly, c. 756) and SB 1279 (2013 Acts of Assembly, c. 793).

Title 15.2 Counties, Cities and Towns.

Freedom of Information Act; access to criminal and other records held by public bodies engaged in criminal law-enforcement activities. *See summary under § 2.2-3706; makes a corresponding technical amendment.* SB 1264 (2013 Acts of Assembly, c. 695).

Consolidation of water quality programs. *See summary under Title 2.2, supra.* HB 2048 (2013 Acts of Assembly, c. 756) and SB 1279 (2013 Acts of Assembly, c. 793).

Title 16.1 Courts Not of Record.

Retention of case records; general district court. Permits the chief judge of a general district court to direct the clerk of that court to destroy documents related to civil and criminal cases that have been ended for a period of three years, provided that they have been microfilmed or converted to an electronic format. Currently, such documents must be retained for 10 years. This bill is a recommendation of the Committee on District Courts. HB 1451 (2013 Acts of Assembly, c. 187) and SB 979 (2013 Acts of Assembly, c. 377).

Confidentiality of juvenile law-enforcement records; disclosures to school principal. Provides that, in addition to disclosures of juvenile law-enforcement records that may already be made by chiefs of police and sheriffs to school principals, those same records (involving violent crimes, arson crimes, and firearm crimes) may also be released by the principal of the school to threat assessment teams established by the local school division. The bill also allows law enforcement to share with private school principals the same law-enforcement records concerning juveniles that it can share with public school principals and allows private school principals to share information with threat assessment teams. HB 2347 (2013 Acts of Assembly, c. 769).

Title 17.1 Courts of Record.

Clerk's fees; electronic records; certification of records; etc. *See summary under Title 8.01, supra.* HB 1658 (2013 Acts of Assembly, c. 263).

Clerks of circuit courts; electronic filing and records; remote access. Makes various changes to the provisions that allow circuit court clerks to provide remote access to certain records and to charge a fee for such access. The bill also directs that fees assessed for electronic filing of cases and other records and accessing certain records remotely shall be paid to the clerk's nonreverting local fund to be used to cover the clerk's operational expenses. HB 1715 (2013 Acts of Assembly, c. 77).

Clerks' fees; case management systems, etc. Allows circuit court clerks to establish and maintain their own case management systems, financial management systems, or other independent technology. Data from a clerk's independent system may be provided directly to designated state agencies or to such agencies through an interface with the systems of the Executive Secretary of the Supreme Court of Virginia. The Executive Secretary shall provide an electronic interface to the data available on his systems to a circuit court clerk upon the clerk's written request. The bill also defines the term "operational expenses" and requires the clerks to submit certain data in a format acceptable to the Central Criminal Records Exchange. HB 1716 (2013 Acts of Assembly, c. 422).

Title 18.2 Crimes and Offenses Generally.

Nondisclosure of concealed handgun permit information. Prohibits the clerk of a circuit court who issued a concealed handgun permit from publicly disclosing an applicant's name and any other information contained in a concealed handgun permit application or in any order issuing a concealed handgun permit. SB 1335 (2013 Acts of Assembly, c. 659).

Charitable gaming; network bingo. Authorizes the conduct of a new charitable game known as network bingo. The bill sets out the terms and conditions under which network bingo may be conducted, provides for the licensing of network bingo providers, and sets the maximum prize amount for network bingo. The bill defines the terms "network bingo," "pari-mutuel play," and "network bingo provider." With the exception of the provision requiring the Board of Charitable Gaming to establish regulations, the bill has a delayed effective date of January 1, 2014. The bill also contains technical amendments. The bill also contains certain record-keeping requirements and exempts certain records from disclosure under FOIA. HB 2178 (2013 Acts of Assembly, c. 350) and SB 930 (2013 Acts of Assembly, c. 36).

Title 22.1 Education.

Public schools; personnel files. Requires performance indicators, or other data used by the local school board to judge the growth or quality of a teacher, to be kept confidential but permits such information to be disclosed pursuant to court order, for the purposes of a grievance proceeding involving the teacher, or as otherwise required by state or federal law. HB 1889 (2013 Acts of Assembly, c. 291).

Yearly school lock-down drills, school safety audits, and school crisis, emergency management, and medical emergency response plans. Requires each school, in its annual school safety audit, to complete a school inspection walk-through using a standardized checklist provided by the Virginia Center for School Safety, which shall incorporate crime prevention through environmental design principles. Each completed walk-through checklist shall be made available to the chief law-enforcement officer of the locality or his designee upon request. The bill requires the local school board to provide copies of each school crisis, emergency management, and medical emergency response plan to the chief law-enforcement officer, the fire chief, the chief emergency medical services official, and the emergency management official of the locality upon

request. The bill also requires the division superintendent to establish a school safety audit committee that will review the school safety audits, and requires each school division to designate an emergency manager. The bill finally requires each public school to conduct at least two lock-down drills: one in September and one in January of each school year. HB 2346 (2013 Acts of Assembly, c. 609).

Title 23 Educational Institutions.

Boards of visitors of public institutions of higher education; public access to information and governance. Adds specific topics to be covered during the educational programs for governing boards and requires such programs to be delivered by the State Council of Higher Education annually. The bill also requires each board of visitors to adopt bylaws with certain provisions relating to the Freedom of Information Act; annually meet with the president of the institution to deliver a review of the president's performance; designate its executive committee to organize the working processes of the board and recommend best practices for board governance; and annually deliver an executive summary of its interim activities to the General Assembly and the Governor. The bill is contingent on funding in the appropriation act. HB 1952 (2013 Acts of Assembly, c. 577).

Title 24.2 Elections.

Electoral boards; meetings. Provides that a telephone call between two members of an electoral board or a telephone call between two members of the State Board of Elections in preparation for a meeting shall not constitute a meeting for Virginia Freedom of Information Act purposes if the discussion otherwise would not constitute a meeting. SB 802 (2013 Acts of Assembly, c. 525).

Title 33.1 Highways, Bridges and Ferries.

Quantitative rating of pavement condition and ride quality of highways. Requires VDOT to determine a quantitative rating on the pavement condition and ride quality of every highway in the primary and secondary state highway systems at least every five years and to post the ratings on its website. HB 1885 (2013 Acts of Assembly, c. 290).

Title 36 Housing.

Consolidation of water quality programs. *See summary under Title 2.2, supra.* HB 2048 (2013 Acts of Assembly, c. 756) and SB 1279 (2013 Acts of Assembly, c. 793).

Title 46.2 Motor Vehicles.

Clerk's fees; electronic records; certification of records; etc. *See summary under Title 8.01, supra.* HB 1658 (2013 Acts of Assembly, c. 263).

Title 54.1 Professions and Occupations.

Prescription Monitoring Program; disclosure of information to local law enforcement. Adds an agent designated by the chief law-enforcement officer of any

county or city to the list of individuals to whom the Department of Health Professions must disclose information relevant to a specific investigation of a specific recipient, dispenser, or prescriber upon request, and provides that agents designated by the superintendent of the Department of State Police or the chief law-enforcement officer of a county or city to receive information relevant to a specific investigation of a specific recipient, dispenser, or prescriber shall have completed the Virginia State Police Drug Diversion School. The bill also provides that the Department may disclose information relating to prescriptions for covered substances issued by a specific prescriber to that prescriber. HB 1704 (2013 Acts of Assembly, c. 739).

Title 55 Property and Conveyances.

Clerk's fees; electronic records; certification of records; etc. *See summary under Title 8.01, supra.* HB 1658 (2013 Acts of Assembly, c. 263).

Title 56 Public Service Companies.

Public-Private Transportation Act of 1995; review of proposals. Requires public entities to post a notice, when they receive a proposal under the PPTA, and allow a 120-day submission period for competing proposals. The bill requires the notice to include information on the proposal and the public comment opportunities. The bill further requires, after negotiations are complete and a decision to award is made, that the public entity post the major business points of the agreement and outline how the public can submit comments. HB 1692 (2013 Acts of Assembly, c. 560) and SB 977 (2013 Acts of Assembly, c. 622).

Title 58.1 Taxation.

Consolidation of water quality programs. *See summary under Title 2.2, supra.* HB 2048 (2013 Acts of Assembly, c. 756) and SB 1279 (2013 Acts of Assembly, c. 793).

Charitable gaming; network bingo. *See summary under Title 18.2, supra.* HB 2178 (2013 Acts of Assembly, c. 350) and SB 930 (2013 Acts of Assembly, c. 36).

Title 62.1 Waters of the State, Ports and Harbors.

Consolidation of water quality programs. *See summary under Title 2.2, supra.* HB 2048 (2013 Acts of Assembly, c. 756) and SB 1279 (2013 Acts of Assembly, c. 793).

Title 63.2 Welfare (Social Services).

Licensure by the Commissioner of Social Services; submission of financial information. Reduces from three to one the number of credit references that an applicant for initial licensure as a child welfare agency, assisted living facility, or adult day care center must submit to be exempt from the requirement that the applicant make his financial records available to the Commissioner of Social Services for review; adds a

requirement for submission of an operating budget at the time of application for an initial license as a child welfare agency, assisted living facility, or adult day care center seeking an exemption from the requirement that an applicant make financial records available to the Commissioner of Social Service; and eliminates the requirement that the Commissioner investigate the financial responsibility of an applicant for renewal of a license as a child welfare agency, assisted living facility, or adult day care center. The bill contains an emergency clause. HB 1443 (2013 Acts of Assembly, c. 182) and SB 1310 (2013 Acts of Assembly, c. 545).

Clerk's fees; electronic records; certification of records; etc. *See summary under Title 8.01, supra.* HB 1658 (2013 Acts of Assembly, c. 263).

Title 67 Virginia Energy Plan.

Virginia Nuclear Energy Consortium. Establishes the Virginia Nuclear Energy Consortium Authority as a political subdivision of the Commonwealth for the purposes of making the Commonwealth a national and global leader in nuclear energy and serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues. The 17-member board of directors of the Authority is directed to form a nonstock, nonprofit corporation, referred to as the Virginia Nuclear Energy Consortium. Membership in the Consortium is open to specified educational institutions, Virginia-based federal research laboratories, nuclear-related nonprofit organizations, business entities with operating facilities in Virginia that are engaged in activities directly related to the nuclear energy industry, and other persons whose membership is approved by the Consortium's board of directors. The purposes of the Consortium include carrying out the rights, powers, and duties of the Authority and conducting other activities useful in (i) making the Commonwealth a leader in nuclear energy, (ii) serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues, and (iii) raising money on behalf of the Authority in the corporate and nonprofit community and from other nonstate sources. The Consortium is required to report to the Authority on its non-proprietary activities semiannually, and audits of its financial accounts shall be made available in accordance with the provisions of the Freedom of Information Act. HB 1790 (2013 Acts of Assembly, c. 57) and SB 1138 (2013 Acts of Assembly, c. 394).

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