



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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2014 FOIA LEGISLATIVE UPDATE

NOTE: Unless otherwise stated, the changes in the law described herein will take effect July 1, 2014. This document is currently in draft form, as the Governor has submitted recommendations to amend several bills and the Reconvened Session is to be held April 23, 2014. This document will be updated as appropriate once further action is taken on each bill.

I. Introduction

The General Assembly passed a total of ten bills amending the Virginia Freedom of Information Act (FOIA) during the 2014 Session. One bill passed the General Assembly that was recommended by the FOIA Council: HB 219, which amends an existing record exemption for educational institutions for confidential letters and statements of recommendation placed in the records of educational agencies or institutions to include records respecting an application for promotion. This bill was the only legislation recommended by the FOIA Council this year.

One bill creates a new section in FOIA as follows:

- Provides that nothing in FOIA shall have any bearing upon disclosures required to be made pursuant to any court order or subpoena, nor shall any discretionary exemption from mandatory disclosure be construed to make records covered by such discretionary exemption privileged under the rules of discovery, unless disclosure is otherwise prohibited by law. HB 380 adding new § 2.2-3703.1.

One bill adds a new records exemption in FOIA as follows:

- Creates an exemption for certain records of the judicial performance evaluation program. HB 272 amending § 2.2-3705.7 (*NOTE: This bill is awaiting action on the Governor's recommendation.*).

Eight of the ten bills amend existing provisions of FOIA as follows:

- Amends the current provision allowing individual members of public bodies to participate in public meetings by electronic means when a personal matter or emergency prevents their physical attendance. HB 193 and SB 161 amending § 2.2-3708.1;

- Amends an existing record exemption for educational institutions for confidential letters and statements of recommendation placed in the records of educational agencies or institutions to include records respecting an application for promotion. HB 219 amending § 2.2-3705.4;
- Amends an existing exemption for records of administrative investigations to include certain records of investigations conducted by a public institution of higher education relating to individual employment discrimination complaints or audits/investigations of any officer, department, or program at such institutions. HB 703 and SB 78 amending § 2.2-3705.3;
- Amends the existing requirement for state agencies in the executive branch to post a statement of FOIA rights and responsibilities on their website to add a statement regarding allowable charges. HB 837 amending § 2.2-3704.1;
- Adds internal auditors appointed by the head of a state agency or the board of visitors of a public institution of higher education to the list of those who may use a current exemption for audit investigation records. HB 1053 amending § 2.2-3705.3 (*NOTE: This bill is awaiting action on the Governor's recommendation.*);
- Changes the names of the State Lottery Department to the Virginia Lottery, the State Lottery Board to the Virginia Lottery Board, and the State Lottery Fund to the Virginia Lottery Fund. The bill contains numerous technical amendments to accomplish these name changes. HB 1079 amending §§ 2.2-3705.3, 2.2-3705.7, and 2.2-3711.

In addition to bills amending FOIA, note that the General Assembly also passed House Joint Resolution 96 (LeMunyon), which directs the FOIA Council to study all exemptions contained in FOIA to determine the continued applicability or appropriateness of such exemptions and whether FOIA should be amended to eliminate any exemption from FOIA that the FOIA Council determines is no longer applicable or appropriate. The bill requires the FOIA Council to report its findings and recommendations by December 1, 2016.

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, 2014.

II. Amendments to the Freedom of Information Act

§ 2.2-3703.1. Disclosure pursuant to court order or subpoena.

Virginia Freedom of Information Act (FOIA); disclosure pursuant to court order or subpoena. Provides that nothing in FOIA shall have any bearing upon disclosures required to be made pursuant to any court order or subpoena, nor shall any discretionary

exemption from mandatory disclosure be construed to make records covered by such discretionary exemption privileged under the rules of discovery, unless disclosure is otherwise prohibited by law. [NOTE: § 2.2-3703.1 is a new section created by this Act.] HB 380 (2014 Acts of Assembly, c. 319).

§ 2.2-3704.1. Posting of notice of rights and responsibilities by state public bodies; assistance by the Freedom of Information Advisory Council.

Virginia Freedom of Information Act (FOIA); state agencies to post notice of allowable charges for producing records. Requires state agencies in the executive branch to post on their respective public government websites the following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia." HB 837 (2014 Acts of Assembly, c. 421).

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

Office of the State Inspector General; powers and duties; internal auditors. Provides that the performance review of a state agency, nonstate agency, or independent contractor of a state agency conducted by the Office of the Inspector General include assessment of the effectiveness, efficiency, or economy of the agency's programs. The bill gives the State Inspector General the discretion to refer certain complaints to the internal audit department of public institutions of higher education. The bill provides that the State Inspector General may provide assistance for investigations as may be requested by the public institution of higher education. In addition, the bill exempts from mandatory disclosure under the Virginia Freedom of Information Act the investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by law that are provided to or produced by or for internal auditors appointed by the head of a state agency or the board of visitors of a public institution of higher education. The bill contains technical amendments. HB 1053 (*awaiting action on Governor's recommendation*).

Virginia Freedom of Information Act; record exemption for administrative investigations by public institutions of higher education. Exempts from FOIA administrative investigations conducted by a public institution of higher education relating to individual employment discrimination complaints or audits/investigations of any officer, department, or program at such institutions. HB 703 (2014 Acts of Assembly, c. 414) and SB 78 (2014 Acts of Assembly, c. 609).

Virginia state lottery. Changes the names of the State Lottery Department to the Virginia Lottery, the State Lottery Board to the Virginia Lottery Board, and the State Lottery Fund to the Virginia Lottery Fund. The bill contains numerous technical amendments to accomplish these name changes. HB 1079 (2014 Acts of Assembly, c. 225).

§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.

Virginia Freedom of Information Act; record exemption for certain letters of recommendation for promotion. Adds a record exemption for educational institutions for confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting an application for promotion. HB 219 (2014 Acts of Assembly, c. 313).

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

Judicial performance evaluation program. Requires the judicial performance evaluation program, which provides a self-improvement mechanism for judges and a source of information for the reelection process, established by the Supreme Court of Virginia to submit evaluation reports on justices and judges whose terms expire during the next session of the General Assembly to the Chairmen of the House and Senate Committees for Courts of Justice by December 1 of each year. Such reports to the General Assembly are public records, but all other records created or maintained by or on behalf of the program are confidential and exempt from the mandatory disclosure provisions of FOIA. HB 272 (*awaiting action on Governor's recommendation*).

Virginia state lottery. *See summary under § 2.2-3705.3, supra.* HB 1079 (2014 Acts of Assembly, c. 225).

§ 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; participation in meetings in event of emergency or personal matters. Removes the requirement that a public body approve by a majority vote of the members present at a meeting the remote participation in the meeting by one of its members. The bill instead requires the public body to have adopted a written policy allowing for and governing participation, including an approval process for such participation of its members by electronic communication means. Once adopted, the public body shall apply this policy strictly and uniformly, without exception, to its entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. HB 193 (2014 Acts of Assembly, c. 492) and SB 161 (2014 Acts of Assembly, c. 524).

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

Virginia state lottery. *See summary under § 2.2-3705.3, supra.* HB 1079 (2014 Acts of Assembly, c. 225).

III. Other Access-Related Legislation

Title 1 General Provisions.

Courthouse; posting of notices; website. Provides that documents required to be posted by a clerk on or at the front door of a courthouse or on a public bulletin board at a courthouse may instead be posted on the public government website of the locality served by the court. HB 143 (2014 Acts of Assembly, c. 269).

Title 2.2 Administration of Government.

Virginia Business One Stop electronic portal program; participation by State Corporation Commission. Requires the State Corporation Commission (SCC) and the Department of Small Business and Supplier Diversity (DSBSD), by December 1, 2014, to implement a hyperlink from the SCC's eFile system to the Business Permitting Center that will facilitate the collection of a user's information to populate any forms that will be required to be completed at a future date. The measure also requires that the SCC and the DSBSD meet as necessary to further such collaboration. The Secretary of Commerce and Trade is directed to oversee the DSBSD's implementation of the provisions. The Secretary of Commerce and Trade and the Secretary of Technology shall have the opportunity to participate in such meetings. HB 167 (2014 Acts of Assembly, c. 758).

Workforce development. Recasts the Virginia Workforce Council as the Virginia Board of Workforce Development. The Governor is authorized to appoint a Chief Workforce Development Advisor, and related responsibilities of the Governor are assigned to the Chief Workforce Development Advisor, who shall serve as lead staff to the Board. The Office of the Chancellor of the Virginia Community College System will provide staff support to accomplish the federally mandated requirements of the federal Workforce Investment Act. Staff support for the other duties and functions of the Board are to be provided by personnel from the Offices of the Secretaries of Education and Commerce and Trade pursuant to a memorandum of agreement. The bill decreases the membership from 31 to 26 and authorizes the Governor to select his designee from among the cabinet-level officials appointed to the Board. The bill also directs the establishment of an executive committee of the Board, which shall establish meeting agendas, approve reports to the Governor, and respond to certain urgent issues between scheduled Board meetings. The Board is also authorized to establish such other committees as it deems necessary, including (i) a committee to accomplish the federally mandated requirements of the WIA, (ii) an advanced technology committee, (iii) a performance and accountability committee, and (iv) a military transition assistance committee. The bill also establishes the Advanced Manufacturing Advisory Council to advise the Governor,

General Assembly, and Board and to coordinate services, resources, and requests among agencies and institutions of higher education involved or requesting to be involved in the delivery of education and advanced manufacturing workforce training. Finally, the measure repeals the Advantage Virginia Incentive Program, Fund, and Foundation. [NOTE: The bill includes an exemption for certain records containing trade secrets.] HB 1009 (*awaiting action on Governor's recommendation*).

Office of the State Inspector General; powers and duties; internal auditors. *See summary under § 2.2-3705.3, supra.* HB 1053 (*awaiting action on Governor's recommendation*).

State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests Act; Virginia Conflict of Interest and Ethics Advisory Council. Establishes the Virginia Conflict of Interest and Ethics Advisory Council composed of 15 members: four appointments each by the Speaker of the House of Delegates, Senate Committee on Rules, and Governor; one designee of the Attorney General; one representative of the Virginia Association of Counties; and one representative of the Virginia Municipal League. The Council will elect its chairman and vice-chairman. The Council will review and post online the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts and provide formal opinions and informal advice, education, and training. The bill requires the filing of the disclosure forms twice a year. It provides that the Division of Legislative Services will staff the Council, and the Council will transmit complaints of conflict law violations to the ethics advisory panels of the House of Delegates and Senate. The bill prohibits tangible gifts with a value of more than \$250 or a combination of tangible gifts with a value of more than \$250 to certain officers and employees of state or local governmental or advisory agencies or to legislators from a lobbyist; a lobbyist's principal; or a person, business, or organization who is a party to or seeking to become a party to certain governmental contracts. The bill also clarifies the distinction between gifts and other things of value received for travel, reduces a number of disclosure provision thresholds from \$10,000 to \$5,000, and requires the disclosure of gifts to immediate family members. Gifts from a relative or personal friend are not subject to disclosure, but a lobbyist; a lobbyist's principal; or a person, business, or organization who is a party to or seeking to become a party to certain governmental contracts cannot be considered a personal friend. Finally, the bill provides that the provisions of the conflict of interests acts do not preclude prosecution for any criminal law violation, including bribery. [NOTE: The bill provides for confidentiality of the proceedings of the Council, and exempts certain records from FOIA.] HB 1211 (*awaiting action on Governor's recommendation*) and SB 649 (*awaiting action on Governor's recommendation*).

Address Confidentiality Program; victims of stalking. Makes victims of stalking eligible for the Address Confidentiality Program. Under current law, only victims of domestic violence are eligible for participation. The bill also allows the Office of the Attorney General to cancel a program participant's certification if the participant obtains a name change through an order of the court and does not provide notice and a copy of the

order to the Office of the Attorney General within seven days after entry of the order. HB 1233 (2014 Acts of Assembly, c. 439).

Title 12.1 State Corporation Commission.

State Corporation Commission; availability of records. Requires the State Corporation Commission to make available for public inspection records that are related to matters related to the Commission's operational responsibilities and operational functions, including revenues, expenditures, financial management and budgetary practices, personnel policies and practices, and procurement policies and practices. Disclosure of the records is not required if the records are otherwise covered by applicable legal privileges; disclosure of such records could threaten the safety or security of the Commission's employees, physical plant, or information technology assets or data; or the records are not publicly available from other public entities. In addition, the requirement does not apply to records related to the Commission's formal or informal regulatory or legal proceedings or activities. The Commission is required to respond within five business days of receiving requests for administrative records, which may be extended by an additional seven business days if it is impracticable to provide the records requested within that time period. If the scope of the records requested or length of search necessitates, additional time is allowed. When requested records are not provided, the Commission shall notify the requester of the basis of the denial. Records held by the clerk of the Commission related to business entities shall be made public or held confidential in accordance with laws and regulations applicable specifically to such records. HB 1036 (2014 Acts of Assembly, c. 347) and SB 119 (2014 Acts of Assembly, c. 174).

Title 16.1 Courts Not of Record.

Crime victim rights; offenses by juveniles. Expands the list of offenses for which a victim of a delinquent act committed by a juvenile may request that the victim be informed of the charge brought, the findings of the court, and the disposition of the case to include violations of assault and battery, stalking, violation of a protective order, sexual battery, or attempted sexual battery that would be misdemeanors if committed by an adult. The bill also provides that the definition of "victim" for purposes of the Crime Victim and Witness Rights Act includes victims of certain delinquent acts. HB 171 (2014 Acts of Assembly, c. 230).

Title 17.1 Courts of Record.

Judicial performance evaluation program. *See summary under § 2.2-3705.7, supra.* HB 272 (awaiting action on Governor's recommendation).

Clerks; order books; remote access to court records; electronic filing; information technology fees; posting of certain information on the Internet. Provides that circuit court clerks may keep an automated system in lieu of order books and land books as well as allow remote access to such system with regard to nonconfidential court records. The bill permits circuit court clerks to keep court records at a designated location outside of

the clerk's office. The bill also exempts instruments and records that are more than 100 years old from the prohibition against the clerks' posting personal information on the Internet. SB 435 (2014 Acts of Assembly, c. 460).

Title 18.2 Crimes and Offenses Generally.

Concealed handgun permits; records. Provides that any references to the issuance of a concealed handgun permit in any order book before July 1, 2008, are exempt from the requirement that such orders be withheld from public disclosure. The bill also directs circuit court clerks to issue replacement permits to permit holders who undergo a lawful name change. HB 100 (2014 Acts of Assembly, c. 16) and SB 600 (2014 Acts of Assembly, c. 549).

Concealed handgun permit applicant; access to information. Allows a clerk of a circuit court to disclose information contained in a concealed handgun permit application to the applicant. Currently, the clerk may not disclose such information to anyone except a law-enforcement officer acting in the performance of his official duties. HB 357 (2014 Acts of Assembly, c. 401).

Title 19.2 Criminal Procedure.

Warrant requirement for certain telecommunications records; real-time location data. Provides that a provider of electronic communication service or remote computing service shall not disclose real-time location data to an investigative or law-enforcement officer except pursuant to a search warrant, subject to certain exceptions. The bill defines "real-time location data" as data or information concerning the current location of an electronic device that is generated, derived from, or obtained by the operation of the device. HB 17 (2014 Acts of Assembly, c. 388).

Background checks of applicants of the Metropolitan Washington Airports Authority. Authorizes the chief of the Metropolitan Washington Airports Authority police department, or his designee, to conduct criminal background checks through the Central Criminal Records Exchange and the Federal Bureau of Investigation on applicants who have been conditionally offered employment with the Authority. The applicant's criminal history record information obtained by the chief must otherwise be kept confidential. The bill also establishes criteria that the Authority must consider in determining whether an applicant's criminal conviction directly relates to the position offered. HB 164 (2014 Acts of Assembly, c. 57).

Crime victim rights; offenses by juveniles. *See summary under Title 16.1, supra.* HB 171 (2014 Acts of Assembly, c. 230).

Witness's right to nondisclosure of certain information. Adds witnesses in criminal prosecutions of manufacturing, selling, giving, etc., a controlled substance and of violent felonies to the list of those witnesses who may request to have their addresses, telephone numbers, and places of employment withheld from disclosure. The bill also prohibits an

attorney who issues a summons for a witness in a criminal case from filing the names and addresses of witnesses who are protected from disclosure of such information with the clerk of the court. SB 640 (2014 Acts of Assembly, c. 744).

Title 23 Educational Institutions.

Restrictions on student speech at institutions of higher education; limitations. Prohibits public institutions of higher education from imposing restrictions on the time, place, and manner of student speech that occurs in the outdoor areas of the institution's campus and is protected by the First Amendment to the United States Constitution unless the restrictions (i) are reasonable, (ii) are justified without reference to the content of the regulated speech, (iii) are narrowly tailored to serve a significant governmental interest, and (iv) leave open ample alternative channels for communication of the information. HB 258 (2014 Acts of Assembly, c. 559).

Title 24.2 Elections.

Local electoral boards; meetings, proceedings, and records. Provides that the general registrar shall determine a reasonable charge, not to exceed the statutory amount set for copies of court records, for copies made of local electoral board books, papers, and records. HB 275 (2014 Acts of Assembly, c. 395).

Title 33.1 Highways, Bridges and Ferries.

Revision of Title 33.1. Creates proposed Title 33.2 (Highways and Other Surface Transportation Systems) as a revision of existing Title 33.1 (Highways, Bridges and Ferries), as well as portions of Titles 15.2 (Counties, Cities and Towns), 56 (Public Service Companies), and 58.1 (Taxation). Proposed Title 33.2 consists of 32 chapters divided into four subtitles: Subtitle I (General Provisions and Transportation Entities); Subtitle II (Modes of Transportation: Highways, Bridges, Ferries, Rail, and Public Transportation); Subtitle III (Transportation Funding and Development); and Subtitle IV (Local and Regional Transportation). This bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to highways, bridges, ferries, rail and public transportation, transportation funding, and local and regional transportation. This bill has a delayed effective date of October 1, 2014. This bill is a recommendation of the Virginia Code Commission. [NOTE: Contains multiple references to records exemptions, as well as provisions concerning meetings of transportation district commissions.] HB 311 (*awaiting action on Governor's recommendation*).

Title 38.2 Insurance.

Insurance holding companies. Revises the requirements applicable to insurance holding companies to conform to the National Association of Insurance Commissioners' Insurance Holding Company System Regulatory Act and Insurance Holding Company System Model Regulation. The measure expands insurance regulators' examination

authority to ascertain the financial condition of the insurer. The bill (i) requires the ultimate controlling person of an insurance holding company system to submit a confidential Enterprise Risk filing; (ii) requires the parent company seeking to divest its interest in an insurance company subsidiary to provide notice to the domestic regulator prior to the divestiture; (iii) requires the insurer's board of directors to make statements regarding the corporate governance and internal control responsibilities within the registration statement; (iv) subjects the cost-sharing services and management agreements among affiliated entities to minimum reporting requirements; and (v) adds confidentiality protections for information shared. The State Corporation Commission will be authorized to participate in supervisory colleges, which will be used by regulators to coordinate supervision of an insurance holding company system that has national and international operations. The measure also makes dental and optometric services plans subject to the insurance holding company provisions, and dental plan organizations subject to requirements regarding risk-based capital. The holding companies requirements in effect on June 30, 2014, will continue to apply to any insurance holding company transaction commenced prior to January 1, 2015, unless otherwise provided. HB 109 (2014 Acts of Assembly, c. 309).

Insurance contracts; principle-based reserve basis; use of valuation manual. Requires insurance companies to use (i) a principle-based reserve basis for life, annuity, and accident and health insurance contracts and (ii) a Valuation Manual adopted by the National Association of Insurance Commissioners (NAIC). The measure implements the NAIC's revised Standard Valuation Law model (SVL). The revised model authorizes a principle-based reserve (PBR) basis for life, annuity, and accident and health contracts. A PBR valuation is a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer pursuant to requirements contained in the SVL and the Valuation Manual. The NAIC's Valuation Manual contains both PBR and non-PBR requirements and requirements regarding actuarial opinions and corporate governance. The Valuation Manual will become effective on January 1 of the first calendar year following the first July 1 as of which certain requirements have been met, including a condition that at least 42 states or other U.S. jurisdictions have enacted the revised SVL or substantially similar terms and provisions. The measure has a delayed effective date of January 1, 2015. [Note: The bill contains several provisions concerning the confidentiality of certain records.] HB 631 (2014 Acts of Assembly, c. 571).

Title 44 Military and Emergency Laws.

First informer broadcaster. Provides that state and local governmental agencies shall grant first informer broadcasters access to their broadcasting station or television system within an area declared a state of emergency area by the Governor for the purpose of provision of news, public service and public safety information, and repairing or resupplying their facility or equipment. A first informer is defined as the critical personnel of a radio or television broadcast station engaged in (i) the process of broadcasting; (ii) the maintenance or repair of broadcast station equipment, transmitters, and generators; or (iii) the transportation of fuel for generators of broadcast stations. HB 310 (2014 Acts of Assembly, c. 561).

Title 46.2 Motor Vehicles.

Commercial driver's licenses, etc.; compliance with federal requirements. Amends several sections relating to commercial driver's licenses to comply with new Federal Motor Carrier Safety Administration requirements relating to commercial motor vehicles and prohibited use of handheld mobile telephones in commercial motor vehicles. The bill also requires distracted driving to be included as a part of the driver's license knowledge examination to comply with MAP-21 (Moving Ahead for Progress in the 21st Century Act, P.L. 112-141). In addition, the bill provides that DMV may continue to disclose personal information from crash reports, but only if otherwise authorized by law in order to comply with federal law. HB 662 (2014 Acts of Assembly, c.77) and SB 565 (*awaiting action on Governor's recommendation*).

Title 51.5 Persons With Disabilities.

Office of the State Long-Term Care Ombudsman. Provides that the entity designated by the Department for Aging and Rehabilitative Services to operate the programs of the Office of the State Long-Term Care Ombudsman shall have access to facilities, clients, patients, individuals receiving services, and the records of such clients, patients, and individuals in licensed assisted living facilities, licensed adult day care centers, home care organizations, hospice facilities, certified nursing facilities and nursing homes, providers as defined in § 37.2-403, state hospitals operated by the Department of Behavioral Health and Developmental Services, and providers of services by an area agency on aging or any private nonprofit or proprietary agency whenever the entity has the consent of the client, patient, or individual receiving services or his legal representative. The bill provides that if a client, patient, or individual receiving services is unable to consent to the review of his medical and social records and has no legal representative, and access to the records is necessary to investigate a complaint, access shall be granted to the extent necessary to conduct the investigation. The bill provides that access also shall be granted if a legal representative of the client, patient, or individual receiving services refuses to give consent and the entity has reasonable cause to believe that the legal representative is not acting in the best interests of the client, patient, or individual receiving services. HB 240 (2014 Acts of Assembly, c. 120) and SB 572 (2014 Acts of Assembly, c. 98).

Title 54.1 Professions and Occupations.

Prescription Monitoring Program; disclosure method. Specifies that when the Director, in his discretion, discloses information that is in the possession of the program concerning a recipient who is over the age of 18 to that recipient, the information shall be mailed to the street or mailing address indicated on the recipient request form. HB 923 (2014 Acts of Assembly, c. 12) and SB 526 (2014 Acts of Assembly, c. 97).

Title 55 Property and Conveyances.

Condominium and Property Owners' Association Acts; notice for requests to examine association records. Provides that, notwithstanding any provision of law to the contrary, the right of examination of association books and records may be exercised upon five business days' written notice for a professionally managed association and 10 business days' written notice for a self-managed association, which notice reasonably identifies the purpose for the request and the specific books and records of the association requested. HB 550 (2014 Acts of Assembly, c. 207).

Title 58.1 Taxation.

Unlawful dissemination or publication of tax information. Changes the unlawful dissemination or publication of tax information from a Class 2 to a Class 1 misdemeanor. HB 99 (2014 Acts of Assembly, c. 194).

Disclosure of certain tax information. Requires the Department of Taxation to disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of how few the number of taxpayers, upon request by the General Assembly or any duly constituted committee of the General Assembly. Under current practice, the Department of Taxation does not disclose such information if fewer than four taxpayers took the deduction or credit. HB 121 (2014 Acts of Assembly, c. 195).

Title 64.2 Wills, Trusts, and Fiduciaries.

Filing of evaluation reports for incapacitated persons; requirement for filing under seal. Requires that medical evaluation reports filed in guardian or conservator proceedings before the circuit court be filed under seal. The bill also requires that a copy of the report be provided to the guardian ad litem, the respondent, and all adult individuals and entities whose names and post office addresses appear in the petition within a reasonable time prior to the hearing on the petition. HB 413 (2014 Acts of Assembly, c. 402).

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