

Department of Planning and Budget 2003 Fiscal Impact Statement

1. Bill Number HB2426

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Nixon

3. Committee Passed Both Houses

4. Title Posting certain information on the Internet; prohibitions.

5. Summary/Purpose: Provides that beginning January 1, 2004, no court clerk shall post on a court-controlled website any document that contains the following information: (i) an actual signature; (ii) a social security number; (iii) a date of birth identified with a particular person; (iv) the maiden name of a person's parent so as to be identified with a particular person; (v) any financial account number or numbers; or (vi) the name and age of any minor child. Each such clerk shall post notice that includes a list of the documents routinely posted on its website.

6. Fiscal Impact Estimates: Final; See Item 8.

7. Budget amendment necessary: No.

8. Fiscal implications: This legislation could have a fiscal impact on circuit court clerks, which could impact the Compensation Board. Otherwise, this legislation is not expected to have a fiscal impact on state agencies.

The level of impact would depend on the action taken by the clerk to meet the new mandates. For instance, clerks could decide to take the information off the Internet completely. However, some localities have been able to limit staffing, equipment and office space needs by utilizing the Internet. Fairfax, by taking information off the Internet, would require an offsite location with 100 viewing stations (with printers and staff) in order to provide service to those that need access to the data (i.e., title examiners, etc.). Fairfax also noted that the offsite location would need extended hours to accommodate users (evenings and Saturdays). Fairfax estimated a fiscal impact of \$500,000 annually and a minimum of four additional deputy clerk positions. The Compensation Board reported that the state's share of one fully funded deputy clerk position would cost about \$20,772 per year.

Another response could be to eliminate the prohibited information from the copy of the documents to be posted. Wise and Scott Counties can illustrate the potential fiscal impact on even a small office. Wise County projected a fiscal impact of \$50,000 annually to set up technology operations to store two separate documents on separate servers and scanning twice as many documents. Scott County estimated the fiscal impact of the proposed legislation to be \$35,000 plus 2.5 additional deputy clerk positions. The Compensation

Board reports that the state's share of one fully funded deputy clerk position would cost about \$20,772 per year.

And another response could be to establish a site that could only be accessed by subscription. This response would prohibit citizens free access to their own records unless they were subscribers. However, this response probably would not require clerks to remove the prohibited information from existing or future documents. It would also probably be self-sufficient, since fees could be set at a level to pay for implementing a subscription service.

9. Specific agency or political subdivisions affected: Court clerks statewide.

10. Technical amendment necessary: No.

11. Other comments: None.

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cc: Secretary of Administration
Secretary of Finance