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SENATE BILL NO. 241

Offered January 14, 2004

Prefiled January 13, 2004

A *BILL to amend and reenact § 17.1-279 of the Code of Virginia, relating to Technology Trust Fund Fee.*

Patron—Norment

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-279 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-279. (Expires July 1, 2008) Additional fee to be assessed by circuit court clerks for information technology.

A. In addition to the fees otherwise authorized by this chapter, the clerk of each circuit court shall assess a \$3 \$5 fee, known as the "Technology Trust Fund Fee," in each law and chancery action, upon each instrument to be recorded in the deed books, and upon each judgment to be docketed in the judgment lien docket book. Such fee shall be deposited by the State Treasurer into a trust fund. The State Treasurer shall maintain a record of such deposits. *Except for transfers to circuit court clerks pursuant to this section, there shall be no transfers out of the fund, including transfers to the general fund, regardless of the balance of the fund.*

B. ~~Two~~ Four dollars of every \$3 \$5 fee shall be allocated by the Compensation Board from the trust fund for the purposes of: (i) *developing and updating individual land records automation plans for individual circuit court clerks' offices;* (ii) *implementing automation plans to modernize land records in individual circuit court clerks' offices and provide remote access to land records throughout the Commonwealth;* (iii) obtaining and updating office automation and information technology equipment, including software and conversion services including case management systems; ~~(ii)~~ (iv) preserving, maintaining and enhancing court records, including, but not limited to, the costs of repairs, maintenance, service contracts and system upgrades which may include, but not necessarily be limited to, a digital imaging system; and ~~(iii)~~ (v) improving public access to court records. The Compensation Board in consultation with the circuit court clerks and other users of court records shall develop and update policies governing the allocation of funds for these purposes. In allocating funds, the Compensation Board may consider the current automation of the clerks' offices and the recommendations made in the 1996 report by the Joint Legislative Audit and Review Commission (JLARC) regarding automation of the circuit court clerks' offices. Except for improvements as provided in subsection E, such policies shall require a clerk to submit to the Compensation Board a written certification from the Virginia Information Technologies Agency that the clerk's proposed technology improvements will be compatible with a system to provide statewide remote access to land records in accordance with the recommendations of JLARC and the Task Force on Land Records Management (the Task Force) established by the Virginia Information Technologies Agency. *The Compensation Board policies governing the allocation of funds shall require that a clerk submit to the Compensation Board a written certification that the clerk's proposed technology improvements of his land records will accommodate remote access to those land records on a statewide basis.*

The annual budget submitted by each circuit court clerk pursuant to § 15.2-1636.7 may include a request for technology improvements in the upcoming fiscal year to be allocated by the Compensation Board from the trust fund. Such request shall not exceed the deposits into the trust fund credited to that locality. The Compensation Board shall allocate the funds requested by the clerks in an amount not to exceed the deposits into the trust fund credited to their respective localities.

C. The remaining \$1 of each such fee ~~may shall~~ be allocated by the Compensation Board from the trust fund for the purposes of (i) ~~funding studies to develop and update individual land records automation plans for individual circuit court clerks' offices and~~ (ii) ~~implementing enumerated in subsection B to implement the plan to modernize land records in individual circuit court clerk's clerks' offices and provide remote access to land records throughout the Commonwealth. The allocations pursuant to this subsection shall be based upon the deposits into the trust fund credited to that locality, with priority given to those individual clerks' offices whose deposits into the trust fund would not be sufficient to implement its modernization plan. The Compensation Board policies governing the allocation of funds shall require that a clerk submit to the Compensation Board a written certification that the clerk's proposed technology improvements of his land records will accommodate remote access to those land records on a statewide basis.~~

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SB241

59 D. Remote access to land records shall be by paid subscription service through individual circuit
60 court clerk's offices pursuant to § 17.1-276, or through designated application service providers.

61 D.E. Such fee shall not be assessed to any instrument to be recorded in the deed books nor any
62 judgment to be docketed in the judgment lien docket books tendered by any federal, state or local
63 government.

64 E. ~~Notwithstanding any other provisions of this chapter, each circuit court clerk~~ *F. If a circuit court*
65 *clerk has implemented an automation plan for his land records, with remote access on a statewide*
66 *basis, then that clerk may apply to the Compensation Board for an allocation from the Technology Trust*
67 *Fund for automation and technology improvements for any one or more of the following: (i) equipment*
68 *and services to convert paper, microfilm, or similar documents to a digital image format; (ii) the*
69 *conversion of information into a format which will accommodate remote access; and (iii) the law and*
70 *chancery division of his office. However, allocations for (iii) above shall not exceed the pro rata share*
71 *of the collections of the \$3 fee relative to the chancery and law actions filed in the jurisdiction as*
72 *provided in this section. If a clerk has implemented the technology plan approved by the Virginia*
73 *Information Technologies Agency referred to in subsection B, and such plan has been amended to*
74 *reflect the clerk's automation progress and has been submitted to the Virginia Information Technologies*
75 *Agency at least biennially beginning July 1, 2002, the Compensation Board may approve an application*
76 *for an allocation that exceeds the pro rata share of collections of the \$3 fee relative to the chancery and*
77 *law actions filed in that jurisdiction. in the law and chancery divisions, or the criminal division, of his*
78 *office. Such request shall not exceed the deposits into the trust fund credited to that locality. The*
79 *Compensation Board in approval of such application shall consider what local funds have been spent by*
80 *the jurisdiction to accelerate the implementation of the technology plan approved by the Virginia*
81 *Information Technologies Agency in each circuit court clerk's office.*

82 F.G. Information regarding the technology programs adopted by the circuit court clerks shall be
83 shared with the Virginia Information Technologies Agency, The Library of Virginia, and the Office of
84 the Executive Secretary of the Supreme Court.

85 G.H. Nothing in this section shall be construed to diminish the duty of local governing bodies to
86 furnish supplies and equipment to the clerks of the circuit courts pursuant to § 15.2-1656. Revenue
87 raised as a result of this section shall in no way supplant current funding to circuit court clerks' offices
88 by local governing bodies.

89 H.I. The provisions of this section shall expire on July 1, 2008.