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## SENATE BILL NO. 902

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules

on February 4, 2005)

(Patron Prior to Substitute—Senator Norment)

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

**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. 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 \$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.

B. Four dollars of every \$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 secure remote access to land records throughout the Commonwealth; (iii) obtaining and updating office automation and information technology equipment including software and conversion services; (iv) preserving, maintaining and enhancing court records, including, but not limited to, the costs of repairs, maintenance, service contracts and system upgrades; and (v) improving public access to court records. The Compensation Board in consultation with circuit court clerks and other users of court records shall develop and update policies governing the allocation of funds for these purposes. However, such funds shall not be used for personnel costs within the circuit court clerks' offices. 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 secure 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 be allocated by the Compensation Board from the trust fund (i) for the purposes of funding studies to develop and update individual land-records automation plans for individual circuit court clerks' offices, at the request of and in consultation with the individual circuit court clerk's offices, and (ii) for the purposes enumerated in subsection B to implement the plan to modernize land records in individual circuit court clerks' offices and provide secure remote access to land records throughout the Commonwealth. The allocations pursuant to this subsection may give priority 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 secure remote access to those land records on a statewide basis.

D. Secure remote access to land records shall be by paid subscription service through individual circuit court clerk's offices pursuant to § 17.1-276, or through designated application service providers. Compliance with security standards developed by the Virginia Information Technologies Agency pursuant to § 2.2-3808.2 shall be certified by the individual circuit court clerks' offices to the Virginia Information Technologies Agency and the Compensation Board. The individual circuit court clerk's office or its designated application service provider shall certify compliance with such security standards. Nothing in this section shall prohibit the Compensation Board from allocating trust fund money to individual circuit court clerks' offices for the purpose of complying with such security standards.

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

F. If a circuit court clerk has implemented an automation plan for his land records that will accommodate secure remote access on a statewide basis, then that clerk may apply to the Compensation Board for an allocation from the Technology Trust Fund for automation and technology improvements

60 in the law and chancery divisions, or the criminal division, of his office. Such request shall not exceed  
61 the deposits into the trust fund credited to that locality. The Compensation Board in approval of such  
62 application shall consider what local funds have been spent by the jurisdiction to accelerate the  
63 implementation of the technology plan approved by the Virginia Information Technologies Agency in  
64 each circuit court clerk's office.

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

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

72 I. It is the intent of the General Assembly that all circuit court clerks provide secure remote access to  
73 land records on or before July 1, 2006.

74 J. *Effective July 1, 2006, except for transfers pursuant to this section, there shall be no transfers out*  
75 *of the fund, including transfers to the general fund.*