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HOUSE BILL NO. 1946

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 30, 2009)

(Patron Prior to Substitute—Delegate Peace)

A BILL to amend and reenact §§ 17.1-279 and 17.1-502 of the Code of Virginia, relating to case and financial management systems; interface with circuit courts.

Be it enacted by the General Assembly of Virginia:**1. That §§ 17.1-279 and 17.1-502 of the Code of Virginia are 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 civil 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 pursuant to § 17.1-294; (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, land records, consulting services, service contracts, redaction of social security numbers from land records, and system replacements or 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 provide secure remote access to those land records on or before July 1, 2008.

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 provide secure remote access to those land records on or before July 1, 2008.

D. 1. 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 secure remote access standards developed by the Virginia Information Technologies Agency pursuant to § 17.1-294 shall be certified by the individual circuit court clerks' offices to the Compensation Board. The individual circuit court clerk's office or its designated application service provider shall certify compliance with such secure remote access 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 secure remote access standards or redaction of social security numbers from land records.

2. If a circuit court clerk proceeds to accelerate the redaction of social security numbers from land records using local funds, the clerk may request reimbursement for such expenditures from the Technology Trust Fund in accordance with clause (iv) of subsection B to provide reimbursement to the locality for advancing such funds in the fiscal year in which such local expenditures are incurred. For

60 local expenditures to accelerate the redaction of social security numbers from land records incurred in
61 prior fiscal years for which reimbursement has not been previously made, the Compensation Board may
62 approve payment to the locality in accordance with clause (iv) of subsection B upon certification by the
63 locality that it has advanced such funds.

64 3. Every circuit court clerk shall provide secure remote access to land records pursuant to § 17.1-294
65 on or before July 1, 2008.

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

69 F. If a circuit court clerk provides secure remote access to land records on or before July 1, 2008,
70 then that clerk may apply to the Compensation Board for an allocation from the Technology Trust Fund
71 for automation and technology improvements in his office that are not related to land records. *If such an*
72 *application includes automation or technology improvements that would require an interface with the*
73 *case management system or the financial management system operated and maintained by the Executive*
74 *Secretary of the Supreme Court for the purpose of providing electronic information to state agencies in*
75 *accordance with § 17.1-502, the circuit court clerk, or the court's designated application service*
76 *provider, shall certify to the Compensation Board that such automation or technology improvements will*
77 *comply with the security and data standards of the systems operated and maintained by the Executive*
78 *Secretary of the Supreme Court.* Such request shall not exceed the deposits into the trust fund credited
79 to that locality.

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

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

87 I. Effective July 1, 2006, except for transfers pursuant to this section, there shall be no transfers out
88 of the ~~fund~~ *Technology Trust Fund*, including transfers to the general fund.

89 § 17.1-502. Administrator of circuit court system.

90 The Executive Secretary of the Supreme Court shall be the administrator of the circuit court system,
91 *which shall include responsibility for the operation and maintenance of a case management system and*
92 *financial management system, and related technology improvements, that the Executive Secretary shall*
93 *deem necessary for the administration of the circuit court system. The Executive Secretary shall permit*
94 *an interface with the case management system, financial management system, and related technology*
95 *improvements for the purpose of providing electronic information to state agencies, upon request of any*
96 *circuit court that uses automation or technology improvements provided by a private vendor or the*
97 *locality. The circuit court clerk and the clerk's designated application service provider shall comply with*
98 *the security and data standards established by the Executive Secretary for any such interface between a*
99 *case management or financial management system operated by a circuit court clerk and the systems of*
100 *the Executive Secretary. The costs of designing, implementing, and maintaining any such interface with*
101 *the systems of the Executive Secretary shall be the responsibility of the circuit court clerk. Any expenses*
102 *incurred within the office of the Executive Secretary, not to exceed \$104,280, related to the operation*
103 *and maintenance of such interfaces with the case management system and financial management system*
104 *shall be reimbursed through the Technology Trust Fund established pursuant to subsection A of*
105 *§ 17.1-279. He* *The Executive Secretary shall assist the chief judges in the performance of their*
106 *administrative duties. He may employ such staff and other assistants, from state funds appropriated to*
107 *him for the purpose, as may be necessary to carry out his duties, and may secure such office space as*
108 *may be requisite, to be located in an appropriate place to be selected by the Executive Secretary.*