

SENATE JOINT RESOLUTION NO. 359

Continuing the Joint Subcommittee to Study the Operations of Circuit Court Clerks' Offices. Report.

Agreed to by the Senate, February 4, 2009
Agreed to by the House of Delegates, February 26, 2009

WHEREAS, Senate Joint Resolution No. 336 (2005) established the Joint Subcommittee to Study the Operations of Circuit Court Clerks' Offices; and

WHEREAS, Senate Joint Resolution No. 99 (2008) continued the Joint Subcommittee to Study the Operations of Circuit Court Clerks' Offices; and

WHEREAS, a number of issues continue to stress the operation of circuit court clerks' offices throughout the Commonwealth, including staffing shortages, security concerns, funding needs, technology-related needs, and numerous other issues; and

WHEREAS, each individual circuit court clerk's office is operated by a constitutional officer and funded through state and local funds; and

WHEREAS, although the General Assembly has provided increases in funding for deputy sheriffs and assistant Commonwealth's attorneys, increases in funding have not been provided to circuit court clerks, a key part of the public safety structure in the Commonwealth; and

WHEREAS, around the Commonwealth, clerks' offices are operating significantly below the level of staffing recommended by the state, causing an overall impediment for clerks to perform their statutory duties; and

WHEREAS, the clerks provide essential services in the Commonwealth, requiring that the clerks' offices have adequate personnel and technology to fulfill those critical obligations; and

WHEREAS, the 2007 General Assembly established a requirement for clerks to provide secure remote access to land records on or before July 1, 2008, and a requirement to redact social security numbers from land records on or before July 1, 2010, both of which require implementation, in order to continue to balance efficiencies of operation and the right of remote access of the public with the rights of privacy of citizens of the Commonwealth; and

WHEREAS, the 2007 General Assembly provided enabling authority for clerks to provide technology to permit electronic recording of land records throughout the Commonwealth, which will require further study over the next several years to completely implement; and

WHEREAS, there still exists overlap in the proper functioning of clerks' offices with respect to other agencies, and such duties relating to fines and costs, concealed weapons permits, and restitution, among other duties, which upon further study, could be consolidated and streamlined, resulting in efficiencies both in terms of operation and funding; and

WHEREAS, the clerks' office operations are funded in part by state funds and in part by local funds, and further study of the existing funding of clerks' offices could result in efficiencies and identification of revenues to ensure proper funding of clerks' offices; and

WHEREAS, the issues referenced herein are complex and could not be resolved by the normal committee process in the General Assembly; and

WHEREAS, the study to assess the overall operations of clerks' offices in the Commonwealth and to explore how best to address these issues to maintain the level of service expected by the citizenry has not been completed; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Subcommittee to Study the Operations of Circuit Court Clerks' Offices be continued. The joint subcommittee shall have a total membership of 13 members that shall consist of six legislative members, five nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: two members of the Senate to be appointed by the Senate Committee on Rules; four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member who is a circuit court judge appointed by the Senate Committee on Rules and recommended by the Judicial Council; one nonlegislative citizen member who is a circuit court clerk to be appointed by the Senate Committee on Rules; one nonlegislative citizen member who is a circuit court judge appointed by the Speaker of the House of Delegates and recommended by the Judicial Council; and two nonlegislative citizen members who are circuit court clerks to be appointed by the Speaker of the House of Delegates. The Executive Secretary of the Supreme Court of Virginia or his designee and the Executive Secretary of the Compensation Board or his designee shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. The current members appointed by the Speaker of the House of Delegates shall be subject to

reappointment. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. Vacancies shall be filled by the original appointing authority. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings, and the direct costs of this study shall not exceed \$18,000 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2009, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2010 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the interim.