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HOUSE BILL NO. 963

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 9, 1996)

(Patron Prior to Substitute—Delegate Robinson)

A BILL to amend the Code of Virginia by adding a section numbered 14.1-125.2, relating to certain fees to be assessed by circuit court clerks for information technology.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 14.1-125.2 as follows:

§ 14.1-125.2. Additional fee to be assessed by circuit court clerks for information technology.

A. In addition to the fees authorized by this chapter, the clerk of each circuit court shall assess a three-dollar fee, known as the "Technology Trust Fund Fee," in every law and chancery action upon each (i) instrument to be recorded in the deed books and (ii) judgment to be docketed in the judgment lien docket books. Such fee shall be deposited by the State Treasurer into a trust fund which shall be administered by the Compensation Board. The State Treasurer shall maintain a record of the deposits into the trust fund credited to each locality. Two dollars of each such fee shall be utilized for the purposes of: (i) obtaining office and information technology equipment, including software and conversion services; (ii) preserving, maintaining and enhancing court records, including, but not limited to, the costs of repairs, maintenance, service contracts and system upgrades; and (iii) improving public access to court records. In determining the allocation of these funds from the trust fund, the Compensation Board shall consider the current automation of the clerks' offices and the recommendations made in any study conducted by the Department of Information Technology (the "Department") regarding automation of the circuit court clerks' offices.

B. The remaining one dollar of each such fee shall be utilized for the purposes of (i) funding studies by (a) the Department to design a remote-access system, accessible to end-users on a uniform, statewide basis, which interfaces with the multiple systems used by the circuit court clerks' offices and (b) the House Appropriations Committee (the "Committee") to determine uniform, statewide implementation strategies and a budget for the remote-access system and to establish guidelines for additional fees, such as hook-up fees, connect-time charges, and transaction fees, to be charged by the circuit court clerks for such remote access; and (ii) implementing the remote-access system developed by the Department pursuant to its study. In conducting their respective studies, the Department and the Committee shall receive input from circuit court clerks, attorneys, bankers, appraisers, title companies, realtors, and other end-users of such instruments and judgments.

C. 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.

D. Information regarding the technology programs adopted by the circuit court clerks shall be shared with the Department of Information Technology, the State Library of Virginia, and the Office of the Executive Secretary of the Supreme Court.

E. The annual budget submitted by each circuit court clerk pursuant to § 14.1-50 shall include a request for the technology improvements that the clerk deems appropriate in the upcoming fiscal year. Such request shall not exceed two-thirds of the total deposits into the trust fund credited to that locality for the previous fiscal year. The Compensation Board shall allocate the funds requested by the clerks in an amount not to exceed the two-thirds of the total deposits into the trust fund credited to their respective localities in the previous fiscal year.

F. Nothing in this section shall be construed to diminish the duty of local governing bodies to furnish supplies and equipment to the clerks of the circuit courts pursuant to § 15.1-19. Revenue raised as a result of this section shall in no way supplant current funding to circuit court clerks' offices by local governing bodies.

2. That the provisions of this act shall expire on July 1, 1997.