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HOUSE BILL NO. 2579

Offered January 20, 1997

A BILL to amend and reenact § 14.1-125.2 of the Code of Virginia and to repeal the second enactment of Chapter 431 of the 1996 Acts of Assembly, relating to fees assessed by circuit court clerks for information technology.

Patron—Robinson

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 14.1-125.2 of the Code of Virginia is amended and reenacted as follows:**

§ 14.1-125.2. 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 three-dollar 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. ~~Two dollars of every~~ Every three-dollar fee shall be allocated by the Compensation Board from the trust fund 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. The Compensation Board in consultation with the circuit court clerks shall develop policies governing the allocation of funds for these purposes. In allocating funds, 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.~~

The annual budget submitted by each circuit court clerk pursuant to § 14.1-50 shall 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 one dollar of each such fee shall be allocated by the Compensation Board from the trust fund for the purposes of (i) funding studies by 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, to determine uniform, statewide implementation strategies, and allocations to circuit court clerks 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 its study, the Department shall receive input from circuit court clerks, attorneys, bankers, appraisers, title companies, realtors, and other end-users of such instruments and judgments.~~

~~D.~~ 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.

~~E.~~ 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.

~~F.~~ E. 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 second enactment of Chapter 431 of the 1996 Acts of Assembly is repealed.

INTRODUCED

HB2579