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HOUSE BILL NO. 675

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Courts of Justice
on February 1, 2002)

(Patron Prior to Substitute—Delegate Reese)

A BILL to amend and reenact § 17.1-279 of the Code of Virginia, relating to information technology 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. (Expires July 1, 2002) 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 three-dollar fee shall be allocated by the Compensation Board from the trust fund for the purposes of: (i) obtaining office automation 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 which may include, but not necessarily be limited to, a digital imaging system; and (iii) improving public access to court records. The Compensation Board in consultation with the circuit court clerks and other users of court records shall develop policies governing the allocation of funds for these purposes. In allocating funds, the Compensation Board may consider the current automation of the clerks' offices and the recommendations made in the 1996 report by the Joint Legislative Audit and Review Commission (JLARC) regarding automation of the circuit court clerks' offices. Except for improvements as provided in subsection E, such policies shall require a clerk to submit to the Compensation Board a written certification from the Department of Technology Planning that the clerk's proposed technology improvements will be compatible with a system to provide statewide remote access to land records in accordance with the recommendations of JLARC and the Task Force on Land Records Management (the Task Force) established by the Department of Technology Planning.

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 one dollar of each such fee may be allocated by the Compensation Board from the trust fund for the purposes of (i) funding studies to develop and update individual land-records automation plans for individual circuit court clerks' offices and (ii) implementing the plan to modernize land records in individual circuit court clerk's offices and provide remote access to land records throughout the Commonwealth.

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. Notwithstanding any other provisions of this chapter, each circuit court clerk may apply to the Compensation Board for an allocation from the Technology Trust Fund for automation and technology improvements for any one or more of the following: (i) equipment and services to convert paper, microfilm, or similar documents to a digital image format, (ii) the conversion of information into a format which will accommodate remote access, and (iii) the law and chancery division of his office. However, allocations for (iii) above shall not exceed the pro rata share of the collections of the three-dollar fee relative to the chancery and law actions filed in the jurisdiction as provided in this section. *If a clerk has implemented the technology plan approved by the Department of Technology Planning referred to in subsection B, the Compensation Board may approve an application for an allocation that exceeds the pro rata share of collections of the three-dollar fee relative to the chancery and law actions filed in that jurisdiction. The Compensation Board in approval of such application shall consider what local funds have been spent by the jurisdiction to accelerate the implementation of the technology plan approved by the Department of Technology Planning.*

F. Information regarding the technology programs adopted by the circuit court clerks shall be shared with the Department of Information Technology, The Library of Virginia, and the Office of the

60 Executive Secretary of the Supreme Court.

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

65 H. The provisions of this section shall expire on July 1, ~~2002~~2004.