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HOUSE BILL NO. 482

Offered January 11, 2012

Prefiled January 10, 2012

A *BILL to amend and reenact § 17.1-279 of the Code of Virginia, relating to circuit court clerks; technology fee.*

Patrons—Iaquinto and Surovell

Referred to Committee for Courts of Justice

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. 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 \$4 fee, known as the "Local 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~~ The fee shall be paid to the clerk's office and deposited by the State Treasurer clerk into a trust the clerk's nonreverting local fund to be used to cover operational expenses as set forth in § 17.1-276. The State Treasurer clerk shall maintain a record of such deposits.

B. ~~Four dollars of every \$5 fee shall~~ In addition to the fees otherwise authorized by this chapter, the clerk of each circuit court shall assess a \$1 fee, known as the "State 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. The fee shall be paid by the clerk to the State Treasurer and deposited by the State Treasurer into a trust fund. The fee may be allocated by the Compensation Board from the trust fund to individual circuit court clerks' offices whose deposits into the clerk's nonreverting local fund pursuant to subsection A are not sufficient for the purposes of: (i) developing and updating individual land records automation plans for such individual circuit court clerks' offices; (ii) implementing automation plans to modernize land records in such 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, including locating technology in an offsite facility for such purposes or for the implementation of a disaster recovery plan. 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 comply with the provisions of this section.

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-C. 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.

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HB482

59 The clerk may require any entity that is a nonresident of the Commonwealth, prior to becoming a
60 subscriber, to demonstrate that such entity is authorized to do business in Virginia and is in good
61 standing with the State Corporation Commission or other applicable state or federal regulatory agency
62 and that such entity will comply with the secure remote access standards developed by the Virginia
63 Information Technologies Agency pursuant to § 17.1-294. In the case of an individual, the clerk may
64 require a person who is a nonresident of the Commonwealth to demonstrate that such person has a legal
65 presence in Virginia and will comply with the secure remote access standards developed by the Virginia
66 Information Technologies Agency pursuant to § 17.1-294. Compliance with secure remote access
67 standards developed by the Virginia Information Technologies Agency pursuant to § 17.1-294 shall be
68 certified by the individual circuit court clerks' offices to the Compensation Board. The individual circuit
69 court clerk's office or its designated application service provider shall certify compliance with such
70 secure remote access standards. Nothing in this section shall prohibit the Compensation Board from
71 allocating trust fund money to individual circuit court clerks' offices for the purpose of complying with
72 such secure remote access standards or redaction of social security numbers from land records.

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

75 ~~F.D.~~ Such fee shall not be assessed to any instrument to be recorded in the deed books nor any
76 judgment to be docketed in the judgment lien docket books tendered by any federal, state or local
77 government.

78 ~~F.E.~~ If such an application includes automation or technology improvements that would require an
79 interface with the case management system or the financial management system operated and maintained
80 by the Executive Secretary of the Supreme Court for the purpose of providing electronic information to
81 state agencies in accordance with § 17.1-502, the circuit court clerk, or the court's designated application
82 service provider, shall certify to the Compensation Board that such automation or technology
83 improvements will comply with the security and data standards of the systems operated and maintained
84 by the Executive Secretary of the Supreme Court.

85 ~~G.F.~~ Information regarding the technology programs adopted by the circuit court clerks shall be
86 shared with the Virginia Information Technologies Agency, The Library of Virginia, and the Office of
87 the Executive Secretary of the Supreme Court.

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

92 ~~H.H.~~ Effective July 1, 2006, except for transfers pursuant to this section, there shall be no transfers
93 out of the Technology Trust Fund, including transfers to the general fund.