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HOUSE BILL NO. 1716

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 1, 2013)

(Patron Prior to Substitute—Delegate Iaquinto)

A BILL to amend and reenact §§ 17.1-295 and 17.1-502 of the Code of Virginia, relating to clerk's fees; case management systems, etc.

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-295 and 17.1-502 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-295. Definitions.

As used in this title:

"Electronic recording of land records" means the networks or systems maintained by a clerk of the circuit court, or the clerk's designated application services providers, for the submittal of instruments for electronic filing of land records in accordance with the Uniform Real Property Electronic Recording Act (§ 55-142.10 et seq.) and the provisions of Article 2.1 (§ 55-66.8 et seq.) of Chapter 4 of Title 55 regarding the satisfaction of mortgages.

"Operational expenses" means expenses of the clerk of court used to maintain the clerk's office and includes, but is not limited to, (i) computer support, maintenance, enhancements, upgrades, and replacements and 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, consulting services, service contracts, redaction of social security numbers from certain records, and system replacements or upgrades; and (iii) improving public access to records maintained by the clerk, including locating technology in an offsite facility for such purposes or for implementation of a disaster recovery plan.

"Public access" means that the clerk of the circuit court has made available to subscribers that are other than governmental agencies, secure remote access to land records maintained by the clerk in accordance with § 17.1-294.

"Secure remote access" means public access by electronic means on a network or system to land records maintained by the clerk of the circuit court or the clerk's designated application service providers, in compliance with the Secure Remote Access Standards developed by the Virginia Information Technologies Agency.

"Subscriber" means any person who has entered into a subscriber agreement with the clerk of the circuit court authorizing the subscriber to have secure remote access to land records or remote access to court records maintained by the clerk or the clerk's designated application services providers. If the subscriber is an entity with more than one person who will use the network or system to access land records maintained by the clerk, or the clerk's designated application services providers, each individual user shall execute a subscriber agreement and obtain a separate "user id" and "password" from the clerk. The subscriber is responsible for the fees due under this title and the proper use of the secure remote access system pursuant to the subscriber agreement, applicable Virginia law, and Secure Remote Access Standards developed by the Virginia Information Technologies Agency.

§ 17.1-502. Administrator of circuit court system.

A. The Executive Secretary of the Supreme Court shall be the administrator of the circuit court system, which shall include responsibility for includes the operation and maintenance of a case management system and financial management system; and related technology improvements; that the Executive Secretary shall deem necessary for the administration of the circuit court system.

B. Any circuit court clerk may establish and maintain his own case management system, financial management system, or other independent technology using automation or technology improvements provided by a private vendor or the locality. Any data from the clerk's independent system may be provided directly from such clerk to designated state agencies. The data from the clerk's independent system may also be provided to designated state agencies through an interface with the technology systems operated by the Executive Secretary.

C. The Executive Secretary shall permit provide an electronic interface with the his case management system, financial management system, and related or other technology improvements for the purpose of providing electronic information to state agencies, upon written request of any circuit court that uses automation or technology improvements provided by a private vendor or the locality clerk. The circuit court clerk and the clerk's designated application service provider shall comply with the security and data standards established by the Executive Secretary for any such electronic interface between a case management or financial management system operated by a circuit court clerk and the systems of the Executive Secretary. The Executive Secretary shall establish security and data standards for any such

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60 interface *electronic interfaces* on or before June 30, 2013, and such standards shall be consistent with
61 the policies, standards, and guidelines established pursuant to § 2.2-2009.

62 D. The costs of designing, implementing, and maintaining any such interface with the systems of the
63 Executive Secretary shall be the responsibility of the circuit court clerk. ~~Any reasonable expenses~~
64 ~~incurred within the office of the Executive Secretary related to the operation and maintenance of such~~
65 ~~interfaces with the case management system and financial management system shall be reimbursed~~
66 ~~through the Technology Trust Fund established pursuant to subsection A of § 17.1-279.~~ Prior to
67 incurring any costs, the Office of the Executive Secretary shall provide the circuit court clerk a written
68 explanation and amount of the expenses for reimbursement from the Compensation Board; notify the
69 circuit court clerk of the amount being requested for reimbursement and an explanation of the expenses
70 ~~incurred, options for providing such interfaces and provide the clerk with a proposal for such costs and~~
71 enter into a written contract with the clerk to provide such services.

72 E. The Executive Secretary shall assist the chief judges in the performance of their administrative
73 duties. He may employ such staff and other assistants, from state funds appropriated to him for the
74 purpose, as may be necessary to carry out his duties, and may secure such office space as may be
75 requisite, to be located in an appropriate place to be selected by the Executive Secretary.