

HOUSE BILL NO. 677

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on _____)

(Patron Prior to Substitute--Delegate Hope)

A BILL to amend and reenact §§ 1-211.1 and 17.1-279 of the Code of Virginia, relating to posting of notices; electronic posting.

Be it enacted by the General Assembly of Virginia:

1. That §§ 1-211.1 and 17.1-279 of the Code of Virginia are amended and reenacted as follows:

§ 1-211.1. Electronic posting of notices.

~~If any~~ Any notice, summons, order, or other official document of any type that is required to be posted on or at the front door of a courthouse or on a public bulletin board at a courthouse, ~~it shall constitute compliance with this requirement if the notice, summons, order, or other official document is posted with other such documents where such notice, summons, order or other official document is posted or at or near the principal public entrance to the courthouse in a location that is conspicuous to the public and approved by the chief judge of the circuit in which the courthouse is situated, or both. The requirement to post any notice, summons, order, or other official document of any type is satisfied if such notice, summons, order, or other official document is~~ shall be posted on the public government website of the locality served by the court or the website of the circuit court clerk.

§ 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 fee, known as the "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 fee shall be deposited by the State Treasurer into a trust fund. The State Treasurer shall maintain a record of such deposits.

26 B. Four dollars of every \$5 fee shall be allocated by the Compensation Board from the trust fund
27 for the purposes of: (i) developing and updating individual land records automation plans for individual
28 circuit court clerks' offices; (ii) implementing automation plans to modernize land records in individual
29 circuit court clerks' offices and provide secure remote access to land records throughout the
30 Commonwealth pursuant to § 17.1-294; (iii) obtaining and updating office automation and information
31 technology equipment including software and conversion services; (iv) preserving, maintaining and
32 enhancing court records, including, but not limited to, the costs of repairs, maintenance, land records,
33 consulting services, service contracts, redaction of social security numbers from land records, and system
34 replacements or upgrades; (v) building a new or enhancing an existing website for the purposes of posting
35 any notice, summons, order, or other official document of any type pursuant to § 1-211.1; and ~~(v)~~ (vi)
36 improving public access to court records. The Compensation Board in consultation with circuit court
37 clerks and other users of court records shall develop and update policies governing the allocation of funds
38 for these purposes. However, such funds shall not be used for personnel costs within the circuit court
39 clerks' offices. The Compensation Board policies governing the allocation of funds shall require that a
40 clerk submit to the Compensation Board a written certification that the clerk's proposed technology
41 improvements of his land records will provide secure remote access to those land records on or before
42 July 1, 2008.

43 The annual budget submitted by each circuit court clerk pursuant to § 15.2-1636.7 may include a
44 request for technology improvements in the upcoming fiscal year to be allocated by the Compensation
45 Board from the trust fund. Such request shall not exceed the deposits into the trust fund credited to that
46 locality. The Compensation Board shall allocate the funds requested by the clerks in an amount not to
47 exceed the deposits into the trust fund credited to their respective localities.

48 C. The remaining \$1 of each such fee may be allocated by the Compensation Board from the trust
49 fund (i) for the purposes of funding studies to develop and update individual land-records automation
50 plans for individual circuit court clerks' offices, at the request of and in consultation with the individual
51 circuit court clerk's offices, and (ii) for the purposes enumerated in subsection B to implement the plan to
52 modernize land records in individual circuit court clerks' offices and provide secure remote access to land

53 records throughout the Commonwealth. The allocations pursuant to this subsection may give priority to
54 those individual clerks' offices whose deposits into the trust fund would not be sufficient to implement its
55 modernization plan. The Compensation Board policies governing the allocation of funds shall require that
56 a clerk submit to the Compensation Board a written certification that the clerk's proposed technology
57 improvements of his land records will provide secure remote access to those land records on or before
58 July 1, 2008.

59 D. 1. Secure remote access to land records shall be by paid subscription service through individual
60 circuit court clerk's offices pursuant to § 17.1-276, or through designated application service providers.
61 The clerk may require any entity that is a nonresident of the Commonwealth, prior to becoming a
62 subscriber, to demonstrate that such entity is authorized to do business in Virginia and is in good standing
63 with the State Corporation Commission or other applicable state or federal regulatory agency and that
64 such entity will comply with the secure remote access standards developed by the Virginia Information
65 Technologies Agency pursuant to § 17.1-294. In the case of an individual, the clerk may require a person
66 who is a nonresident of the Commonwealth to demonstrate that such person has a legal presence in
67 Virginia and will comply with the secure remote access standards developed by the Virginia Information
68 Technologies Agency pursuant to § 17.1-294. Compliance with secure remote access standards developed
69 by the Virginia Information Technologies Agency pursuant to § 17.1-294 shall be certified by the
70 individual circuit court clerks' offices to the Compensation Board. The individual circuit court clerk's
71 office or its designated application service provider shall certify compliance with such secure remote
72 access standards. Nothing in this section shall prohibit the clerk from entering into a subscriber agreement
73 with an agency of the Commonwealth and delegating the responsibility for compliance with such secure
74 remote access standards to such agency. Nothing in this section shall prohibit the Compensation Board
75 from allocating trust fund money to individual circuit court clerks' offices for the purpose of complying
76 with such secure remote access standards or redaction of social security numbers from land records.

77 2. Every circuit court clerk shall provide secure remote access to land records pursuant to § 17.1-
78 294 on or before July 1, 2008.

79 E. Such fee shall not be assessed to any instrument to be recorded in the deed books nor any
80 judgment to be docketed in the judgment lien docket books tendered by any federal, state or local
81 government.

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

89 G. Information regarding the technology programs adopted by the circuit court clerks shall be
90 shared with the Virginia Information Technologies Agency, The Library of Virginia, and the Office of the
91 Executive Secretary of the Supreme Court.

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

96 I. Effective July 1, 2006, except for transfers pursuant to this section, there shall be no transfers
97 out of the Technology Trust Fund, including transfers to the general fund.

98 **2. That the provisions of this act amending § 1-211.1 of the Code of Virginia shall become effective**
99 **on July 1, 2025.**

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