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## SENATE BILL NO. 375

Senate Amendments in [ ] — February 15, 2000

A BILL to amend and reenact §§ 17.1-227.1, 17.1-252 and 17.1-279 of the Code of Virginia, relating to parcel identification numbers; use of land record cover sheets; Technology Trust Fund; sunset.

Patrons—Wampler; Delegates: Johnson, Kilgore, Phillips, Stump and Tate

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 17.1-227.1, 17.1-252 and 17.1-279 of the Code of Virginia are amended and reenacted as follows:**

§ 17.1-227.1. (~~Effective until July 1, 2002~~) Use of cover sheets on deeds or other instruments by certain circuit court clerks.

The clerk of the circuit court in any (i) county with a population between 7,000 and 7,500; (ii) county with a population between 39,500 and 42,000; (iii) county with a population between 10,250 and 10,400; and (iv) city with a population between 4,000 and 4,500 may request, but shall not *Circuit court clerks may* require, that any deed or other instrument conveying or relating to an interest in real property be filed with a cover sheet detailing the information contained in the deed or other instrument necessary for the clerk to properly index such instrument. The cover sheet shall be ~~in a form approved by~~ *developed in conjunction with* the Supreme Court of Virginia [ ~~and used in connection with the Financial Management System and Record Indexing System provided to such circuit court clerks by the Supreme Court of Virginia~~ ] .

The cover sheet shall not be included as a page for determining the amount of any applicable filing fees pursuant to subdivision A 2 of § 17.1-275, nor shall the cover sheet be construed to convey title to any interest in real property or purport to be a document in the chain of title conveying any interest in real property.

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

§ 17.1-252. Indexing by tax map reference number.

Circuit court clerks ~~may~~ *in those localities with a unique parcel identification system shall* require that any deed or other instrument conveying or relating to an interest in real property bear, ~~in the left margin of [ above the property description ]~~ on the first page of the deed or other instrument, the tax map reference number or numbers, or the parcel identification number (PIN) or numbers, of the affected parcel or parcels. Upon admitting the deed or other instrument to record, the clerk [ ~~may~~ *shall* ] , in addition to any other indexing required by law, index the deed or other instrument by the tax map reference number or numbers or by the parcel identification number or numbers.

§ 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 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

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60 Board from the trust fund. Such request shall not exceed the deposits into the trust fund credited to that  
61 locality. The Compensation Board shall allocate the funds requested by the clerks in an amount not to  
62 exceed the deposits into the trust fund credited to their respective localities.

63 C. The remaining one dollar of each such fee may be allocated by the Compensation Board from the  
64 trust fund for the purposes of (i) funding studies [ ~~by the Task Force;~~ (ii) ~~funding studies by the~~  
65 ~~Department of Information Technology or other public or private organizations to develop to develop~~  
66 ~~and update~~ ] individual land-records automation plans for individual circuit court clerks' offices; and [ ~~(iii)~~ (ii) ]  
67 implementing the plan to modernize land records in individual circuit court clerk's offices and  
68 provide remote access to land records throughout the Commonwealth.

69 D. Such fee shall not be assessed to any instrument to be recorded in the deed books nor any  
70 judgment to be docketed in the judgment lien docket books tendered by any federal, state or local  
71 government.

72 E. Notwithstanding any other provisions of this chapter, each circuit court clerk may apply to the  
73 Compensation Board for an allocation from the Technology Trust Fund for automation and technology  
74 improvements for any one or more of the following: (i) equipment and services to convert paper,  
75 microfilm, or similar documents to a digital image format, (ii) the conversion of information into a  
76 format which will accommodate remote access, and (iii) the law and chancery division of his office.  
77 However, allocations for (iii) above shall not exceed the pro rata share of the collections of the  
78 three-dollar fee relative to the chancery and law actions filed in the jurisdiction as provided in this  
79 section.

80 F. Information regarding the technology programs adopted by the circuit court clerks shall be shared  
81 with the Department of Information Technology, The Library of Virginia, and the Office of the  
82 Executive Secretary of the Supreme Court.

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

87 *H. The provisions of this section shall expire on July 1, 2002.*