



Resources

Senate Finance Committee
Virginia General Assembly

February 21, 2010

Resources Summary for SB 29 and SB 30, as amended

| (\$ in millions) | FY 2010 | FY 2011 | FY 2012 |
|--|----------|---------|----------|
| Unappropriated Balance, SB 29 and 30 as Introduced | \$26.7 | \$11.1 | (\$29.4) |
| Additional Resources | \$132.6 | \$242.5 | \$300.5 |
| Net Spending | (\$30.9) | \$436.3 | \$268.4 |
| Ending Balance | \$190.4 | \$7.7 | \$2.7 |
| FY 2010-12 Unappropriated Balance | | | \$10.4 |

| (\$ in millions) | FY 2010 | FY 2011 | FY 2012 |
|--|---------|---------|---------|
| REVENUES/RESOURCES | | | |
| Interim Revenue Adjustments (GOV) | 82.5 | 63.9 | 54.1 |
| Refund base adjustment due to slower LPC claims | 50.0 | 50.0 | 50.0 |
| Interest forecast (change methodology in FY11/FY12) | 4.4 | 16.9 | 38.8 |
| Estate Tax (actual collected YTD) | 4.2 | - | - |
| Additional Withdrawal from RDF due to Interest (GOV) | 0.6 | - | - |
| Additional Tax Amnesty (GOV) | 21.1 | - | - |
| Digital Media Fee above Estimate | 0.03 | 0.12 | 0.12 |
| SB 130 Stosch - Restore ST Revenue for BOA Deal | - | 2.4 | - |
| SB 237 Watkins - Wine Liter Tax to Wine Industry | - | (1.3) | (1.3) |
| SB 329 Stuart - Fees for Sheriffs & Regional Jails | - | 51.0 | 51.0 |
| SB 452 Whipple - Hotel Sales Tax Impact (estimate) | - | 3.7 | 3.7 |
| SB 458 - McEachin Housing Choice Voucher | - | 0.05 | 0.05 |
| SB 472 Watkins - Major Facility Job Credit | - | (1.3) | (1.3) |
| SB 545 Conformity Dom. Production /Haiti Relief FY 10 | (0.3) | (30.0) | (30.0) |
| SB 545 Conformity Bill COD Provision | (49.0) | 24.5 | 24.5 |
| SB 660 Hanger - Out-of-State Dealers w/ Affiliates (EST) | - | 5.0 | 5.0 |
| Direct Deposit of District Court Fees | 0.7 | 4.4 | 4.4 |
| Duplicate NGF Transfer (GOV TECH) | (2.7) | - | - |
| Revised NGF Interest Earnings | - | 4.4 | 29.5 |
| Central Capital Planning Fund Transfer | 7.5 | - | - |
| DGS Lab Balance | 0.5 | - | - |
| Capital Outlay Reserve (GOV) | 0.5 | - | - |
| Legislative Agency Balances | - | 1.0 | 1.0 |
| DMV Real ID Balance (GOV) | 5.2 | - | - |
| Aviation Fees Balances (GOV) | 2.0 | - | - |
| Dedicated Special Funds Balance (GOV) | 0.2 | - | - |
| Central Registry Fees Balance (GOV) | 0.1 | - | - |
| DEQ WQIF Reserve Fund Balance | 5.1 | - | - |

Resources Summary for SB 29 and SB 30, as amended

| (\$ in millions) | FY 2010 | FY 2011 | FY 2012 |
|--|----------------|----------------|----------------|
| <i>REVENUES/RESOURCES</i> | | | |
| Restore Higher Education Auxiliary Balance 5% | - | (18.8) | - |
| ABC Profits - Additional Stores, Local Opt. Sun. Sales | - | 1.9 | 4.5 |
| Transfer NGF Portion of Group Life Rate Holiday | - | 9.8 | 10.2 |
| Transfer NGF Portion of VSDP Rate Holiday | - | 8.6 | 9.0 |
| Transfer NGF Portion of VRS at Normal +20% Rate | - | 46.2 | 47.2 |
| Total, Revenues/Resources | \$132.6 | \$242.5 | \$300.5 |

Senate Bill 29

Item 0 #3s

Revenues

Revenues

Language

Language:

Page 1, line 23, after "amended by", strike the word "striking" and insert "repealing".

Page 1, line 23, after "58.1-615.1" strike the remainder of line 23 and line 24.

Explanation:

(This amendment makes a technical change to the enactment clause.)

Item 3-1.01 #2s

Transfers

Interfund Transfers

Language

Language:

Page 319, after line 13, insert:

"BBB. On or before June 30, 2010, the State Comptroller shall transfer from the Water Quality Improvement Fund Reserve in the Department of Environmental Quality to the general fund an amount estimated at \$5,121,620."

Explanation:

(This amendment is self-explanatory.)

Item 3-1.01 #3s

Transfers

Interfund Transfers

Language

Language:

Page 304, line 46, strike "this subsection § 3-1.01" and insert "any subsections of §§ 3-1.01 through 3-6.01."

Explanation:

(This is a technical amendment to insert language that was erroneously not included in the introduced budget. This language clarifies that the State Comptroller shall not make any interfund transfer that is found to violate any federal statute or regulation.)

Senate Bill 29

Item 3-1.01 #11s

Transfers

Interfund Transfers

Language

Language:

Page 319, after line 13, insert:

"BBB. On or before June 30, 2010, the State Comptroller shall transfer from Capital Outlay Reserves a balance estimated at \$500,000 to the general fund.)

Explanation:

(This amendment is self-explanatory.)

Item 3-1.01 #12s

Transfers

Interfund Transfers

Language

Language:

Page 319, after line 13, insert:

"BBB. On or before June 30, 2010, the State Comptroller shall transfer to the general fund an amount estimated at \$8,005,072 from the following funds:

| Agency | Fund | FY 2010 |
|---|--|-------------------------------------|
| Department of General Services (194) \$500,000 | | Consolidated Lab Services (0501) |
| Department of Aviation (841) \$2,000,000 | | Aviation Fees and Taxes(0461) |
| Department of Professional and \$205,072 | Dedicated Special Fund (0900) Occupational Regulation (222) | |
| Department of Social Services (765) \$100,000 | | Central Registry Search Fees (0202) |
| Department of Motor Vehicles (154) \$5,200,000 | | Real ID Fund (455) |

Explanation:

(This amendment is self-explanatory.)

Item 3-5.14 #1s

Senate Bill 29

Adjustments and Modifications to Tax Collections

Accelerated Sales Tax

Language

Language:

Page 323, after line 28, insert:

"F. It is the intent of the General Assembly that the payment requirement contained herein be phased out beginning in fiscal year 2015. The payment amount for June 2015 should be reduced to 85 percent of the sales and purchases for the previous June and the payment amount should continue to be reduced until fully eliminated not later than June 2021."

Explanation:

(This amendment expresses the intent to phase out the policy in the introduced budget, which requires retailers to remit their June sales and use tax collections by June 25 of each year.)

Item 3-5.15 #1s

Adjustments and Modifications to Tax Collections

Discounts and Allowances

Language

Language:

Page 323, line 31, after "58.1-1021.03," strike "58.1-1720,".

Page 323, line 34, after "rate", strike the remainder of the line and insert "."

Page 381, strike line 35.

Explanation:

(This amendment restores the motor fuel dealer allowance for shrinkage and evaporation that is provided since these taxes are imposed at the terminal rack and not on the retail distributor.)

Item 3-5.15 #2s

Adjustments and Modifications to Tax Collections

Discounts and Allowances

Language

Language:

Page 323, line 32, strike "repealed" and insert "suspended".

Page 323, after line 35, insert:

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"C. The Tax Commissioner shall examine the costs incurred by retail dealers and other entities relating to the collection and remittance of the sales and use tax, and other taxes collected pursuant to §§ 58.1-622, 58.1-642, 58.1-656, 58.1-1021.03, 58.1-1720, 58.1-1730, 58.1-2233, 58.1-2236, and 58.1-2256 of the Code of Virginia. The Commissioner shall make recommendations regarding what allowances and discounts, if any, should be provided to the retail dealers and other entities for their collection and remittance of the taxes to the Commonwealth. In the course of this study, the Commissioner shall convene a working group of affected businesses and shall also afford affected businesses the opportunity to comment on any recommendations. The Department of Taxation shall make its report to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees on or before October 1, 2011."

Explanation:

(This amendment expresses the intent that the elimination of the dealer discount, as contained in the introduced budget, is temporary in nature. The amendment directs the Tax Commissioner to examine what compensation for retailers and other entities who collect and remit the sales and use tax should be and make recommendations to the Governor and the General Assembly.)

Item 3-5.16 #1s

Adjustments and Modifications to Tax Collections

Conformity to Internal Revenue Code

Language

Language:

Page 323, strike lines 37 through 43, and insert:

"Notwithstanding the provisions of [§58.1-301](#), Code of Virginia, any reference in Chapter 3, Title 58.1, Code of Virginia, to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on January 22, 2010, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;
2. The carry-back of certain net operating losses for five years under §

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172(b)(1)(H) of the Internal Revenue Code;

3. The original issue discount on applicable high yield discount obligations under § 163 (e)(5)(F); and

4. The deferral of certain income under § 108 (i) of the Internal Revenue Code, except that two-thirds of any income derived in taxable year 2009 from the cancellation of indebtedness income which has been deferred in taxable year 2009 from federal taxable income pursuant to § 108 (i) of the Internal Revenue Code may be subtracted from 2009 taxable income and deferred as follows: one-third of such income may be deferred until taxable year 2010 and one-third of such income may be deferred until taxable year 2011."

Explanation:

(This amendment conforms Appropriation Act language with SB 545, as passed by the Senate, and allows taxpayers to take a deduction on their 2009 tax returns for charitable contributions made by February 28, 2010, for the relief of victims of the Haiti earthquake.)

Item 4-1.08 #3s

Appropriations

Appropriation Reductions to Address Revenue
Shortfall

Language

Language:

Page 348, after line 52, insert:

" C. State agencies and institutions with appropriation reductions contained in Part I of this act within the item "Executive Management, Savings from Management Actions in the Fiscal Year 2010 Reduction Plan" are to be guided by the reductions strategies outlined in paragraph D of this section. If modifications to the reductions outlined in this section are necessary, such modifications shall be reported to the Chairmen of the House Appropriations Committee and Senate Finance Committee pursuant to § 4-1.02.d.5.a) of this act.

D. It is the intent of the General Assembly that the specific reduction strategies identified by the Governor and Director, Department of Planning and Budget will be incorporated into the act during enrolling."

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Explanation:

(This amendment adds the list of new reduction strategies to Part 4 of the caboose bill. These strategies were inadvertently dropped from the printed version of the bill.)

Item 5-0.00 #1s

Additional Enactments

Language

Language:

Page 350, line 8, strike "4."

Page 350, line 31, strike the remainder of line 31 and all of line 32 on page 350 through line 47 on page 355.

Page 355, line 48, strike "5." and insert "4."

Page 356, line 1, strike "6."

Page 356, line 7, strike the remainder of line 7 and all of line 8.

Page 356, line 9, strike "7." and insert "5."

Page 356, line 9, after "2010.", strike the remainder of line 9, and all of line 10, and insert: "The provisions of the second, third and fourth enactments of this act shall have no expiration date."

Explanation:

(This amendment removes unnecessary language from the budget bill and allows the Code text to remain unchanged.)

Item 0 #5s

Revenues

Revenues

Language

Language:

Page 1, line 6, after "2012", insert:

" , and to repeal § 58.1-615.1 of the Code of Virginia"

Explanation:

(This amendment makes a technical correction in the title of the bill.)

Item 0 #6s

Revenues

Revenues

Language

Language:

Page 1, line 6, after "the thirtieth day of June, 2012" insert: " , and to amend and reenact Sections 16.1-69.48:2 and 17.1-275 of the Code of Virginia".

Explanation:

(This amendment makes a technical correction in the title of the bill.)

Item 3-1.01 #4s

Transfers

Interfund Transfers

Language

Language:

Page 367, line 44, strike "this subsection § 3-1.01" and insert "any subsections of §§ 3-1.01 through 3-6.02."

Explanation:

(This is a technical amendment to insert language that was erroneously not included in the introduced budget. This language clarifies that the State Comptroller shall not make any interfund transfer that is found to violate any federal statute or regulation.)

Transfers

Interfund Transfers

Language

Language:

Page 367, line 41, strike "\$44,900,000 the first year and \$45,400,000 the second year" and insert "\$46,800,000 the first year and \$49,900,000 the second year".

Explanation:

(This amendment increases the transfer of net profits to the general fund from the Alcoholic Beverage Control Enterprise Fund by \$1,900,000 the first year and \$4,500,000 the second year. The increased profits result from (1) the re-estimate of the projected profits from five new ABC stores assumed in the introduced budget; (2) the estimated profits from ten new ABC stores assumed in the committee amendments; and (3) the estimated profits from additional optional Sunday sales. A companion amendment to Item 373 provides additional nongeneral funds and positions for ten additional stores and authorizes the Alcoholic Beverage Control Board to approve Sunday sales in ABC stores in any jurisdiction, with the exception that localities may opt out of that provision.)

General Fund Deposits

Interest Earnings

Language

Language:

- Page 377, strike line 28.
- Page 377, strike line 31.
- Page 377, strike line 34.
- Page 377, strike line 35.
- Page 377, strike line 37.
- Page 378, strike line 20.
- Page 378, strike line 34.

Explanation:

(This amendment deletes certain funds from the list of funds from which the Governor's budget proposed to not allocate interest earnings. These funds in the

Marine Resources Commission and the Department of Game and Inland Fisheries are derived from fishing, hunting and boating license fees. The Federal Aid in Wildlife Restoration Act (16 U.S.C. § 669 et seq.) and the Federal Aid in Sport Fish Restoration Act (16 U.S.C. § 777 et seq.) specifically prohibit the diversion of these funds, including interest, for any purpose other than administration of fish and wildlife programs. The Code of Virginia (§§ 28.2-201.8 and 29.1-103.2) assents to the provisions of the federal acts. Diversion of the interest from these funds would cause the Commonwealth to potentially forfeit federal funds from these acts. The amendment also strikes the Department of Environmental Quality, State Revolving Loan Fund and the Department of Health, Safe Drinking Water State Revolving Loan Fund, both of which include federal funds.)

Item 3-3.03 #5s

General Fund Deposits

Interest Earnings

Language

Language:

Page 374, line 17, strike "\$35,800,000 the first year and \$35,800,000" and insert "\$40,220,501 the first year and \$65,343,741".

Explanation:

(This amendment adjusts estimated nongeneral fund interest earnings based on a combination of updated fund balances and interest rate assumptions.)

Item 3-3.03 #6s

General Fund Deposits

Interest Earnings

Language

Language:

Page 376, strike line 15 and 16.

Page 376, strike line 18.

Page 376, after line 31, insert:

"Virginia Commonwealth University 236 Auxiliary Enterprise 0306".

Explanation:

(This is a technical amendment to delete certain fund details that were

included in the introduced budget in error and to add one that was erroneously omitted.)

Item 3-5.08 #1s

Adjustments and Modifications to Tax Collections

Accelerated Sales Tax

Language

Language:

Page 381, after line 10, insert:

"G. It is the intent of the General Assembly that the payment requirement contained herein be phased out beginning in fiscal year 2015. The payment amount for June 2015 should be reduced to 85 percent of the sales and purchases for the previous June and the payment amount should continue to be reduced until fully eliminated not later than June 2021."

Explanation:

(This amendment express the intent to phase out the policy in the introduced budget, which requires retailers to remit their June sales and use tax collections by June 25 of each year.)

Item 3-5.09 #3s

Adjustments and Modifications to Tax Collections

Discounts and Allowances

Language

Language:

Page 381, line 14, strike "repealed" and insert "suspended".

Page 381, after line 17, insert:

"C. The Tax Commissioner shall examine the costs incurred by retail dealers and other entities relating to the collection and remittance of the sales and use tax, and other taxes collected pursuant to §§ 58.1-622, 58.1-642, 58.1-656, 58.1-1021.03, 58.1-1720, 58.1-1730, 58.1-2233, 58.1-2236, and 58.1-2256 of the Code of Virginia. The Commissioner shall make recommendations regarding what allowances and discounts, if any, should be provided to the retail dealers and other entities for their collection and remittance of the taxes to the Commonwealth. In the course of this study, the Commissioner shall convene a working group of affected businesses and shall also afford affected businesses the opportunity to

comment on any recommendations. The Department of Taxation shall make its report to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees on or before October 1, 2011.”

Explanation:

(This amendment expresses the intent that the elimination of the dealer discount, as contained in the introduced budget is temporary in nature. The amendment directs the Tax Commissioner to examine what compensation for retailers and other entities who collect and remit the sales and use tax should be and make recommendations to the Governor and the General Assembly.)

Item 3-5.11 #1s

Adjustments and Modifications to Tax Collections

Conformity to Internal Revenue Code

Language

Language:

Page 381, strike lines 29 through 35, and insert:

"Notwithstanding the provisions of [§58.1-301](#), Code of Virginia, any reference in Chapter 3, Title 58.1, Code of Virginia, to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on January 22, 2010, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;
2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;
3. The original issue discount on applicable high yield discount obligations under § 163 (e)(5)(F); and
4. The deferral of certain income under § 108 (i) of the Internal Revenue Code, except that two-thirds of any income derived in taxable year 2009 from the cancellation of indebtedness income which has been deferred in taxable year 2009 from federal taxable income pursuant to § 108 (i) of the Internal Revenue Code

may be subtracted from 2009 taxable income and deferred as follows: one-third of such income may be deferred until taxable year 2010 and one-third of such income may be deferred until taxable year 2011."

Explanation:

(This amendment conforms Appropriation Act language with SB 545, as passed by the Senate, and allows taxpayers to take a deduction on their 2009 tax returns for charitable contributions made by February 28, 2010, for the relief of victims of the Haiti earthquake.)

Item 3-5.12 #3s

Adjustments And Modifications To Tax Collections

Land Preservation Tax Credit

Language

Language:

Page 381, after line 35, insert,

"Pursuant to the provisions of Senate Bill 233 (2010), the \$50,000 limitation applicable to the Land Preservation Tax Credit in § 58.1-512, Code of Virginia, for taxable years 2009 and 2010 shall also be applicable to taxable year 2011. Furthermore, the extension of the credit limitation to taxable year 2001 shall likewise extend the maximum carryover period of the credit by one additional year for any taxpayer affected by this limitation."

Explanation:

(This amendment extends the \$50,000 per taxpayer limit on claiming Land Preservation Tax Credits for tax year 2011, after which the limit will revert to \$100,000 per taxpayer limit in the Code of Virginia.)

Item 3-5.12 #3s

Adjustments And Modifications To Tax Collections

SALES TAX COLLECTIONS FROM
OUT-OF-STATE ENTITIES

Language

Language:

Page 381, following line 35, insert:

"SALES AND USE TAX COLLECTIONS FROM OUT-OF-STATE ENTITIES

For purposes of Virginia's retail sales and use taxes (§ 58.1-600 et seq. of the Code of Virginia), a dealer as defined or described under § 58.1-612 of the Code of Virginia shall be presumed to be soliciting or transacting business by an independent contractor, agent, or other representative, if the dealer enters into an agreement with a resident of the Commonwealth under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an Internet site or otherwise, to the dealer if the cumulative gross receipts from sales by the dealer to purchasers in the Commonwealth who are referred to the dealer by all residents with this type of agreement with the dealer are in excess of \$10,000 during the preceding four quarterly periods. A dealer to which such presumption applies shall be deemed to have sufficient activity within the Commonwealth so as to require the dealer to register under § 58.1-613 of the Code of Virginia and to collect the tax imposed under or pursuant to Chapter 6 (§ 58.1-600 et seq.) of Title 58.1 of the Code of Virginia. This presumption may be rebutted by proof that the resident with whom the dealer has an agreement did not engage in any solicitation in the Commonwealth on behalf of the dealer that would satisfy the nexus requirement of the United States Constitution during the four quarterly periods in question."

Explanation:

(This amendment requires certain out-of-state entities to collect and remit Virginia's sales and use tax when doing business in Virginia, consistent with the provisions of SB 660, which passed the Senate.)

Item 4-12.00 #1s

Conflict with Other Laws

Conflict with Other Laws

Language

Language:

Page 430, line 25; Strike "2010", and Insert "2012".

Explanation:

(This amendment corrects the date for the provisions relating to conflict with other laws. The introduced language was not changed from 2010 in Chapter 781.)

Additional Enactments

Additional Enactments

Language

Language:

Page 430, strike all of line 37 through line 42 on page 435.

Page 435, strike all of lines 43 through 44.

Page 435, at the beginning of line 45, strike "5." and insert "3."

Page 435, at the beginning of line 46, strike "6." and insert "4."

Page 435, line 46, after "2012.", strike the remainder of line 46 and all of line 47 and insert: "The provisions of the second and third enactments of this act shall have no expiration date."

Explanation:

(This amendment removes unnecessary language from the budget bill and allows the Code text to remain unchanged.)

Additional Enactments

Additional Enactments

Language

Language:

Page 435, following line 45, insert:

"6. Be it enacted by the General Assembly of Virginia:

1. That §§ [16.1-69.48:2](#) and [17.1-275](#) of the Code of Virginia are amended and reenacted as follows:

§ [16.1-69.48:2](#). Fees for services of district court judges and clerks and magistrates in civil cases.

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil

proceeding, the fee shall be ~~\$22 for the period between July 1, 2006, and December 31, 2006,~~ and ~~\$27 thereafter unless otherwise provided in this section or if the amount in controversy is \$200 or less, then the fee shall be \$22~~ \$75 . No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental fees. Of the fees collected under this section, ~~\$5-\$10~~ of the fee collected for all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding ~~in excess of \$200 shall be apportioned to the Courts Technology Fund established under § 17.1-132 for the period between July 1, 2006, and December 31, 2006, and \$10 thereafter. Of any fees collected for these services where the amounts in controversy equal \$200 or less, \$10 from any such fees~~ collected shall be apportioned to the Courts Technology Fund established under § ~~17.1-132~~.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed \$1 for the first two pages and \$0 .50 for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]
2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page

or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10.

6. For making out any bond, other than those under § [17.1-267](#) or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies shall include lease and maintenance agreements for the equipment used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § [2.2-3704](#). However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § [18.2-251](#), the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § [18.2-251](#) which shall be taxed as costs to the defendant and shall be paid into the Drug Offender

Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § [18.2-251](#), the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § [18.2-251](#), which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § [17.1-275.8](#).

12. Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be ~~\$60~~ \$500 in cases seeking recovery not exceeding \$50,000, ~~\$10 of which shall be apportioned to the Courts Technology Fund established under § [17.1-132](#)~~; \$110 in cases seeking recovery not exceeding \$100,000, ~~\$10 of which shall be apportioned to the Courts Technology Fund established under § [17.1-132](#)~~; \$1 million and \$160 \$1,000 in cases seeking recovery exceeding \$100,000, ~~\$10 of which \$1 million~~. *Ten dollars of each of the fees collected under this subsection* shall be apportioned to the Courts Technology Fund established under § [17.1-132](#). A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ [8.01-432](#) through [8.01-440](#), the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of this Commonwealth, for

docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § [8.01-451](#), but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § [8.01-452](#), a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19., 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § [8.01-529](#), \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § [57-8](#) or [57-15](#), \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § [8.01-217](#) relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § [17.1-132](#) to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for the filing of a cross-claim or setoff in any pending suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit card a reasonable convenience fee not to exceed four percent of the amount paid.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of \$20 or 10 percent of the amount to be paid,

whichever is greater, in accordance with § [19.2-353.3](#).

29. For all services rendered, except in cases in which costs are assessed pursuant to § [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), or [17.1-275.4](#), in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § [63.2-1246](#), to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § [63.2-1201](#), except those filed pursuant to subdivisions 5 and 6 of § [63.2-1210](#), an additional \$50 filing fee as required under § [63.2-1201](#) shall be deposited in the Putative Father Registry Fund pursuant to § [63.2-1249](#).

30. For issuing a duplicate license for one lost or destroyed as provided in § [29.1-334](#), a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ [33.1-124](#), [33.1-125](#) and [33.1-129](#), a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § [33.1-122](#), as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), [17.1-275.4](#), [17.1-275.7](#), [17.1-275.8](#), or [17.1-275.9](#), a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ [55-142.1](#) et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § [55-218.1](#), a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § [59.1-74](#), a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ [59.1-406](#) et seq.), the fee as prescribed in § [59.1-411](#).

39. For lodging, indexing and preserving a will in accordance with § [64.1-56](#), a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as

prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ [37.2-1001](#) and [37.2-1013](#), the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § [17.1-281](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § [17.1-278](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § [42.1-70](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for public law libraries.

E. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

2. That the fee increases provided for under the provisions of § [16.1-69.48:2](#) shall be allocated by the Compensation Board exclusively to fund sheriffs' offices.

3. That 85 percent of the fee increases provided for under the provisions of § [17.1-275](#) shall be allocated by the Compensation Board exclusively to fund sheriffs' offices; and that 15 percent of the fee increases provided for under the provisions of § [17.1-275](#) shall be allocated by the Compensation Board exclusively to fund offices of the attorneys for the Commonwealth."

Page 435, line 46, strike "6." and insert "7."

Explanation:

(This amendment increases civil filing fees in District and Circuit Courts. The general fund revenue impact of these fee increases is \$50,900,000 each year.)
