

023923253

## HOUSE JOINT RESOLUTION NO. 70

Offered January 9, 2002

Prefiled January 8, 2002

*Establishing a joint subcommittee to study the powers, duties, and fees of commissioners of accounts and commissioners in chancery.*

Patrons—Wardrup, Albo, Black, Carrico, Cosgrove, Devolites, Janis, Kilgore, Landes, McDonnell, O'Bannon, Parrish, Phillips, Reese, Weatherholtz and Welch

Referred to Committee on Rules

WHEREAS, commissioners of accounts and commissioners in chancery perform quasi-judicial functions in Virginia's legal system; and

WHEREAS, the powers and duties bestowed upon commissioners in chancery are wide-ranging limited only by a court's discretion, not by any statutory limitation or framework; and

WHEREAS, commissioners in chancery are used by some courts for the simplest of cases while other courts use commissioners only for the most complex matters, notably equitable distribution; and

WHEREAS, commissioners of accounts are local appointees responsible for probating estates on behalf of the courts, and although there is some debate as to whether this function is truly necessary, their duties, powers, functions and fees are totally within the control of the appointing court; and

WHEREAS, the legislature should fully review the need for these commissioners, their appropriate powers and uses, if any, and the fees allowed them for their services; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the powers, duties and fees of commissioners of accounts and commissioners in chancery. The joint subcommittee shall be composed of nine members, which shall include eight legislative members and one ex officio member as follows: five members of the House of Delegates, to be appointed by the Speaker of the House, in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; and the Attorney General of the Commonwealth of Virginia or his designee to serve ex officio with full voting privileges.

The direct costs of this study shall not exceed \$6,000.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work by November 30, 2002, and shall submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

INTRODUCED

HJ70