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## HOUSE BILL NO. 1051

Offered January 8, 2014

A *BILL to amend and reenact §§ 15.2-1600, 15.2-1656, 15.2-2507, and 58.1-1727 of the Code of Virginia, relating to constitutional officers.*

\_\_\_\_\_  
Patron—Knight

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Referred to Committee on Counties, Cities and Towns

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

**1. That §§ 15.2-1600, 15.2-1656, 15.2-2507, and 58.1-1727 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-1600. Counties and cities required to elect certain officers; qualifications of attorney for the Commonwealth; duties and compensation of officers; vacancies, certain counties and cities excepted; officer's powers not to be diminished.**

A. The voters of each county and city shall elect a treasurer, a sheriff, an attorney for the Commonwealth, a clerk, who shall be clerk of the court in the office of which deeds are recorded, and a commissioner of revenue. To qualify to be elected or hold office, an attorney for the Commonwealth shall be a member of the bar of this Commonwealth. The duties and compensation of such officers shall be prescribed by general law or special act and any vacancy in such office shall be filled, notwithstanding any charter provision to the contrary, by a majority of the circuit judges of the judicial circuit for the county or city pursuant to the provisions of §§ 24.2-226 and 24.2-227. Any county or city not required to have or to elect such officers prior to July 1, 1971, shall not be so required by this section, nor shall the provisions of this section apply to those counties and cities which have heretofore adopted, or may hereafter adopt, a form of government, as provided by law, which does not require such counties or cities to have or elect one or more of such officers.

B. Nothing in this title shall be construed to authorize the governing body or the chief administrative officer of a locality to designate an elected constitutional officer to exercise a power or perform a duty which the officer is not required to perform under applicable state law without the consent of such officer, nor by designation to diminish any such officer's powers or duties as provided by applicable state law including the power to organize their offices and to appoint such deputies, assistants and other individuals as are authorized by law upon the terms and conditions specified by such officers. *The governing body or the chief administrative officer of a locality may not transfer locally funded personnel or electronic or other systems from a constitutional officer to a state agency without the written approval of such constitutional officer.*

**§ 15.2-1656. Supplies and equipment to be furnished to clerks of courts of record.**

The governing body of each county and city shall, at the expense of the county or city, provide (i) suitable books and stationery, in addition to supplies furnished by the Commonwealth, for the use of clerks of all courts of record, together with appropriate cases and other furniture, for the safe and convenient keeping of all the books, documents and papers, in the custody of such officers; (ii) official seals for such officers; and (iii) such other office equipment, *electronic or other systems*, and appliances as in their judgment may be reasonably necessary for the proper conduct of such offices.

**§ 15.2-2507. Amendment of budget.**

A. Any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget as prescribed by § 15.2-2504. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing a notice of a meeting and a public hearing once in a newspaper having general circulation in that locality at least seven days prior to the meeting date. The notice shall state the governing body's intent to amend the budget and include a brief synopsis of the proposed budget amendment. Any local governing body may adopt such amendment at the advertised meeting, after first providing a public hearing during such meeting on the proposed budget amendments.

B. Pursuant to the requirements of §§ 15.2-1609.1, 15.2-1609.7, 15.2-1636.8, and 15.2-1636.13 through 15.2-1636.17 every county and city shall appropriate as part of its annual budget or in amendments thereto amounts for salaries, expenses and other allowances for its constitutional officers that are not less than those established for such offices in the locality by the Compensation Board pursuant to applicable law or, in the event of an appeal pursuant to § 15.2-1636.9, by the circuit court in accordance with the provisions of that section. *A locality shall not reduce funding to a constitutional officer for personnel or other operational expenses except by separate ordinance after a public hearing. A local governing body shall not reduce funding to a constitutional officer for personnel or other*

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59 *operational expenses if such constitutional officer certifies that such reduction in funding would impair*  
60 *the ability of such constitutional officer to perform his statutory duties.*

61 **§ 58.1-1727. Taxes on suits or writ taxes generally.**

62 A tax of \$5 is hereby imposed upon (i) the commencement of every civil action in a court of record,  
63 whether commenced by petition or notice, ejectment or attachment, other than a summons to answer a  
64 suggestion; (ii) the removal or appeal of a cause of action from a district court to a court of record; (iii)  
65 the appeal from the decision of the governing body of a county, city or town to a court of record,  
66 including the appeal of any decision of a board of zoning appeals; (iv) an attachment returnable to a  
67 court of record; and (v) a writ of mandamus sued out of any court, except the Supreme Court of  
68 Virginia. However, when the debt or demand for damages exceeds ~~\$50,000~~ \$49,999 but does not exceed  
69 \$100,000, the tax shall be \$15; and when the debt or demand for damages exceeds \$100,000, the tax  
70 shall be \$25.

71 This section shall not be applicable to any original jurisdiction proceeding filed in the Supreme Court  
72 of Virginia.