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SENATE BILL NO. 1459

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on January 31, 2017)

(Patron Prior to Substitute—Senator Edwards)

A BILL to amend and reenact § 58.1-3146 of the Code of Virginia, relating to discharge of treasurer; legal pleadings.

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3146 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3146. Rule to show cause in such case; notice and hearing thereon.

Prior to the final discharge of any treasurer, the clerk shall issue a rule, as directed by the appropriate circuit court, against the Comptroller, the governing body and the school board of the county or city, to show cause, if any they can, why the treasurer should not be discharged. When the notice has been published and posted as aforesaid and the rule executed, then the court, on the day named in the notice, shall, if no cause be shown to the contrary, enter an order, finally discharging such treasurer. If an objection is made, the court shall hear such matter with or without formal pleadings, on oral testimony, or the court may refer any question that may arise in the proceedings to a commissioner in chancery to make a report thereon and may enter, upon final hearing, such order as it may deem proper. A copy of the order herein required, served upon the Comptroller, the chairman of the governing body, and the mayor of the city or superintendent of schools, respectively, shall be a sufficient service of the rule. *The attorney for the locality may prepare and file any pleadings necessary pursuant to this section. If the locality has no attorney, or if the attorney declines or is unable to perform these tasks, the circuit court shall assign legal counsel for these purposes in accordance with § 15.2-1606; provided, however, that the Compensation Board shall not be obligated to reimburse the locality for fees incurred for this purpose.*

SENATE SUBSTITUTE

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