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## SENATE BILL NO. 1441

Offered January 18, 2021

A *BILL to amend and reenact §§ 30-105, 64.2-1200, and 64.2-1202 of the Code of Virginia, relating to appointment of commissioners of accounts; members of the General Assembly.*

Patron—Lucas

Referred to Committee on Rules

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

**1. That §§ 30-105, 64.2-1200, and 64.2-1202 of the Code of Virginia are amended and reenacted as follows:**

**§ 30-105. Prohibited contracts by legislators.**

A. No legislator shall have a personal interest in a contract with the legislative branch of state government.

B. No legislator shall have a personal interest in a contract with any governmental agency of the executive or judicial branches of state government, other than in a contract of regular employment, unless such contract is awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or is exempted from competitive sealed bidding or competitive negotiation pursuant to § 2.2-4344.

C. No legislator shall have a personal interest in a contract with any governmental agency of local government, other than in a contract of regular employment, unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or is awarded as a result of a procedure embodying competitive principles as authorized by subdivision A 10 or A 11 of § 2.2-4343; (ii) exempted from competitive sealed bidding, competitive negotiation, or a procedure embodying competitive principles pursuant to § 2.2-4344; or (iii) awarded after a finding, in writing, by the administrative head of the local governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

D. The provisions of this section shall not apply to contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public.

E. The provisions of this section shall not apply to a legislator's personal interest in a contract between a public institution of higher education in the Commonwealth and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials.

*F. No legislator shall accept an appointment as a commissioner of accounts pursuant to § 64.2-1200 or a deputy commissioner of accounts pursuant to § 64.2-1202, or continue to act as such if appointed prior to July 1, 2021.*

**§ 64.2-1200. Commissioners of accounts.**

A. The judges of each circuit court shall appoint as many commissioners of accounts as may be necessary to carry out the duties of that office. The commissioner of accounts shall have general supervision of all fiduciaries admitted to qualify in the court or before the clerk of the circuit court and shall make all ex parte settlements of the fiduciaries' accounts. The person appointed as a commissioner of accounts shall be a discreet and competent attorney-at-law and shall be removable at the pleasure of the court. *The person appointed shall not be (i) a member of the General Assembly or (ii) a person who is a member or employee of the same law firm or corporate law department as a member of the General Assembly.*

B. In the event more than one commissioner of accounts is appointed, each commissioner of accounts shall maintain his own office and keep his own books, records, and accounts. Each commissioner of accounts shall retain the power of supervision over every account, matter, or thing referred to him until a final account is approved for such account, matter, or thing, unless he resigns, retires, or is removed from office, in which case his successor shall continue such duties.

C. For any given service performed, each commissioner of accounts shall have the authority to establish a lesser fee than that prescribed by the court or to waive one or more fees.

**§ 64.2-1202. Appointment of deputy commissioners of accounts in certain cities and counties; duties and powers.**

In any city or county having a population in excess of 200,000, the commissioner of accounts, with the approval of the judges of the circuit court, may appoint a deputy commissioner of accounts who may discharge any of the official duties of the commissioner of accounts for such jurisdiction for so long as the commissioner of accounts continues to serve. The person appointed as a deputy

59 commissioner of accounts shall be a discreet and competent attorney-at-law and shall be removable at  
60 the pleasure of the court. *The person appointed shall not be (i) a member of the General Assembly or*  
61 *(ii) a person who is a member or employee of the same law firm or corporate law department as a*  
62 *member of the General Assembly.*

63 Before entering upon the duties of his office, any deputy commissioner of accounts shall take and  
64 subscribe an oath similar to that provided for the commissioner of accounts. The oath shall be filed with  
65 the clerk of court and a record of the appointment and oath shall be entered in the order book of such  
66 court.