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**HOUSE BILL NO. 664**

Offered January 13, 2010

Prefiled January 12, 2010

*A BILL to amend and reenact §§ 26-8, 26-10.1, and 30-105 of the Code of Virginia, relating to commissioner of accounts; prohibiting General Assembly members from serving.*

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Patron—Gear

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Referred to Committee for Courts of Justice

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

**1. That §§ 26-8, 26-10.1, and 30-105 of the Code of Virginia are amended and reenacted as follows:**

§ 26-8. Commissioners of accounts.

A. The judges of each circuit court shall appoint as many commissioners of accounts, as may be requisite to carry out the duties of that office, who shall be removable at pleasure and who shall have a general supervision of all fiduciaries admitted to qualify in such court or before the clerk thereof and make all ex parte settlements of their accounts. The person appointed as a commissioner of accounts shall be a discreet and competent attorney-at-law; *however, 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 such commissioner is appointed, each commissioner shall maintain his own office and keep his own books, records and accounts. He shall retain the power of supervision over every account, matter or thing referred to him until his final account is approved, unless he resigns, retires or is removed from office, in which case his successor shall continue such duties.

C. Each commissioner shall have the authority, for any given service he performs, either to establish a lesser fee than that prescribed by the court, or to waive one or more fees.

§ 26-10.1. Deputy commissioners of accounts in certain cities and counties.

In any city or county having a population in excess of 200,000 the commissioner of accounts of each court having jurisdiction of the probate of wills and granting administrations on estates of decedents, with the approval of the judge of such court, may appoint a deputy commissioner of accounts who may discharge any of the official duties of his principal or principals during the latter's continuance in office. The person so appointed shall be a discreet and competent attorney-at-law; *however, 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.*

Any deputy commissioner of accounts, before entering upon the duties of his office, shall take and subscribe an oath similar to that provided for his principal. The oath shall be filed with the clerk of court and a record of such appointment and oath shall be entered in the order book of such court. Any such deputy shall be removable at the pleasure of the judge of said court.

§ 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 defined in § 2.2-4301.

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 defined in § 2.2-4301 or is awarded as a result of a procedure embodying competitive principles as authorized by subdivision 10 or 11 of § 2.2-4343, or (ii) is 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 Virginia 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.

INTRODUCED

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**59**      *F. No legislator shall accept an appointment as a commissioner of accounts pursuant to § 26-8 or a*  
**60**      *deputy commissioner of accounts pursuant to § 26-10.1, or continue to act as a commissioner of*  
**61**      *accounts if appointed prior to July 1, 2010.*