

FILED

2002 APR -1 A 10: 10

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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~~2002 MAR 22 A 10: 06~~

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WEST VIRGINIA LEGISLATURE

Regular Session, 2002

ENROLLED

Com. Sub. for Com. Sub. for

SENATE BILL NO. 501

(By Senator Tomblin, Mr. President)

PASSED March 9, 2002

In Effect ninety days from Passage

FILED

2002 APR -1 A 10: 10

OFFICE WEST VIRGINIA
SECRETARY OF STATE

~~FILED~~

~~2002 MAR 32 A 10: 07~~

~~OFFICE WEST VIRGINIA
SECRETARY OF STATE~~

ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 501

(SENATOR TOMBLIN, MR. PRESIDENT, *original sponsor*)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section thirty-four, article three, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to appointment of employees of the state auditor to serve as deputy commissioners of delinquent and nonentered lands; exempting auditor's employees from residency requirements; and providing compensation be credited to the auditor.

Be it enacted by the Legislature of West Virginia:

That section thirty-four, article three, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. SALE OF TAX LIENS AND NONENTERED, ESCHEATED AND WASTE AND UNAPPROPRIATED LANDS.

§11A-3-34. Deputy commissioners of delinquent and nonentered lands; bond.

1 (a) The auditor shall appoint for each county in the state
2 a deputy commissioner of delinquent and nonentered
3 lands. The auditor shall make new appointments, from
4 time to time thereafter, whenever vacancies occur or when,
5 in the auditor's judgment, it is advisable. The auditor may
6 promulgate rules respecting the tenure of deputy commis-
7 sioners. In the absence of rules, the deputy commissioner
8 for each county shall, so long as he or she satisfies the
9 requirements of this section in respect to professional
10 qualifications and bonding, continue to act without
11 reappointment until the auditor designates his or her
12 successor.

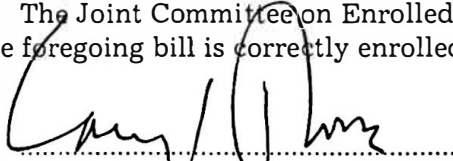
13 (b) The auditor shall appoint deputy commissioners in
14 such numbers and to serve such counties as the auditor
15 considers advisable to effect the purposes of this article.
16 Appointments, other than an employee of the auditor's
17 office, shall be limited to persons duly licensed to practice
18 law in this state. Except for an employee of the auditor's
19 office, any person appointed as deputy commissioner for
20 a single county shall reside in that county. Any person
21 appointed as deputy commissioner for more than one
22 county shall reside in one of the counties for which he or
23 she has been appointed.

24 (c) Whenever in respect to any land the deputy commis-
25 sioner, in his or her own judgment or in the opinion of the
26 auditor, is disqualified or otherwise unable to serve
27 because of his or her personal interest, because of his or
28 her representation of clients in matters affecting the land,
29 because of vacancies or failure to act, or whenever the
30 auditor considers it in the best interest of the state, the
31 auditor may appoint an employee of his or her office to
32 serve as a deputy commissioner relating to the land. When

33 a deputy commissioner is an employee of the auditor, all
34 compensation and commissions that would otherwise be
35 paid to a deputy commissioner shall be credited by the
36 sheriff to the auditor for deposit into the operating fund
37 created pursuant to section thirty-six of this article.

38 (d) The deputy commissioner is subject to the orders and
39 control of the auditor, is accountable to him or her and
40 serves as the auditor's local agent in the county. The
41 deputy commissioner shall do whatever is required by the
42 auditor or by the provisions of this article. The deputy
43 commissioner, before entering upon his or her duties, shall
44 give a bond, with satisfactory corporate surety, condi-
45 tioned upon the faithful performance of his or her duties
46 and the payment of any forfeitures incurred. The penalty
47 of the bond shall be at least twenty-five thousand dollars
48 and not more than one hundred thousand dollars, as the
49 auditor may direct. The premium for the bond shall be
50 paid by the auditor out of the operating fund for the land
51 department in his or her office.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee


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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.



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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 29th
Day of March, 2002.


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Governor

FILE # 1070711

CLASS #

DATE 3/26/02

TIME 3:10 