WEST VIRGINIA CODE: §11-1C-4

§11-1C-4. Commission powers and duties; rulemaking.

(a) On or before October 1, 1990, and thereafter as necessary the Property Valuation Training and Procedures Commission shall perform the following duties:

(1) Devise training and certification criteria for county assessors and their employees and members of county commissions, which shall include a definition of "appropriate staff member" as the term is used in section six of this article relating to required training, which definition shall include deputy assessors as provided for in section three, article two of this chapter;

(2) Establish uniform, statewide procedures and methodologies for the mapping, visitation, identification and collection of information on the different species of property, which procedures and methodologies shall include reasonable requirements for visitation of property, including a requirement that a good faith effort be made to contact any owner of owner-occupied residential property: Provided, That the commission is not authorized to establish the methods to value real and personal property, but shall have the authority to approve such methods;

(3) Develop an outline of items to be included in the county property valuation plan required in section seven of this article, which shall include information to assist the Property Valuation Training and Procedures Commission in its determination of the distribution of state funds provided pursuant to section eight of this article.

(b) On or before July 1, 1991, the commission shall establish objective criteria for the evaluation of the performance of the duties of county assessors and the Tax Commissioner.

(c) In the event the Tax Commissioner and a county assessor cannot agree on the content of the plan required under section seven of this article, the commission shall examine the plan and the objections of the Tax Commissioner and shall resolve the dispute on or before the first day of the fiscal year following the fiscal year in which the plan was submitted to the commission for resolution.

(d) The commission may make such rules as it considers necessary to carry out the provisions of this section, which rules shall include procedures for the maintenance and use of paper and electronic tax maps but specifically excluding rules that relate to the sale, reproduction and distribution of the maps and associated data. Any rules adopted by the commission prior to October 1, 1990, under subsection (a) of this section are exempt from the provisions of article three, chapter twenty-nine-a of this code: Provided, That the commission shall file a copy of any rule so exempted from the provisions of chapter twenty-nine-a of this code with the Legislative Rule-Making Review Committee created pursuant to section eleven, article three of said chapter prior to November 30, 1990.

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(e) The commission may make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article.

(f) In order to fund the costs of the requirements of this article, the valuation commission may, on a one-time basis, borrow $5 million and distribute those funds according to need and the valuation plan submitted by the counties. Upon request of the valuation commission, the State Board of Investments shall loan, under commercially reasonable terms to be determined by the parties, up to $5 million to the valuation commission, on a one-time basis, from one of the various funds administered by the State Board of Investments.

(g) The commission shall be required, if the Tax Commissioner has failed to do so, to appoint one or more special assessors if it is the determination of the commission that an assessor has substantially failed to perform the duties required by sections seven and eight of this article. A writ of mandamus shall be the proper remedy if the commission fails to perform any of its duties required by law.

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