WEST VIRGINIA CODE: §11A-3-34

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

(a) The Auditor shall appoint for each county in the state a deputy commissioner of delinquent and nonentered lands. The Auditor shall make new appointments, from time to time thereafter, whenever vacancies occur or when, in the Auditor's judgment, it is advisable. The Auditor may promulgate rules respecting the tenure of deputy commissioners. In the absence of rules, the deputy commissioner for each county shall, so long as he or she satisfies the requirements of this section in respect to professional qualifications and bonding, continue to act without reappointment until the Auditor designates his or her successor.

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

(c) Whenever in respect to any land the deputy commissioner, in his or her own judgment or in the opinion of the Auditor, is disqualified or otherwise unable to serve because of his or her personal interest, because of his or her representation of clients in matters affecting the land, because of vacancies or failure to act, or whenever the Auditor considers it in the best interest of the state, the Auditor may appoint an employee of his or her office to serve as a deputy commissioner relating to the land. When a deputy commissioner is an employee of the Auditor, all compensation and commissions that would otherwise be paid to a deputy commissioner shall be credited by the sheriff to the Auditor for deposit into the operating fund created pursuant to section thirty-six of this article.

(d) The deputy commissioner is subject to the orders and control of the Auditor, is accountable to him or her and serves as the Auditor's local agent in the county. The deputy commissioner shall do whatever is required by the Auditor or by the provisions of this article. The deputy commissioner, before entering upon his or her duties, shall give a bond, with satisfactory corporate surety, conditioned upon the faithful performance of his or her duties and the payment of any forfeitures incurred. The penalty of the bond shall be at least $25,000 and not more than $100,000, as the Auditor may direct. The premium for the bond shall be paid by the Auditor out of the operating fund for the land department in his or her office.

WV Legislature