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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001

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**ENROLLED**

## House Bill No. 2772

(By Delegates Manuel, Spencer, Pino, Givens and Wills)

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Passed April 3, 2001

In Effect July 1, 2001

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H. B. 2772

(BY DELEGATES MANUEL, SPENCER, PINO, GIVENS AND WILLS)

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[Passed April 3, 2001; in effect July 1, 2001.]

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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 the appointment powers of 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 The auditor shall appoint for each county in the state a
- 2 deputy commissioner of delinquent and nonentered lands.
- 3 Persons serving in that capacity when this article takes effect
- 4 shall continue to serve, subject to the provisions of this article.

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5 The auditor shall make new appointments from time to time  
6 thereafter whenever vacancies occur, or when in the auditor's  
7 judgment it is deemed advisable. The auditor may promulgate  
8 rules respecting the tenure of deputy commissioners. In the  
9 absence of such rules, the deputy commissioner for each county  
10 shall, so long as he satisfies the requirements of this section in  
11 respect to professional qualifications and bonding, continue to  
12 act without reappointment until the auditor designates his  
13 successor.

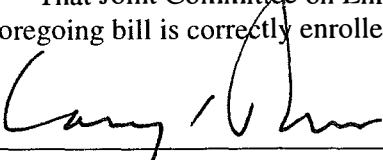
14 The auditor shall appoint deputy commissioners in such  
15 numbers and to serve such counties as the auditor deems  
16 advisable to effect the purposes of this article. Appointments,  
17 other than an employee of the auditor's office, shall be limited  
18 to persons duly licensed to practice law in this state. Any person  
19 appointed as deputy commissioner for a single county shall  
20 reside in said county. Any person appointed as deputy commis-  
21 sioner for more than one county shall reside in one of the  
22 counties for which he has been appointed.

23 Whenever in respect to any land the deputy commissioner, in  
24 his own judgment or in the opinion of the auditor, is disquali-  
25 fied or otherwise unable to serve, because of his personal  
26 interest, or because of his representation of clients in matters  
27 affecting such land, or because of vacancies or failure to act, the  
28 auditor may appoint an employee of his office to assume all of  
29 the disqualified deputy commissioner's rights, duties, responsi-  
30 bilities and liabilities relating to such land.

31 The deputy commissioner shall be subject to the orders and  
32 control of the auditor, shall be accountable to him, and shall  
33 serve as his local agent within the county. It shall be his duty to  
34 do whatever is required of him by the auditor or by the provi-  
35 sions of this article. The deputy commissioner before entering  
36 upon his duties shall give a bond, with satisfactory corporate  
37 surety, conditioned upon the faithful performance of his duties

38 and the payment of any forfeitures incurred. The penalty of  
39 such bond shall be not less than twenty-five thousand dollars  
40 nor more than one hundred thousand dollars, as the auditor may  
41 direct. The premium therefor shall be paid by the auditor out of  
42 the operating fund for the land department in his office.

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

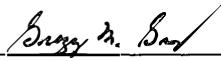
  
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Chairman Senate Committee

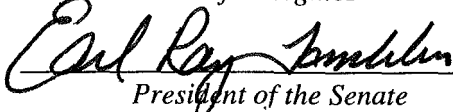
  
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Chairman House Committee

Originating in the House.

In effect July 1, 2001.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 10<sup>th</sup>  
day of April, 2001.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR,

Date 4/9/01

Time 2:27pm