WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2001

ENROLLED

House Bill No. 2772
(By Delegates Manuel, Spencer, Pino, Givens and Wills)

Passed April 3, 2001
In Effect July 1, 2001
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.


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

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

The auditor shall appoint for each county in the state a deputy commissioner of delinquent and nonentered lands. Persons serving in that capacity when this article takes effect shall continue to serve, subject to the provisions of this article.
The auditor shall make new appointments from time to time thereafter whenever vacancies occur, or when in the auditor's judgment it is deemed advisable. The auditor may promulgate rules respecting the tenure of deputy commissioners. In the absence of such rules, the deputy commissioner for each county shall, so long as he satisfies the requirements of this section in respect to professional qualifications and bonding, continue to act without reappointment until the auditor designates his successor.

The auditor shall appoint deputy commissioners in such numbers and to serve such counties as the auditor deems 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. Any person appointed as deputy commissioner for a single county shall reside in said county. Any person appointed as deputy commissioner for more than one county shall reside in one of the counties for which he has been appointed.

Whenever in respect to any land the deputy commissioner, in his own judgment or in the opinion of the auditor, is disqualified or otherwise unable to serve, because of his personal interest, or because of his representation of clients in matters affecting such land, or because of vacancies or failure to act, the auditor may appoint an employee of his office to assume all of the disqualified deputy commissioner's rights, duties, responsibilities and liabilities relating to such land.

The deputy commissioner shall be subject to the orders and control of the auditor, shall be accountable to him, and shall serve as his local agent within the county. It shall be his duty to do whatever is required of him by the auditor or by the provisions of this article. The deputy commissioner before entering upon his duties shall give a bond, with satisfactory corporate surety, conditioned upon the faithful performance of his duties
and the payment of any forfeitures incurred. The penalty of such bond shall be not less than twenty-five thousand dollars nor more than one hundred thousand dollars, as the auditor may direct. The premium therefor shall be paid by the auditor out of 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.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect July 1, 2001.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 10th day of April, 2001.

Governor