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
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, ESCHATEED AND
WASTE AND UNAPPROPRIATED LANDS.

§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 commis-
sioners. 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 commis-
sioner, 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, condi-
tioned 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 twenty-five thousand dollars
and not more than one hundred thousand dollars, 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the ___ day of March, 2002.

Governor