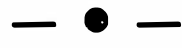


HB 2277

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

HOUSE BILL No. 2277

(By Delegates J. Martin, Love, Michael,
Osborne, Nesbitt, Harrison and
Wellison)

Passed March 10, 1995

In Effect July 1, 1995 Passage



ENROLLED

H. B. 2277

(BY DELEGATES J. MARTIN, LOVE, MICHAEL, OSBORNE, NESBITT,
HARRISON AND WILLISON)

[Passed March 10, 1995; in effect July 1, 1995.]

AN ACT to amend and reenact section three, article twelve, chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing the real estate commission.

Be it enacted by the Legislature of West Virginia:

That section three, article twelve, chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

§47-12-3. Commission created; powers generally; membership; appointment and removal of members; qualifications; terms; organization; salaries and expenses; executive director and assistants; seal; admissibility of and inspection of records; continuation of commission.

1 There shall be a commission known as the "West
2 Virginia Real Estate Commission", which commission shall
3 be a corporation and as such may sue and be sued, may
4 contract and be contracted with and shall have a common
5 seal. The commission shall consist of three persons to be
6 appointed by the governor by and with the advice and
7 consent of the Senate. Two of such appointees each shall

8 have been a resident and a citizen of this state for at least
9 six years prior to his or her appointment and whose
10 vocation for at least ten years shall have been that of a real
11 estate broker or real estate salesperson and the third shall
12 be a representative of the public generally. Members in
13 office on the date this section becomes effective shall
14 continue in office until their respective terms expire. The
15 term of the members of said commission shall be for four
16 years and until their successors are appointed and qualify.
17 No more than two members of such commission shall
18 belong to the same political party. No member shall be a
19 candidate for or hold any other public office or be a
20 member of any political committee while acting as such
21 commissioner. In case any commissioner be a candidate
22 for or hold any other public office or be a member of any
23 political committee, his or her office as such commissioner
24 shall ipso facto be vacated. Members to fill vacancies shall
25 be appointed by the governor for the unexpired term. No
26 member may be removed from office by the governor
27 except for official misconduct, incompetency, neglect of
28 duty, gross immorality or other good cause shown and
29 then only in the manner prescribed by law for the removal
30 by the governor of state elective officers. The governor
31 shall designate one member of the commission as the
32 chairman thereof and the members shall choose one of the
33 members thereof as secretary. Two members of the
34 commission shall constitute a quorum for the conduct of
35 official business.

36 (a) The commission shall do all things necessary and
37 convenient for carrying into effect the provisions of this
38 article and may from time to time promulgate reasonable,
39 fair and impartial rules and regulations in accordance with
40 the provisions of article three, chapter twenty-nine-a of
41 this code. The board shall pay each member the same
42 compensation and expense reimbursement as is paid to
43 members of the Legislature for their interim duties as
44 recommended by the citizens legislative compensation
45 commission and authorized by law for each day or
46 portion thereof engaged in the discharge of official duties.

47 (b) The commission shall employ an executive director
48 and such clerks, investigators and assistants as it shall deem
49 necessary to discharge the duties imposed by the
50 provisions of this article and to effect its purposes, and the
51 commission shall determine the duties and fix the
52 compensation of such executive director, clerks,
53 investigators and assistants, subject to the general laws of
54 the state.

55 (c) The commission shall adopt a seal by which it shall
56 authenticate its proceedings. Copies of all records and
57 papers in the office of the commission, duly certified and
58 authenticated by the seal of said commission, shall be
59 received in evidence in all courts equally and with like
60 effect as the original. All records kept in the office of the
61 commission under authority of this article shall be open to
62 public inspection under reasonable rules and regulations
63 as shall be prescribed by the commission.

64 (d) After having conducted a preliminary performance
65 review through its joint committee on government
66 operations, pursuant to article ten, chapter four of this
67 code, the Legislature hereby finds and declares that the
68 West Virginia real estate commission should be continued
69 and reestablished. Accordingly, notwithstanding the
70 provisions of said article, the West Virginia real estate
71 commission shall continue to exist until the first day of
72 July, two thousand one.

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

Randy Schoonover
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect July 1, 1995.

Darrell Edwards
Clerk of the Senate

Donald J. Neff
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Earl C. Coker
Speaker of the House of Delegates

The within unapproved this the 23rd
day of March, 1995.

Gaston Caperton
Governor



PRESENTED TO THE

GOVERNOR

Date 3/22/95

Time 3:38 pm