

# 4233

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



# ENROLLED

HOUSE BILL No. 4233

(By ~~MR.~~ Delegates Ackley & Lane)



Passed March 11 1988

In Effect Ninety Days from Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 4233**

(By DELEGATES ASHLEY and LOVE)

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[Passed March 11, 1988; in effect ninety days from passage.]

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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 West Virginia real estate commission, following an audit by the joint committee on government operations.

*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:

**ARTICLE 12. REAL ESTATE COMMISSION, BROKERS AND SALESMEN.**

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

1     There shall be a commission known as the "West  
2     Virginia Real Estate Commission," which commission

3 shall be a corporation and as such may sue and be sued,  
4 may contract and be contracted with and shall have a  
5 common seal. The commission shall consist of three  
6 persons to be appointed by the governor by and with the  
7 advice and consent of the Senate. Two of such appointees  
8 each shall have been a resident and a citizen of this state  
9 for at least six years prior to his or her appointment and  
10 whose vocation for at least ten years shall have been that  
11 of a real estate broker or real estate salesman and the  
12 third shall be a representative of the public generally.  
13 Members in office on the date this section becomes  
14 effective shall continue in office until their respective  
15 terms expire. The term of the members of said commis-  
16 sion shall be for four years and until their successors are  
17 appointed and qualify. No more than two members of  
18 such commission shall belong to the same political party.  
19 No member shall be a candidate for or hold any other  
20 public office or be a member of any political committee  
21 while acting as such commissioner. In case any commis-  
22 sioner be a candidate for or hold any other public office  
23 or be a member of any political committee, his office as  
24 such commissioner shall ipso facto be vacated. Members  
25 to fill vacancies shall be appointed by the governor for  
26 the unexpired term. No member may be removed from  
27 office by the governor except for official misconduct,  
28 incompetency, neglect of duty, gross immorality or other  
29 good cause shown and then only in the manner pres-  
30 cribed by law for the removal by the governor of state  
31 elective officers. The governor shall designate one  
32 member of the commission as the chairman thereof and  
33 the members shall choose one of the members thereof  
34 as secretary. Two members of the commission shall  
35 constitute a quorum for the conduct of 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 reasona-  
39 ble, fair and impartial rules and regulations in accor-  
40 dance with the provisions of article three, chapter  
41 twenty-nine-a of this code. Each member of the commis-  
42 sion shall receive as full compensation for his services  
43 the sum of one hundred dollars per day for each full day  
44 actually spent on the work of the commission and his

45 actual and necessary expenses incurred in the perfor-  
46 mance of duties pertaining to his office.

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

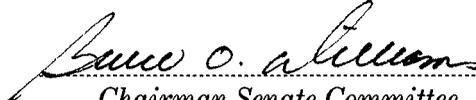
55 (c) The commission shall adopt a seal by which it shall  
56 authenticate its proceedings. Copies of all records and  
57 papers in the office of the commission, duly certified and  
58 authenticated by the seal of said commission, shall be  
59 received in evidence in all courts equally and with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

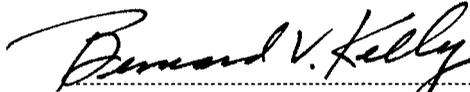
64 (d) After having conducted a performance and fiscal  
65 audit through its joint committee on government  
66 operations, pursuant to section nine, article ten, chapter  
67 four of this code, the Legislature hereby finds and  
68 declares that the West Virginia real estate commission  
69 should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

*Handwritten signatures and initials, including "J. M. ...", "W. ...", and "J. ...".*

Enr. Com. Sub. for H. B. 4233] 4

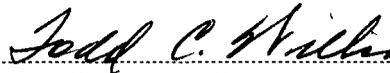
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

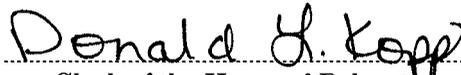
  
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Chairman Senate Committee

  
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Chairman House Committee

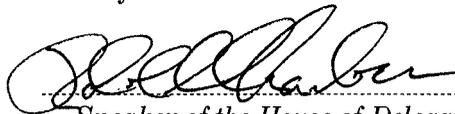
Originating in the House.

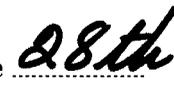
Takes effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within  this the   
 day of \_\_\_\_\_, 1988.

  
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Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/88

Time 11:09 a.m.

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OFFICE OF THE ATTORNEY GENERAL  
SECRETARY OF STATE