WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

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ENROLLED

HOUSE BILL No. 4233

(By Mr. Delegates Ashley & Lane)

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Passed March 11, 1988

In Effect Ninety Days from Passage
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.

There shall be a commission known as the “West Virginia Real Estate Commission,” which commission
shall be a corporation and as such may sue and be sued,
may contract and be contracted with and shall have a
common seal. The commission shall consist of three
persons to be appointed by the governor by and with the
advice and consent of the Senate. Two of such appointees
each shall have been a resident and a citizen of this state
for at least six years prior to his or her appointment and
whose vocation for at least ten years shall have been that
of a real estate broker or real estate salesman and the
third shall be a representative of the public generally.
Members in office on the date this section becomes
effective shall continue in office until their respective
terms expire. The term of the members of said commis-

sion shall be for four years and until their successors are
appointed and qualify. No more than two members of
such commission shall belong to the same political party.
No member shall be a candidate for or hold any other
public office or be a member of any political committee
while acting as such commissioner. In case any commis-

sioner be a candidate for or hold any other public office
or be a member of any political committee, his office as
such commissioner shall ipso facto be vacated. Members
to fill vacancies shall be appointed by the governor for
the unexpired term. No member may be removed from
office by the governor except for official misconduct,
incompetency, neglect of duty, gross immorality or other
good cause shown and then only in the manner pres-
ccribed by law for the removal by the governor of state
elective officers. The governor shall designate one
member of the commission as the chairman thereof and
the members shall choose one of the members thereof
as secretary. Two members of the commission shall
constitute a quorum for the conduct of official business.

(a) The commission shall do all things necessary and
convenient for carrying into effect the provisions of this
article and may from time to time promulgate reasona-
ble, fair and impartial rules and regulations in accor-
dance with the provisions of article three, chapter
twenty-nine-a of this code. Each member of the commis-
sion shall receive as full compensation for his services
the sum of one hundred dollars per day for each full day
actually spent on the work of the commission and his
actual and necessary expenses incurred in the performance of duties pertaining to his office.

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

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

(d) After having conducted a performance and fiscal audit through its joint committee on government operations, pursuant to section nine, article ten, chapter four of this code, the Legislature hereby finds and declares that the West Virginia real estate commission should be continued and reestablished. Accordingly, notwithstanding the provisions of section four, article ten, chapter four of this code, the West Virginia real estate commission shall continue to exist until the first day of July, one thousand nine hundred ninety-four.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor
PRESENTED TO THE
GOVERNOR
Date 3/22/88
Time 11:00 A.M.