WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

SENATE BILL NO. 84

(By Senators Holliday and Boley)

PASSED February 15, 1994

In Effect July 1, 1994
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 continuation of the real estate commission; and changing expense reimbursement of commission members.

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 SALESPERSONS.
§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; termination of commission.

1 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 salesperson 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 commission 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 commissioner be a candidate for or hold any other public office or be a member of any political committee, his or her 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 prescribed 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 reasonable, fair and impartial rules and regulations in accordance with the provisions of article three, chapter twenty-nine-a of this code. The board shall pay each
member the same compensation and expense reimburse-
ment as is paid to members of the Legislature for their
interim duties as recommended by the citizens legislative
compensation commission and authorized by law for each
day or portion thereof engaged in the discharge of official
duties.

(b) The commission shall employ an executive director
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 director, clerks, investi-
gators 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 regula-
tions as shall be prescribed by the commission.

(d) After having conducted a preliminary performance
review through its joint committee on government
operations, pursuant to 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 said article, the West Virginia real estate
commission shall continue to exist until the first day of
July, one thousand nine hundred ninety-five, to allow the
joint committee on government operations to monitor
compliance with recommendations set forth in the
preliminary performance review.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1994.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 2nd day of February, 1994.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/18/94
Time 9:18 am