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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

SENATE BILL NO. 497

(By Senator Bailey, et al)

PASSED April 13, 2001

In Effect July 1, 2001 ~~Passage~~

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Senate Bill No. 497

(BY SENATORS BAILEY, BURNETTE, CHAFIN, JACKSON, MCCABE,
MINARD, REDD, ROWE, WOOTON AND BOLEY)

[Passed April 13, 2001; to take effect July 1, 2001.]

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; and to further amend said article by adding thereto a new section, designated section twenty-four, all 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; and that said article be further amended by adding thereto a new section, designated section twenty-four, all 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; qualifica-

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STATS

**tions; terms; organization; salaries and expenses;
executive director and assistants; seal; admissibil-
ity of and inspection of records.**

1 There shall be a commission known as the "West
2 Virginia Real Estate Commission", which shall be a
3 corporation and as such may sue and be sued, may con-
4 tract 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 then
29 only in the manner prescribed by law for the removal by
30 the governor of state elective officers. The governor shall
31 designate one member of the commission as the chairman
32 thereof and the members shall choose one of the members
33 thereof as secretary. Two members of the commission
34 shall constitute a quorum for the conduct of official
35 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
40 with the provisions of article three, chapter twenty-nine-a
41 of 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 portion
46 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
49 deem 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 compen-
52 sation of such executive director, clerks, investigators and
53 assistants, subject to the general laws of the state.

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

§47-12-24. Termination of commission.

1 The real estate commission shall terminate on the first
2 day of July, two thousand four, pursuant to the provisions
3 of article ten, chapter four of this code unless sooner
4 terminated, continued or reestablished pursuant to the
5 provisions of that article.

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

[Handwritten Signature]

Chairman Senate Committee

[Handwritten Signature]

Chairman House Committee

Originated in the Senate.

To take effect July 1, 2001.

[Handwritten Signature]

Clerk of the Senate

[Handwritten Signature]

Clerk of the House of Delegates

[Handwritten Signature]

President of the Senate

[Handwritten Signature]

Speaker House of Delegates

The within *is approved* this the *27th*
Day of *April*, 2001.

[Handwritten Signature]

Governor

PRESENTED TO THE

GOVERNOR

Date 4/25/01

Time 5:20 pm