

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 308

BY SENATOR BLAIR

[Introduced January 15, 2016;

Referred to the Committee on Government Organization.]

1 A BILL to amend and reenact §30-40-6 of the Code of West Virginia, 1931, as amended, relating
2 to terms of appointed members of the Real Estate Commission.

Be it enacted by the Legislature of West Virginia:

1 That §30-40-6 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 40. WEST VIRGINIA REAL ESTATE LICENSE ACT.

**§30-40-6. Commission created; membership; appointment and removal of members;
qualifications; terms; organization.**

1 (a) The West Virginia Real Estate Commission is hereby continued. The members of the
2 commission in office on the date this section takes effect shall, unless sooner removed, continue
3 to serve until their respective terms expire. ~~and until their successors have been appointed and~~
4 ~~qualified.~~

5 (b)(1) Commencing with the terms beginning with July 1, 2002, the commission shall
6 consist of five persons appointed for terms of four years by the Governor with the advice and
7 consent of the Senate. Four commissioners must be licensed under the provisions of this article
8 and one commissioner must be a citizen member who is not licensed under the provisions of this
9 article.

10 (2) Each licensed commissioner, at the time of his or her appointment, must have been
11 licensed and practiced in this state as a real estate broker, associate broker or salesperson as
12 his or her primary vocation for a period of not less than ten years immediately preceding the
13 appointment. Each commissioner must have been a resident of this state for at least six years
14 prior to his or her appointment and must remain a resident during the appointment term. No more
15 than four commissioners shall belong to the same political party.

16 (3) The appointment of three licensed commissioners, whether for a full term or to fill a
17 vacancy, shall be made by the Governor with the advice and consent of the Senate. The
18 appointment of one licensed commissioner, whether for a full term or to fill a vacancy, shall be

19 made by the Governor from among three nominees selected by the West Virginia association of
20 realtors. If the appointment is for a full term, the nominations must be submitted to the Governor
21 not later than three months prior to the date on which the appointment becomes effective. If the
22 appointment is to fill a vacancy, the nominations must be submitted to the Governor within thirty
23 days after a request for the nominations has been made by the Governor to the West Virginia
24 association of realtors. If the association fails to submit nominations in accordance with the
25 requirements of this section, the Governor may make the appointment without the nominations.

26 (c) Any commissioner immediately and automatically forfeits his or her membership on the
27 commission if he or she has his or her license to practice as a real estate broker, associate broker
28 or salesperson suspended or revoked by the board, is convicted of a felony under the laws of this
29 state or of the United States, becomes a nonresident of this state, or holds any elective public
30 office or becomes a member of any political committee.

31 (d) No member of the commission may be removed from office by the Governor except
32 for official misconduct, incompetency, neglect of duty, gross immorality or other good cause, but
33 then only in the manner prescribed by law for the removal by the Governor of state elective
34 officials.

35 (e) No member of the commission may serve ~~more than two consecutive full terms and~~
36 ~~any member having served two full terms may not be appointed for one year after completion of~~
37 ~~his or her second full term. A member shall continue to serve until his or her successor has been~~
38 ~~appointed and qualified~~ beyond the expiration of their term, and members may not be appointed
39 to consecutive terms.

40 (f) The Governor shall designate one member of the commission as chairman and the
41 members shall choose a vice chairman and a secretary, each of whom shall continue to serve in
42 their respective capacity until replaced.

43 (g) Three members shall constitute a quorum for the conduct of official business.

44 (h) Each commissioner shall receive the same compensation as is paid to members of the

45 Legislature for their interim duties as recommended by the citizens legislative compensation
46 commission and authorized by law for each day or portion thereof engaged in the discharge of
47 official duties. Each commissioner shall be reimbursed for his or her actual and necessary
48 expenses for each day or portion thereof engaged in the discharge of official duties in a manner
49 consistent with guidelines of the travel management office of the Department of Administration.

NOTE: The purpose of this bill is to prohibit members of the real estate commission from serving beyond the expiration of their appointed term and from being appointed to consecutive terms.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.