

SB # 84

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

SENATE BILL NO. 84

(By Senators Holliday and Boley)



PASSED February 15, 1994
In Effect July 1, 1994 Passage

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OFFICE OF WEST VIRGINIA
SECURITY SERVICES

E N R O L L E D
Senate Bill No. 84

(BY SENATORS HOLLIDAY AND BOLEY)

[Passed February 15, 1994; to take 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
- 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 salesperson 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 or her
24 office as such commissioner shall ipso facto be vacated.
25 Members to fill vacancies shall be appointed by the
26 governor for the unexpired term. No member may be
27 removed from office by the governor except for official
28 misconduct, incompetency, neglect of duty, gross
29 immorality or other good cause shown and then only in
30 the manner prescribed by law for the removal by the
31 governor of state elective officers. The governor shall
32 designate one member of the commission as the chairman
33 thereof and the members shall choose one of the members
34 thereof as secretary. Two members of the commission
35 shall constitute a quorum for the conduct of official
36 business.

37 (a) The commission shall do all things necessary and
38 convenient for carrying into effect the provisions of this
39 article and may from time to time promulgate reasonable,
40 fair and impartial rules and regulations in accordance
41 with the provisions of article three, chapter
42 twenty-nine-a of this code. The board shall pay each

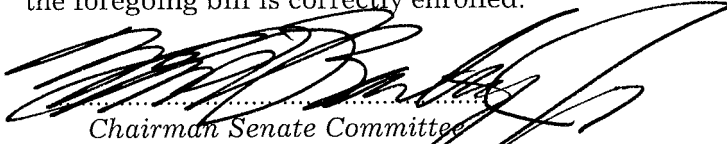
43 member the same compensation and expense reimburse-
44 ment as is paid to members of the Legislature for their
45 interim duties as recommended by the citizens legislative
46 compensation commission and authorized by law for each
47 day or portion thereof engaged in the discharge of official
48 duties.

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

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

66 (d) After having conducted a preliminary performance
67 review through its joint committee on government
68 operations, pursuant to article ten, chapter four of this
69 code, the Legislature hereby finds and declares that the
70 West Virginia real estate commission should be continued
71 and reestablished. Accordingly, notwithstanding the
72 provisions of said article, the West Virginia real estate
73 commission shall continue to exist until the first day of
74 July, one thousand nine hundred ninety-five, to allow the
75 joint committee on government operations to monitor
76 compliance with recommendations set forth in the
77 preliminary performance review.

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



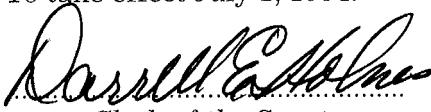
Chairman Senate Committee



Chairman House Committee

Originated in the Senate.

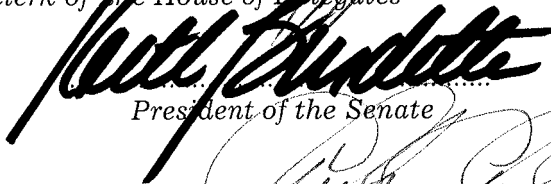
To take effect July 1, 1994.



Clerk of the Senate



Clerk of the House of Delegates

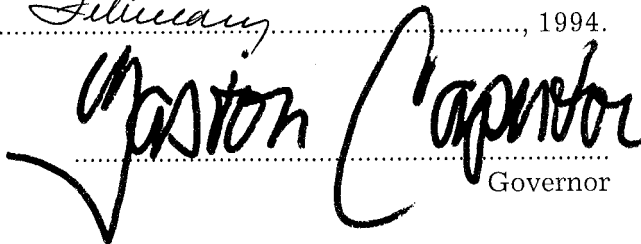


President of the Senate



Speaker House of Delegates

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



Governor

PRESENTED TO THE

GOVERNOR

Date

2/18/94

Time

9:18am