

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4227

(BY DELEGATES HOWELL, ARVON, ZATEZALO, BORDER,
R. PHILLIPS, HARTMAN, IHLE, CADLE, MOFFATT,
ATKINSON AND MORGAN)

[Originating in the Committee on Government
Organization, January 25, 2016]

1 A BILL to amend and reenact §30-38-6 of the Code of West Virginia, 1931, as amended, relating
2 to the West Virginia Real Estate Appraiser Licensing and Certification Board; changing
3 the requirements for membership on the board; providing for continued service of
4 qualifying board members; and providing for the disqualification of certain members who
5 become licensees.

Be it enacted by the Legislature of West Virginia:

1 That §30-38-6 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

**ARTICLE 38. THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION
ACT.**

**§30-38-6. Board created; appointments, qualifications, terms, oath, removal of members;
quorum; meetings; disqualification from participation; compensation;
records; employing staff.**

1 (a) The West Virginia Real Estate Appraiser Licensing and Certification Board, which
2 consists of nine members appointed by the Governor with the advice and consent of the Senate,
3 is continued.

4 (1) Each member shall be a resident of the State of West Virginia, except the appraisal
5 management company representative is not required to be a resident of West Virginia.

6 (2) Four members shall be certified real estate appraisers having at least five years'
7 experience in appraisal as a principal line of work immediately preceding their appointment, and
8 shall remain certified real estate appraisers throughout their terms.

9 (3) Two members shall have at least five years' experience in real estate lending as
10 employees of financial institutions and are not licensed to practice under the provisions of this
11 article.

12 (4) Two members may not be engaged in the practice of real estate appraisal, real estate
13 brokerage or sales or have any financial interest in these practices.

14 (5) One member shall be a representative from an appraisal management company
15 registered under the provisions of article thirty-eight-a of this chapter and is not licensed to
16 practice under the provisions of this article.

17 (6) No member of the board may concurrently be a member of the West Virginia Real
18 Estate Commission.

19 (7) Not more than two appraiser members may be appointed from each congressional
20 district.

21 (8) Any member who is unlicensed or who holds a retired, inactive, or emeritus license
22 immediately and automatically forfeits his or her membership on the board if he or she obtains an
23 active license that would permit him or her to practice under the provisions of this article, or obtains
24 a similar license from another jurisdiction.

25 (9) Members of the board as of the effective date of this section shall continue to serve
26 their term without regarding to the status of their licenses until a successor is appointed by the
27 Governor.

28 (b) Members will be appointed for three-year terms, which are staggered in accordance
29 with the initial appointments under prior enactment of this act.

30 (1) No member may serve for more than three consecutive terms.

31 (2) Before entering upon the performance of his or her duties, each member shall
32 subscribe to the oath required by section five, article four of the Constitution of this state.

33 (3) The Governor shall, within sixty days following the occurrence of a vacancy on the
34 board, fill the vacancy by appointing a person who meets the requirements of this section for the
35 unexpired term.

36 (4) Any member may be removed by the Governor in case of incompetency, neglect of
37 duty, gross immorality or malfeasance in office.

38 (c) The board shall elect a chairman.

39 (d) A majority of the members of the board constitutes a quorum.

40 (e) The board shall meet at least once in each calendar quarter on a date fixed by the
41 board.

42 (1) The board may, upon its own motion, or shall upon the written request of three
43 members of the board, call additional meetings of the board upon at least twenty-four hours'
44 notice.

45 (2) No member may participate in a proceeding before the board to which a corporation,
46 partnership or unincorporated association is a party, and of which he or she is or was at any time
47 in the preceding twelve months a director, officer, owner, partner, employee, member or
48 stockholder.

49 (3) A member may disqualify himself or herself from participation in a proceeding for any
50 other cause the member considers sufficient.

51 (f) The appointed members will receive compensation and expense reimbursement in
52 accordance with the provisions of section eleven, article one of this chapter.

53 (g) The board may employ staff as necessary to perform the functions of the board, to be
54 paid out of the board fund created by the provisions of this article. Persons employed by any real
55 estate agent, broker, appraiser or lender, or by any partnership, corporation, association or group
56 engaged in any real estate business, may not be employed by the board.

NOTE: The purpose of this bill is to add citizen and nonpracticing members to the board
and to provide for their removal upon obtaining an active license.

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