

2022 South Dakota Legislature

House Bill 1061**AMENDMENT 1061G FOR THE INTRODUCED BILL**

1 **An Act to codify an advisory ~~committee board~~ council for the appraisal appraiser**
2 **certification program.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That chapter 36-21B be amended with a NEW SECTION:**

5 The secretary of the Department of Labor and Regulation shall establish an
6 advisory ~~committee board~~ council for purposes of soliciting input from appraisers, financial
7 institutions, and other experts in the areas of appraisal appraiser certification program
8 administration, in order to sustain a program that is consistent with applicable federal and
9 state requirements.

10 The advisory ~~committee board~~ council shall consist of ~~ten~~ eleven members:

- 11 (1) One representative Director of the Division of Banking;
12 (2) One representative Executive Director of the South Dakota Real Estate
13 Commission;
14 (3) One licensed real estate broker in this state;
15 (4) One banking financial institution representative;
16 (5) One mortgage broker; and
17 (6) Five Six licensed or certified appraisers in this state:
18 (a) One state-licensed appraiser located anywhere in the state;
19 (b) Two state-certified residential appraisers, one located in eastern South
20 Dakota and one located in western South Dakota;
21 (c) Two state-certified general appraisers, one located in eastern South Dakota
22 and one located in western South Dakota; and
23 (d) One institutional staff appraiser.

24 **Section 2. That chapter 36-21B be amended with a NEW SECTION:**

1 Each ~~committee board~~ council member shall serve a term of three years, except
2 that three of ~~the~~ those who are members as licensed or certified appraisers that are
3 initially appointed shall serve a term of two years. No ~~committee board~~ council member
4 may be appointed to more than three consecutive, full terms. If a vacancy occurs, the
5 ~~board shall appoint a person to fill the unexpired term~~ council will recommend to the
6 secretary of the Department of Labor and Regulation a person to fill the unexpired term.
7 The appointment of a person to an unexpired term is not considered a full term. Term
8 limits do not apply to the director of the Banking Division or the Executive Director of the
9 South Dakota Real Estate Commission. These members represent a department staff
10 position.

11 The ~~committee board~~ council shall meet quarterly at such time and place within
12 this state as shall be designated by the secretary of the Department of Labor and
13 Regulation. The ~~committee board~~ council shall meet the requirements of chapter 1-25
14 regarding open meetings.

15 Each ~~committee board~~ council member, except the members representing a
16 department staff position, shall receive travel ~~and~~ subsistence ~~expense~~, and per diem in
17 accordance with rules established by the State Board of Finance. In addition, per diem at
18 rates ~~established by the board~~ Eligible members must be paid ~~each member~~ for each day
19 of actual service for traveling to, attending, and returning from meetings of the ~~committee~~
20 ~~board~~ council. Travel, subsistence, and per diem must be paid on vouchers duly verified
21 and approved according to the rules determined by the ~~board~~ State Board of Finance.

22 **Section 3. That chapter 36-21B be amended with a NEW SECTION:**

23 To be eligible to serve as a council member, a candidate for the appraiser, real
24 estate broker, or mortgage broker position must hold an applicable license, certificate, or
25 credential in good standing in this state. To be considered in good standing, the candidate
26 must not have been subject to any disciplinary action that affects legal eligibility to engage
27 in appraisal practice, real estate brokerage, or mortgage brokerage for three years after
28 successful completion of any sanctions imposed. Examples of sanctions that affect a
29 licensee's eligibility to practice are suspension, revocation or voluntary surrender.

30 **Section 4. That chapter 36-21B be amended with a NEW SECTION:**

31 If an appraiser, real estate broker, or mortgage broker member of the council is
32 subject to any disciplinary action that affects legal eligibility to engage in appraisal

- 1 practice, real estate brokerage, or mortgage brokerage, the council shall recommend that
- 2 the secretary of the Department of Labor and Regulation remove the member.

AMENDED