

2022 South Dakota Legislature

House Bill 1061**AMENDMENT 1061E 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 the those who are members as licensed or certified appraisers that are initially
3 appointed shall serve a term of two years. ~~No committee board council~~ member may be
4 appointed to more than three consecutive, full terms. If a vacancy occurs, ~~the board shall~~
5 appoint a person to fill the unexpired term ~~council will recommend to the secretary of the~~
6 Department of Labor and Regulation a person to fill the unexpired term. The appointment
7 of a person to an unexpired term is not considered a full term. Term limits do not apply
8 to the director of the Banking Division or the Executive Director of the South Dakota Real
9 Estate Commission. These members represent a department staff position.

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

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

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

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

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

30 If an appraiser, real estate broker, or mortgage broker member of the council is
31 subject to any disciplinary action that affects legal eligibility to engage in appraisal
32 practice, real estate brokerage, or mortgage brokerage, the council shall recommend that
33 the secretary of the Department of Labor and Regulation remove the member.