**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4651**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Hamilton

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Introduced in the House on January 24, 2012

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Real Estate Commission candidates to be screened

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/24/2012 House Introduced and read first time ([House Journal‑page 15](file:///h:\hj%20archive\2012\01-24-12.docx))

1/24/2012 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 15](file:///h:\hj%20archive\2012\01-24-12.docx))

**VERSIONS OF THIS BILL**

[1/24/2012](file:///p:\pprever\2011-12\4651_20120124.docx)

**A** **BILL**

TO AMEND SECTION 40‑57‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERSHIP OF THE SOUTH CAROLINA REAL ESTATE COMMISSION, SO AS TO REQUIRE CANDIDATES MUST BE SCREENED AND FOUND QUALIFIED BEFORE THEY MAY SERVE ON THE COMMISSION, TO PROVIDE CERTAIN QUALIFICATIONS FOR SERVICE, AND TO INCREASE MEMBERSHIP TO REFLECT CHANGES IN CONGRESSIONAL DISTRICTS IN THIS STATE, AMONG OTHER THINGS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑57‑40 of the 1976 Code is amended to read:

“Section 40‑57‑40. (A) The South Carolina Real Estate Commission consists of ~~nine~~ eleven members elected or appointed as follows:

(1) ~~Six~~ Seven members who are professionally engaged in the active practice of real estate, one elected from each of the ~~six~~ seven congressional districts by a majority of house members and senators, representing the house and senate districts located within each of the congressional districts.

(2) Two members representing the public who are not professionally engaged in the practice of real estate, each appointed by the Governor with the advice and consent of the Senate.

(3) The ~~eight~~ nine elected and appointed members shall elect ~~from the State at large, one~~ from the State at large two additional ~~member~~ members who must be in the active practice of real estate.

(B) Commission members serve a term of four years and until their successors are elected or appointed and qualify. A vacancy on the commission must be filled in the manner of the original election or appointment for the remainder of the unexpired term.

(C)(1)(a) A candidate for election to the commission must first be:

(i) screened by a Real Estate Commission Review Committee comprised of three members of the House of Representatives appointed by the Speaker of the House and three members of the Senate appointed by the President Pro Tempore; and

(ii) found qualified by the review committee by meeting the minimum requirements in item (2).

(b) The review committee must submit a written report to the Clerk of the Senate and the Clerk of the House setting forth its findings about the qualifications of each candidate.

(c) A candidate cannot serve on the commission, even in an interim capacity, until he is screened and found qualified by the Real Estate Commission Review Committee.

(2) An elected member must be an active South Carolina real estate broker who possesses abilities and experience generally found among real estate professionals practicing in this State and that allow him to make valuable contributions to the conduct of the business of the commission. These abilities include, but are not limited to:

(a) substantial business skills and experience;

(b) general knowledge of the history, purpose, and operations of the commission and the responsibilities of being a commissioner;

(c) general knowledge of real estate transaction documents, ethical standards, and other pertinent information needed to further the activities and affairs of the commission;

(d) with the assistance of counsel, the ability to understand and apply federal and state laws, rules, and regulations including, but not limited to, Chapter 57, Title 40 as they relate to the activities and affairs of the commission;

(e) with the assistance of counsel, the ability to understand and apply judicial decisions as they relate to the activities and affairs of the commission; and

(f) substantial business skills and experience.

(~~C~~D) After screening but before entering upon the discharge of the duties of the office, ~~a member’s~~ the election or appointment of a member must be certified by, and the member shall take and file with, the Secretary of State~~, in writing, an~~ a written oath to perform the duties of the office as a member of the commission and to uphold the Constitutions of this State and the United States.

(~~D~~E) ~~A member’s~~ The term of a member commences on the date on which his election or appointment is certified by the Secretary of State.

(~~E~~F) A member may be removed from office ~~in accordance with~~ pursuant to Section 1‑3‑240.”

SECTION 2. This act takes effect upon approval by the Governor.

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