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COMMITTEE REPORT

April 11, 2013

**H. 3771**

Introduced by Reps. Sandifer, Bales, Putnam and Goldfinch

S. Printed 4/11/13--H.

Read the first time March 6, 2013.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3771) to amend Section 40‑57‑40, as amended, Code of Laws of South Carolina, 1976, relating to the membership of the South Carolina Real Estate Commission, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND SECTION 40‑57‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA REAL ESTATE COMMISSION, SO AS TO DETAIL PROCEDURES FOR APPOINTING THE SEVEN COMMISSIONERS WHO REPRESENT THE SEVEN CONGRESSIONAL DISTRICTS, AND TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL DESIGNATE CERTAIN PERSONNEL FOR THE EXCLUSIVE USE OF THE COMMISSION, TO PROHIBIT THE DEPARTMENT FROM ASSIGNING OTHER WORK TO THESE PERSONNEL WITHOUT APPROVAL OF THE COMMISSION, AND TO PROVIDE THESE PERSONNEL ONLY MAY BE TERMINATED BY THE DIRECTOR.

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

SECTION 1. Section 40‑57‑40 of the 1976 Code, as last amended by Act 279 of 2012, is further amended to read:

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

(1) seven members who are professionally engaged in the active practice of real estate, one elected from each of the 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 nine elected and appointed members shall elect from the State at large one additional member who must be in the active practice of real estate.

(B)(1) Members elected to the commission pursuant to subsection (A)(1) of this section must be elected as provided in this subsection. Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.

(2) The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt such rules as they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation immediately shall transmit the names of the persons elected to the Secretary of State.

(~~B~~C) 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~~D) Before entering upon the discharge of the duties of the office, a member’s election or appointment must be certified by and the member shall take and file with the Secretary of State, in writing, an 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 term commences on the date election or appointment is certified by the Secretary of State.

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

(G)(1) The director, with the advice and consent of the commission, shall designate for the exclusive use of the commission one full‑time administrator who is a real estate broker licensed pursuant to the provisions of this chapter with at least five years experience as a real estate broker or salesman licensed pursuant to the provisions of this chapter.

(2) The director shall designate five full‑time inspector‑investigators for the exclusive use of the commission.

(3) The department may not assign work that is not exclusively related to carrying out the purposes of this chapter to a person assigned for the exclusive use of the commission under item (1) of this subsection without approval of the commission.

(4) A person employed by the commission under this subsection only may be terminated by the director.”

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

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