

Sixty-fifth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1306**

Introduced by

Representatives Beadle, Boschee, Kading, Vetter

Senators Meyer, Roers

1 A BILL for an Act to amend and reenact sections 43-23-01 and 43-23-02 of the North Dakota  
2 Century Code, relating to the real estate commission; ~~to provide an effective date; and to~~  
3 ~~declare an emergency~~ and to provide for application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 43-23-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **43-23-01. Real estate commission - Members.**

8 The state real estate commission consists of five members appointed by the governor,  
9 three~~four~~ of whom must be licensed and active real estate brokers, ~~appointed by the governor~~  
10 or associate real estate brokers, who have been licensed as real estate brokers or associate  
11 real estate brokers in the state for at least five years. ~~One member~~ Two members must be of the  
12 general public and not licensed as a real estate broker ~~brokers~~ in the state. Each member must  
13 be a resident of the state and a member may not reside in the same county as another  
14 commission member. The commission shall organize by the election of a chairman.

15 **SECTION 2. AMENDMENT.** Section 43-23-02 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **43-23-02. Commission - Term - Duties - Records.**

18 The governor shall appoint each member of the commission for a term of five years. Terms  
19 must be staggered so the term of one member expires each year. At the expiration of the term  
20 of any member of the commission, the governor shall appoint a successor for a term of five  
21 years. A commissioner may not serve more than two consecutive five-year terms. In the event  
22 of a vacancy on the commission for any reason the governor shall appoint a member for the  
23 unexpired term of that member.

1 A majority of the commission, in a duly assembled meeting, may perform and exercise all of  
2 the duties and powers devolving on the commission. The commission may submit a biennial  
3 report to the governor and the secretary of state in accordance with section 54-06-04.

4 The commission shall adopt a seal with North Dakota real estate commission engraved on  
5 the seal, by which it shall authenticate its proceedings. Copies of all records and papers in the  
6 office of the commission, duly certified and authenticated by the seal of such commission, must  
7 be received in evidence in all courts equally and with like effect as the original.

8 ~~SECTION 3. EFFECTIVE DATE. This Act becomes effective July 1, 2017.~~

9 ~~SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.~~

10 **SECTION 3. APPLICATION.** This Act applies to state real estate commission appointments  
11 of members which take place after July 31, 2017. This Act does not invalidate the current term  
12 of a member serving on the commission on August 1, 2017.