South Dakota Electronic Recording Commission

Teleconference

June 30, 2016

MINUTES

The South Dakota Electronic Recording Commission met via teleconference on Thursday, June 30th, 2016. The meeting was called to order by Chairperson Julie Risty at 3:00 p.m. CT/2:00 p.m. MT. Roll call was made and a quorum was established with the following present:

Julie Risty, Minnehaha County Register of Deeds

Elaine Reimer, Brule County Register of Deeds

Deb Young, Davison County Register of Deeds

Sheree Green, Lawrence County Register of Deeds

Haven Stuck, South Dakota State Bar Representative

Greg Wick, South Dakota Land Title Association Representative

Mitch LeFleur, South Dakota Land Title Association Representative

Donald J. Straka, South Dakota Bankers Association Representative

Monte Watembach, Information Technology Professional

Peggy Johnson, Sully County Register of Deeds, joined the conference at 10:30 a.m.

Gail Bowers, SDACO Administrative Assistant, serving as support staff.

A motion to approve theApril 26, 2016 Minutes was made by Mitch LeFleur and second by Elaine Reimer. With no abstention or opposition, motion carried by unanimous vote.

A motion to approve theJune 30th, 2016, Agenda was made by Sheree Green and second by Elaine Reimer. With no abstention or opposition, motion carried by a unanimous vote.

Attorney Brittany Novotny, who was hired to assist the commission with the promulgation of rules process, was also present. Upon Brittany’s advice and instruction, the rules were revised for form and style, and correct placement. Deb Young explained that the changes that were made from the previously approved draft to this current draft didn’t change content, but were basically made for form and style purposes; and the deleted paragraphs of proposed rules were already established in current law and therefore, cannot be placed again in rules as well.

Brittany Novotny, explained the time line for getting the rules to the Final Rules Review Committee, as follows:

1. The Draft approved at this meeting would be posted on the website and sent out to interested parties on July 1st, 2016, along with a letter from the Commission that would allow those interested parties to review the rules and submit comments to members of the e-Recording Commission by July 25th.
2. Newspaper Publications would be made in the middle of August as required by statute. The notices will be published in the Rapid City Journal, the Sioux Falls Argus Leader, the Pierre Capitol Journal, and the Aberdeen American News.
3. Public Hearing shall be tentatively set for September 8th at possibly 10:30 a.m., at the SDACO office building in Pierre. Our committee must have a quorum present at the public meeting.
4. The Rules Review Committee Meeting may be on September 26th.
5. Rules are not final until 20 days after they are filed with the Secretary of State.

Discussion was then held with agreement that we should proceed with (1) getting the Rules in the final form for the LRC, (2) identify those groups to whom we should provide the proposed Rules for their review and feedback, if any, and (3) proceed with the formal rules promulgation process.

Rules were reviewed and Rule 22:03:01:02 “Electronic Recording Models” sub-paragraph (2) had been changed in error, with a few words inadvertently eliminated. The paragraph should read “a scanned ink-signed document or a document that has been created and signed electronically, transmitted with XML indexing data.” A motion was made by Donald Straka to approve the draft of the rules presented at this meeting with the one correction, motion second by Greg Wick. With no abstention or opposition, motion carried by unanimous vote.

Chairperson, Julie Risty then asked if there was anyone on the teleconference from the public who wished to provide public comment. Gail, from the South Dakota Association of County Officials’ office, informed us that there was no one present at the SDACO office for comment, and no other public comment was made.

There being no further business, the motion to adjourn was made at 3:50 p.m. CST by Deb Young and second by Greg Wick. Motion unanimously carried.