**South Dakota Electronic Recording Commission**

**Teleconference**

**Tuesday, December 15, 2015**

**MINUTES**

The South Dakota Electronic Recording Commission met via teleconference on Tuesday, December 15, 2015. The meeting was called to order by Chairperson Julie Risty at 3:02 p.m. CT/2:02 a.m. MT. Roll call was made and a quorum was established with the following members 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

Donald J. Straka, South Dakota Bankers Association Representative

Monte Watembach, Information Technology Professional joined conference after 3:02 p.m. CST

Peggy Johnson, Sully County Register of Deeds

Since Kris Jacobsen was absent from the meeting, Vice Chair, Deb Young agreed to take the Minutes of the meeting.

A motion to approve the September 23, 2015, Minutes was made by Sheree Green and seconded by Greg Wick. With no abstention or opposition, motion carried by unanimous vote.

A motion to approve the December 15, 2015, Agenda was made by Don Straka and seconded by Elaine Reimer. With no abstention or opposition, motion carried by unanimous vote. The Commission reviewed and discussed the proposed draft of administrative rules with the following proposed revisions:

1. Section 4, Electronic Document and Data Formats, subdivision “g. Documents Excluded from Electronic Transmission.” This section was revised to specifically refer to plats that are recorded as defined by SDCL 11-3-10, 11-3-4, and 43-21-5. The intent is to exclude permanently retained mylar plats but not survey and map documents from electronic transmission.
2. Section 6, Electronic Recording Processing Requirements, “d. Fees.” This paragraph was further defined to clarify that only fees **for electronic** documents would be required to be paid electronically. Greg Wick expressed that the title companies cannot allow ACH payments out of their escrow accounts. During Public Comment, Melanie Gornick, of Simplifile, and Pam Trombo, from eRecording Partners Network, explained that the Registers of Deeds are guaranteed payment through the Delivery Agent. The Submitter transmits fees to the Delivery Agent upon electronic transmission of documents to the Register of Deeds. Payment of fees can be handled in different ways between the Delivery agent and the Submitter.

Haven indicated that he would submit the draft to the LRC for a preliminary review. Greg Wick from the Land Title Association said their rules are under the Department of Labor and Regulation. Julie Risty mentioned that since, the SD Association of County Officials was formed by SDCL 7-7-28, and that the SDACO provides support services as needed pursuant to state law, it was our understanding that SDACO would be the agency to approve the administrative rules in order to proceed.

It was discussed that two of the Register of Deeds’ positions will be expiring at year end and will need the SDACO President to make appointments for those positions. Our January meeting will include the appointment of a technology professional.

There being no further business, the motion to adjourn was made at 3:39 p.m. C.S.T. by Greg Wick, seconded by Donald Straka, and unanimously carried.

Meeting Adjourned.