South Dakota Electronic Recording Commission

Teleconference

Thursday, April 19, 2018

MINUTES

The South Dakota Electronic Recording Commission met via teleconference on Thursday, April 19, 2018. The meeting was called to order by Deb Young, Chairperson Pro tem in the absence of Chairperson Julie Risty and Vice-Chairperson, Elaine Reimer at 10:32 a.m. CT/9:32 a.m. MT. Roll call was made and a quorum was established with the following present:

Deb Young, Davison County Register of Deeds

Peggy Johnson, Sully County Register of Deeds

Greg Wick, South Dakota Land Title Association Representative

Mitch LeFleur, South Dakota Land Title Association Representative

Haven Stuck, South Dakota Bar Association Representative

Donald Straka, South Dakota Banker’s Association

Bob Wilcox, South Dakota Association of County Officials Executive Director

Since Kris Jacobsen was absent from the meeting, Peggy Johnson, agreed to take the Minutes of the meeting.

A motion to approve January 10, 2018 Minutes was made Donald Straka and second by Mitch LeFleur. With no abstention or opposition, motion carried by unanimous roll-call vote.

A motion to approve the April 19th, 2018, Agenda was made by Greg Wick and second by Haven Stuck. With no abstention or opposition, motion carried by a unanimous roll-call vote.

The Electronic Notarization Bill (HB 1170) was discussed and the following comments were made:

1. An informal committee should be formed to work on the “tabled bill”.
2. Several people were mentioned as being a good addition to work on it including Matt McCauley, Land Title Association Lobbyist, Mike O’Neil, Elizabeth Blosser, American Land Title Association members, SD eRecording Commission members, Brian Lewis from Uniform Law Commission Office and the Secretary of State’s Office. It was suggested that telephone conference calls could be set up to discuss the issues in drafting of a new bill.
3. Title Companies are concerned with the Validity of the signature and would want a system designed that will hold such validity.
4. Remote online notarization is being done in Virginia at the present time. Some of the other states that have adopted the Revised Uniform Law on Notarial Acts are Texas, Nevada, Montana and Indiana.
5. The bill was originally a Uniform Law, however, it was revised and, therefore, no longer making it a Uniform law. One of the revisions was to totally take the Secretary of State out of any control over Remote or electronic Notarization. It was felt by the committee that it was necessary to have their involvement.
6. There is interest in the bill as it passed the House with 55 for and 2 against.
7. It was discussed that we need to be proactive to the situation. Haven will reach out to Senator Kennedy and Rep Johns and recommend an informal group to work on this legislation.

Deb Young reported there are 22 Counties eRecording now which is 1/3rd of the Counties in South Dakota. eRecording was allowed in November of 2016 in South Dakota. Deb reminded the group that all counties that are doing eRecording are on the SDACO website along with the vendor/vendors they use. Davison County receives eRecordings almost daily but only from out of state filers. Greg Wick and Mitch LeFleur acknowledge that they use eRecording, but tend to use it more with out-of-county closings since their offices are so close to the courthouse in Pennington County. Peggy Johnson reported she was working on a server issue to support the Tyler eRecording module.

Chairperson pro tem, Deb Young asked if there was anyone on the teleconference from the Public. Bob Wilcox from the South Dakota Counties Office informed us that there was no one at the SDACO office and no one spoke if they had dialed in telephonically.

The next meeting is scheduled to be July 19th, 2018 at 9:30 a.m. MST/10:30 a.m. CST.

There being no further business, the motion to adjourn was made at 11:10 a.m. CST by Mitch LeFleur and seconded by Donald Straka. Motion unanimously carried.