

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

400Y0158

HOUSE BILL NO. 1047

Introduced by: The Committee on Commerce and Energy at the request of the Department
of Labor and Regulation

1 FOR AN ACT ENTITLED, An Act to modify the application timeline for state chartered banks
2 and trust companies.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 51A-2-16 be amended to read:

5 51A-2-16. The director shall act ~~upon~~ on an application to organize or change control of a
6 bank; an application for a bank merger; an application to open or close a branch bank, mobile
7 branch bank, or loan production office; or an application to change a bank's location. ~~Upon~~
8 After the filing of a completed application deemed acceptable to the director, the director shall
9 cause a public notice of the application to be published in a newspaper of general circulation
10 serving the community most directly affected by the application together with ~~such~~ any other
11 means of notification to interested persons as the director may determine appropriate.

12 The notice shall direct that any interested persons may file a written objection or written
13 comment to the application with the division within ~~thirty~~ fifteen days following the date of
14 publication. Within ~~forty-five~~ thirty days following the date of publication, the director shall
15 consider any written objection and written comment and, in accordance with § 51A-3-9, either



1 approve or disapprove the application. The director shall provide written notice of the director's
2 action on the application to the applicant and to any person having filed with the division ~~any~~
3 a written objection or written comment by mail to the person's last known address.

4 An applicant aggrieved by the director's action on the application, may, within fifteen days
5 after the notice has been mailed, file with the division a written request for a hearing before the
6 commission. Any person who has filed a written objection to the application may, within fifteen
7 days after the notice has been mailed, file a motion with the commission, in accordance with
8 § 1-26-17.1, to become a party to the application proceeding and request a hearing before the
9 commission. Unless the commission grants the motion or unless the applicant has filed a written
10 request for hearing before the commission, the director's determination on the application is
11 final.

12 All proceedings before the commission on an application shall be held in conformance with
13 chapter 1-26. If the application involves establishment of any type of competitive banking
14 service in the trade territory of a bank in which any banking commissioner is interested, the
15 commissioner shall be deemed disqualified, and the commission shall be recomposed as
16 provided in § 51A-2-11.