

**FORM 14**

**SMALL BUSINESS IMPACT STATEMENT**

20:07:06:01.02 and 20:07:06:02

1. Our agency has determined that the rule(s) we are proposing have the following impact on small businesses:<sup>1</sup>
- Direct impact (Complete remainder of form.)
  - Indirect impact (Provide a brief explanation below. Skip to end of form.)
  - No impact (Provide a brief explanation below. Skip to end of form.)

2. A general narrative and overview of the effect of the rule(s) on small business written in plain, easy to read language:

The proposed rules will enact a fee abatement for the June 2021 semi-annual examination fee assessment. As a result, no state-chartered banks in South Dakota will pay the June 2021 fee assessment.

The proposed rules will also provide additional flexibility for the Division of Banking to send future fee assessments to each state-chartered bank after bank data is reported to and validated by the FDIC.

3. What is the basis for the enactment of the rule(s)?
- Required to meet changes in federal law
  - Required to meet changes in state law
  - Required solely due to changes in date (i.e., must be changed annually)
  - Other: Ongoing management of fees collected.

4. Provide a brief discussion of the necessity of the rule(s):

The rule is needed to manage the accumulation of money in the Banking Revolving Fund.

5. Describe the small businesses or types of small businesses that would be subject to the rule(s)?

State-chartered banks.

6. Estimate of the number of small businesses that would be subject to the rule(s):

1-99       100-499       500-999       1,000-4,999       More than 5,000  
 Unknown - please explain:

7. Are small businesses required to file or maintain any reports or records under the rule(s)?

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<sup>1</sup> A "small business" is defined as any business with 25 or fewer full-time employees.

Yes       No

- a. If "yes," how many annual reports must a small business submit to the state?
- b. If "yes," how much ongoing recordkeeping within the business is necessary?
- c. If "yes," what type of professional skills would be necessary to prepare the reports or records?
- The average owner of a small business should be able to complete the reports or records with no assistance.
  - It is likely that a bookkeeper for a small business should be able to complete the reports or records.
  - It is likely that a small business person would need the assistance of a CPA to complete the reports or records.
  - It is likely that a small business person would need the assistance of an attorney to complete the reports or records.
  - Other
  - Unknown - please explain:

8. Are there any less intrusive or less costly methods to achieve the purpose of the rule(s) (i.e., fewer reports, less recordkeeping, lower penalties)?

No - please explain:

The fee abatement is being implemented to manage the accumulation of money in the Banking Revolving Fund and provides a positive financial impact to all state-chartered banks in South Dakota. No additional burden is imposed on state-chartered banks.

Yes - please explain:

6-2-2021  
[Date]  
M. Hultman  
Marcia Hultman

Secretary, Department of Labor and Regulation

This Small Business Impact Statement must be signed by the head of the agency or the presiding officer of the board or commission empowered to adopt rules.

A general explanation must be provided for each proposed rule or rule amendment. For multiple proposed rules with a single purpose and impact, only one explanation is required.

Agencies must use readily available information and existing resources to prepare this Small Business Impact Statement.