



## 2021 South Dakota Legislature

# House Bill 1078

SENATE STATE AFFAIRS ENGROSSED

*Introduced by: The Committee on State Affairs*

1 **An Act to revise certain provisions regarding the South Dakota State Historical**  
 2 **Society.**

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

4 **Section 1.** That § 1-18-2 be AMENDED.

5 **1-18-2. Purpose--Duties.**

6 The South Dakota State Historical Society within the Department of Education shall  
 7 collect, preserve, exhibit, and publish material for the study of history, especially the  
 8 history of this state and ~~adjacent states~~ the upper great plains. To this end, the office shall  
 9 explore the archaeology of the region; acquire documents and manuscripts; obtain  
 10 narratives and records of pioneers; conduct a library of historical reference; maintain ~~a~~  
 11 ~~gallery of historical portraiture, and an ethnological and historical museum~~ the South  
 12 Dakota State History Museum; survey, document, and promote the preservation of  
 13 historic properties and sites; examine the culture and history of American Indians and  
 14 other ethnic groups; publish and otherwise diffuse information relating to the history of  
 15 the region to schools and communities; and ~~in general~~ generally encourage and develop  
 16 within the state the study of history.

17 **Section 2.** That § 1-18-2.2 be REPEALED.

18 **1-18-2.2. Review and analysis of historical society.**

19 **Section 3.** That § 1-18-3 be AMENDED.

20 **1-18-3. Creation--Additional duties.**

21 There is hereby created the South Dakota State Historical Society which shall  
 22 perform the following duties and any other duties as may be imposed upon it by law:

- 23 (1) Provide education of the public in the fields of history;  
 24 (2) Promote the preservation of sites of historical and cultural significance;

- 1       (3) ~~Private~~Encourage private fund raising to support historical projects;
- 2       (4) Continue responsibilities and contracts with members of the society, as provided by
- 3       law;
- 4       (5) Maintain liaison and support with local historical societies and groups;
- 5       (6) ~~Serve as an advisory group~~Provide advice to the secretary of education and the
- 6       State Historical Society Board of Trustees so as to promote cooperation in the
- 7       preservation of the history of the state;
- 8       (7) Conduct special programs and public events to promote history;
- 9       (8) Promote the study of archaeology;
- 10      (9) Promote the preservation of historical records; and
- 11      (10) Publish such information relating to the history of the state as it deems advisable.

12           The South Dakota State Historical Society shall be organized with officers, as provided

13      in §§ 1-18-18, 1-18-20, and 1-18-25, and members, ~~as hereinafter provided in § 1-18-4.~~

14      **Section 4.** That a NEW SECTION be added:

15           **1-18-3.1. Code revision.**

16           The South Dakota code commission is authorized and directed in future compilation

17      of laws and supplements or any revision of the laws of this state to strike all references

18      to "State Historical Society" and substitute therefor "South Dakota State Historical

19      Society."

20      **Section 5.** That § 1-18-4 be REPEALED.

21           **1-18-4. Classes of members--Selection.**

22      **Section 6.** That § 1-18-7 be AMENDED.

23           **1-18-7. Officers--Participation--Members only.**

24           Except as ~~otherwise specially provided in § 1-18-25,~~ only ~~life and annual~~ members

25      ~~shall~~may hold office in the historical society, and possess the right to vote and take part

26      in its proceedings ~~shall be possessed only by life and annual members and delegates from~~

27      ~~auxiliary societies.~~

28      **Section 7.** That § 1-18-8 be AMENDED.

1           **1-18-8. Place of business.**

2           The principal business of the society shall be transacted at the South Dakota  
3           Cultural Heritage Center and suitable accommodations shall be made available to the  
4           society State History Museum.

5           **Section 8.** That § 1-18-10 be AMENDED.

6           **1-18-10. Society--Meetings.**

7           ~~Special meetings~~ Meetings of the membership of the historical society may be held  
8           from time to time as required upon the call of the president and director, ~~and such~~  
9           ~~meetings shall be called by the director or~~ upon the written request of ~~five~~ seven members  
10          of the State Historical Society Board of Trustees to the director.

11          **Section 9.** That § 1-18-11 be AMENDED.

12          **1-18-11. Society--Meetings--Quorum.**

13          At any meeting of the historical society, ~~regular or special, not less than ten~~ at  
14          least five percent of members having the right to vote ~~shall constitute~~ constitutes a  
15          quorum.

16          **Section 10.** That § 1-18-13.3 be AMENDED.

17          **1-18-13.3. Trustees--Election--Qualifications--Initial terms.**

18          The South Dakota State Historical Society shall elect six members from its  
19          membership to the State Historical Society Board of Trustees by using the voting process  
20          that the board shall determine. One must be an archivist, one must be an architectural  
21          historian, and one must be an archaeologist, ~~each~~. All trustees must be qualified to meet  
22          the requirements for receipt of federal funds. The initial members elected from the  
23          membership of the South Dakota State Historical Society will be elected by the executive  
24          committee of the South Dakota State Historical Society. Two of these members shall be  
25          selected for a one-year term, two for a two-year term, and two for a three-year term.

26          **Section 11.** That § 1-18-13.4 be REPEALED.

27          **1-18-13.4. Meeting to elect trustees--Notice.**

28          **Section 12.** That § 1-18-14.1 be AMENDED.

1           **1-18-14.1. Trustees--Meetings.**

2           The State Historical Society Board of Trustees shall meet at least four times  
3 ~~annually~~each year. Special meetings may be held at the call of the president or upon the  
4 request of seven members of the board. A decision of the trustees is subject to contested  
5 case provisions pursuant to chapter 1-26. The per diem and expenses of the board shall  
6 be paid out of funds appropriated for the South Dakota State Historical Society drawn by  
7 the state auditor upon itemized vouchers approved by the director.

8           **Section 13.** That § 1-18-15 be AMENDED.

9           **1-18-15. Trustees--Subcommittees.**

10          The board of trustees may appoint subcommittees of its own number which may  
11 exercise such powers as are entrusted to them, respecting subjects for which they are  
12 especially appointed,~~including supervision of the expenditures of funds available for the~~  
13 ~~support and maintenance of the historical society.~~

14          **Section 14.** That § 1-18-16 be REPEALED.

15           **1-18-16. Bylaws of historical society.**

16          **Section 15.** That § 1-18-17 be AMENDED.

17           **1-18-17. Society--Management--Trustees.**

18          The board of trustees shall ~~manage, administer, and control the disposition of the~~  
19 ~~money, property and effects, and~~ oversee the affairs of the historical society, and ~~direct~~  
20 ~~the officers thereof under such limitations~~ perform those functions assigned in this chapter  
21 and all other functions as are prescribed may be assigned by law. The board has advisory  
22 functions, as defined in § 1-32-1, with regard to the South Dakota State Historical Society.

23          **Section 16.** That § 1-18-18 be AMENDED.

24           **1-18-18. Trustees--President--Vice-president--Terms.**

25          There shall be elected biennially, by the board of trustees, ~~at the close of the~~  
26 ~~regular meeting of the historical society,~~ a president and vice-president, who shall hold  
27 their respective offices for a term of two years and until their successors are duly chosen.

28          **Section 17.** That § 1-18-19 be AMENDED.

1           **1-18-19. President--Vice-president--Duties.**

2           The president shall preside at all meetings of the historical society and of the board  
3 of trustees, ~~and sign all deeds, releases, and conveyances executed by the society.~~

4           The vice-president shall discharge the duties of the president in the event of the  
5 president's absence or inability to act from any cause.

6   **Section 18.** That § 1-18-22 be AMENDED.

7           **1-18-22. Director--Duties.**

8           The director of the South Dakota State Historical Society shall ~~countersign all~~  
9 ~~deeds, releases, and conveyances executed by the society, and shall affix the seal of the~~  
10 ~~society thereto, and to such other papers as shall be required or directed to be sealed~~  
11 execute the powers and discharge the duties vested by law in the society; shall keep a  
12 record of the proceedings of the society and of the board of trustees; shall safely and  
13 systematically keep all papers, records, and documents belonging to the society or  
14 appertaining to the business thereof, except such as may be committed to the care of  
15 other officers; shall conduct the correspondence of the society; shall ~~edit and~~ supervise  
16 its the society's exhibitions and publications, and ~~generally so far as required, always~~  
17 ~~subject to the direction of the board of trustees,~~ shall administer the several activities and  
18 offices of the society.

19   **Section 19.** That § 1-18-25 be AMENDED.

20           **1-18-25. State treasurer as treasurer of historical society--Membership in**  
21 **historical society not required to serve as treasurer--Duties.**

22           The state treasurer is treasurer of the historical society regardless of whether the  
23 state treasurer is a member of the historical society. The state treasurer shall receive and  
24 maintain custody of all money, securities for money, and such other property of the society  
25 that is committed to the state treasurer's charge by the board of trustees; invest the  
26 capital of the special funds as authorized by the board of trustees; pay out such funds as  
27 authorized; and render from time to time, to the society, statements in writing of the  
28 sums of money received and from what source received, of the sums disbursed and for  
29 what purpose, with proper vouchers accompanying the same, and of money, securities,  
30 and property in the state treasurer's possession, and generally of all matters pertaining  
31 to the office of the treasurer of the historical society.

32   **Section 20.** That § 1-18-28 be REPEALED.

1 **1-18-28. Compensation of officers and employees.**

2 **Section 21.** That § 1-18-29 be REPEALED.

3 **1-18-29. Fiscal year of historical society.**

4 **Section 22.** That § 1-18-31 be AMENDED.

5 **1-18-31. Fees--Fund.**

6 All money collected by the historical society or any officer thereof ~~for individual life,~~  
 7 ~~patron individual, or corporate~~ as membership fees, from the sale of duplicates, from gifts  
 8 or bequests, or from any other source shall be paid into the treasury and shall be kept by  
 9 the treasurer as the historical society special state revenue fund, to be used for the  
 10 purposes set forth in § 1-18-2 and paid out on proper vouchers ~~as directed by the board~~  
 11 ~~of trustees~~ approved by the director.

12 **Section 23.** That § 1-18-31.1 be AMENDED.

13 **1-18-31.1. Publications revolving account--Purposes--Deposits.**

14 There is hereby created within the historical society special revenue fund, a  
 15 publications revolving account to be used for the purpose of republishing documents,  
 16 materials, and works of historical significance to this state, ~~adjacent states, and the region~~  
 17 and the upper great plains. The proceeds from the sale of such republished material and  
 18 any gifts made for this purpose shall be deposited in the publications revolving account.

19 **Section 24.** That § 1-18B-2 be AMENDED.

20 **1-18B-2. Board--Duties--Preservation and publication--Activities authorized.**

21 In addition to the other duties imposed upon it by law, the State Historical Society  
 22 Board of Trustees shall collect, preserve, exhibit, and publish material for the study of  
 23 history, especially the history of South Dakota and ~~adjacent states;~~ the upper great plains,  
 24 and to this end explore the archaeology of the region; acquire documents and  
 25 manuscripts; obtain narratives and records of pioneers; conduct a library of historical  
 26 reference; ~~maintain a gallery of historical portraiture, and~~ an ethnological and historical  
 27 museum; survey, document, and promote the preservation of historic properties and  
 28 sites; examine the culture and history of American Indians and other ethnic groups;  
 29 publish and otherwise diffuse information relating to the history of the region; and, ~~in~~  
 30 ~~general,~~ generally encourage and develop within the state the study of history.

1 **Section 25.** That § 1-18B-4 be AMENDED.

2 **1-18B-4. Board--Expenditures.**

3 The State Historical Society Board of Trustees may expend such funds as are made  
4 available to it for the purposes assigned to it by law. Such expenditures shall be made in  
5 accordance with the laws of the state and paid out on vouchers signed by the ~~chair of the~~  
6 ~~board or a duly authorized representative of the board~~ director.

7 **Section 26.** That § 1-18B-8 be AMENDED.

8 **1-18B-8. Board--Publications--Exchanges--Sales--Prices.**

9 Any material published by the State Historical Society Board of Trustees shall be  
10 printed as provided by law and copies thereof exchanged for similar publications and sold  
11 to the general public as the board may determine. The ~~board~~ director shall, consistent  
12 with existing law, establish ~~prices~~ the price at which each publication may be ~~purchased~~  
13 sold or delivered.

14 **Section 27.** That § 1-18B-9 be AMENDED.

15 **1-18B-9. Public records--Release to society--Prerequisites and conditions.**

16 Any state, county, or municipal public official may release to the South Dakota  
17 State Historical Society any record for ~~microfilming~~ duplication under the following  
18 circumstances:

- 19 (1) The official shall designate such record in writing and certify that the record has  
20 important historical value;
- 21 (2) The record shall be of the type and sort which is not ordinarily in current usage;
- 22 (3) The official shall receive a receipt for the record and pay all costs of transportation  
23 of the record from its place of deposit ~~to the capital~~ with the South Dakota State  
24 Historical Society, and for its return, including insurance, if conveyed by other than  
25 an official of the office;
- 26 (4) ~~Such record may not be absent from its legal place of deposit for a period of over~~  
27 ~~four weeks;~~
- 28 (5) ~~Microfilms~~ Duplications of the record shall be available to the legal custodians at the  
29 cost of reproducing the record.

30 **Section 28.** That § 1-18B-12 be AMENDED.

1           **1-18B-12. Copies--Fees.**

2           For making copies of any ~~such~~ paper, advertisement, legal notice, or document,  
3           the South Dakota State Historical Society ~~shall charge a fee equal to the cost of~~ Board of  
4           Trustees may promulgate rules, pursuant to chapter 1-26, to set fees for reproducing such  
5           paper, advertisement, legal notice, or document ~~and for every certificate thereto the sum~~  
6           ~~of fifty cents.~~

7           **Section 29.** That § 1-18C-5 be AMENDED.

8           **1-18C-5. Archivist--Official custodian--Duties.**

9           The archivist is the official custodian of the archival resources of the state and shall  
10          assemble, preserve, and service the permanently valuable records of the state. The  
11          archivist shall receive all records transferred to the archives for permanent retention and  
12          negotiate for the transfer of any records in the custody of a state agency. ~~The~~ Subject to  
13          appropriate restrictions, the archivist shall make any records in custody available to serve  
14          the administrative and informational needs of state government and the people of the  
15          State of South Dakota.

16          **Section 30.** That § 1-18C-8 be AMENDED.

17          **1-18C-8. Archivist--Receipts for acquisitions--Copies.**

18          The archivist shall prepare receipts for any archival resources acquired under the  
19          provisions of this chapter, and shall deliver ~~one copy to the state records manager and~~  
20          one copy to the agency head from which the records were obtained~~;~~ and retain one or  
21          more copies for use in the state archives.

22          **Section 31.** That § 1-19A-9 be REPEALED.

23          **1-19A-9. State Historical Society as agency to accept donations--Exception.**

24          **Section 32.** That § 1-19A-25 be REPEALED.

25          **1-19A-25. Heritage area designation.**

26          **Section 33.** That § 1-19A-26 be REPEALED.

27          **1-19A-26. Determining heritage areas.**

28          **Section 34.** That § 1-19A-27 be REPEALED.



1 **1-19A-27. Promulgation of rules for heritage area designations.**

2 **Section 35.** That § 1-19A-28 be REPEALED.

3 **1-19A-28. Promotional materials to consider designated heritage areas--**  
 4 **Prioritizing heritage areas for historic properties benefits.**

5 **Section 36.** That § 1-20-18 be AMENDED.

6 **1-20-18. Definitions.**

7 Terms used in this chapter mean:

8 (1) "Complete collection," any site forms, updated site forms, artifacts, ecofacts,  
 9 permits, contracts, correspondence, survey and excavation records, field notes,  
 10 maps, lab analysis records, manuals for filed and lab procedures, photographic  
 11 media, professional papers, shapefiles, and all documentation related to the project  
 12 or undertaking;

13 (2) "Field investigations," the study of the traces of human culture at any land or water  
 14 site by means of surveying, digging, sampling, excavating, or removing surface or  
 15 subsurface objects, or going on a site with that intent;

16 ~~(2)~~(3) "Site," any aboriginal mound, fort, earthwork, village location, burial ground,  
 17 historic or prehistoric ruin, mine, cave, or other location which is or may be the  
 18 source of important archaeological data;

19 ~~(3)~~(4) "Specimens," all relics, artifacts, remains, objects, or any other evidence of an  
 20 historical, prehistorical, archaeological, or anthropological nature, which may be  
 21 found on or below the surface of the earth, and which have scientific or historical  
 22 value as objects of antiquity, as aboriginal relics, or as archaeological samples.

23 **Section 37.** That § 1-20-25 be AMENDED.

24 **1-20-25. Exclusive right--Investigation on public lands--Property of state.**

25 ~~The State of South Dakota~~ state reserves to itself the exclusive rights and privilege  
 26 of field investigation on ~~sites~~ land owned or controlled by the state, its agencies,  
 27 departments, institutions, or political subdivisions in order to protect and preserve  
 28 archaeological and scientific information, matter, and objects. All such information and  
 29 objects deriving from state lands shall remain the property of the state and be utilized for  
 30 scientific or public educational purposes.

31 **Section 38.** That § 1-20-33 be AMENDED.

1           **1-20-33. Exploration results--Report to state archaeologist.**

2           When exploration or field investigations are undertaken pursuant to § 1-20-32, a  
3           summary report of such undertakings, containing relevant maps, documents, drawings,  
4           and photographs shall be submitted to the state archaeologist for review.

5           **Section 39.** That § 1-20-34 be AMENDED.

6           **1-20-34. Specimens collected--State property--Disposition.**

7           ~~All specimens collected under~~ When a permit is issued pursuant to § 1-20-32 ~~shall~~  
8           ~~be,~~ the permittee shall prepare a technical report documenting such project or  
9           undertaking. The report shall be submitted to the state archaeologist for review and  
10          approval. The complete collection of the project is the permanent property of the state.  
11          The state archaeologist ~~shall~~ may make ~~prior~~ arrangements for the disposition of  
12          specimens ~~derived from such activities in an appropriate institution of the state or for the~~  
13          ~~loan of such specimens to qualified institutions~~ the complete collection in another  
14          federally-recognized repository, in or out of the state.

15          **Section 40.** That § 1-45-23 be AMENDED.

16          **1-45-23. Performance of museum functions.**

17          The South Dakota State Historical Society shall perform all the functions of the  
18          following museums:

- 19          (1) The museum at the University of South Dakota known as the W.H. Over State  
20                  Museum; and  
21          (2) The museum at Pierre known as the ~~Cultural Heritage Center~~ South Dakota State  
22                  History Museum.

23          **Section 41.** That § 5-15-49 be REPEALED.

24          **5-15-49. Centennial Cultural Heritage Center established in Pierre.**