



2022 South Dakota Legislature
House Bill 1075
ENROLLED

AN ACT

ENTITLED An Act to modify legal and official notice publication requirements.

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

Section 1. That § 17-2-1 be AMENDED:

17-2-1. All legal and other official notices must be published in a legal newspaper as described in this chapter. When any legal notice is required by law to be published in any newspaper, the newspaper publishing the notice shall place the notice on a statewide website, established and maintained as a repository for such notices by an organization representing a majority of South Dakota newspapers.

The newspaper shall include a prominent link to the statewide website on the newspaper's website homepage or post all public notices to the newspaper's website in a manner that is accessible and free to the public, if the newspaper maintains a website. The affidavit of publication must state that the newspaper is a legal newspaper. The affidavit is prima facie evidence of that fact. Each affidavit of publication must state in plain terms the fees charged.

Section 2. That § 17-2-2.1 be AMENDED:

17-2-2.1. No publication is a legal newspaper for publishing legal and other official notices unless, for at least one year prior to publication of such notices, the publication is printed in the English language and contains at least four pages per issue, with at least one hundred twenty square inches of printed matter per page; and if the publication is a daily, is distributed in either a printed or electronic format, or both, at least five days each week, or if not a daily, is distributed in either a printed or electronic format, or both, at least once each week for at least fifty weeks each year. In any week in which there is a legal holiday, no more than four issues of a daily newspaper are necessary.

Section 3. That § 17-2-2.4 be AMENDED:

17-2-2.4. A legal newspaper shall, for at least one year prior to publication of legal and official notices, maintain a known office of publication in the community where its mailing permit of original entry is issued, for the purpose of gathering news, soliciting advertising, and conducting general newspaper business for at least eight normal business hours per week. The terms, printed or published, mean that the newspaper is published where it maintains its known office of publication as described in this section. No newspaper may have more than one place where it is published at the same time.

Section 4. That § 17-2-28 be AMENDED:

17-2-28. If the publication of any notice, minutes, bids, document, or other information is required by law by the state or any municipality, county, or school district, the public notice must bear inscriptions that list the approximate cost of the newspaper publication and that the notice may be viewed free of charge on a statewide public notice website maintained pursuant to § 17-2-1. The inscriptions must be printed at the top or bottom of the public notice and in the same type size as the body of the public notice.

An Act to modify legal and official notice publication requirements.

I certify that the attached Act originated in the:
House as Bill No. 1075

Received at this Executive Office this ____ day of _____, 2022 at _____ M.

Chief Clerk

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this _____ day of _____, A.D., 2022

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2022 at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1075
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State