

## 2023 South Dakota Legislature

**Senate Bill 178****AMENDMENT 178D  
FOR THE INTRODUCED BILL**

1 ~~An Act to create provisions for the protection of warehouse distribution center~~  
2 ~~employees create new provisions for the distribution of legal newspapers.~~

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

4 **Section 1. That § 17-2-2.2 be AMENDED:**

5 **17-2-2.2.** A legal newspaper shall, for at least one year prior to publication of legal  
6 and official notices, be intended for distribution and circulation to the general public,  
7 without regard to business, trade, or profession and must:

8 (1) maintainMaintain a definite price of not less than fifty percent of its published price,  
9 and shall be paid for by no less than fifty percent of those to whom it is distributed.

10 Such legal newspaper shall have a minimum paid circulation of at least two hundred  
11 and be intended for distribution and circulation to the general public, without  
12 regard to business, trade, or profession; or

13 (2) Meet the requirements of a South Dakota twenty-first century newspaper as  
14 defined in section 2 of this Act.

15 **Section 2. That chapter 17-2 be amended with a NEW SECTION:**

16 A South Dakota twenty-first century newspaper is a newspaper that meets the  
17 following criteria:

18 (1) Has a majority of the outstanding or issued voting stock or membership interests  
19 of the South Dakota twenty-first century newspaper owned or controlled by South  
20 Dakota residents, as identified on an annual report to be filed with the Secretary  
21 of State. Any person or entity owning more than twenty percent of the newspaper  
22 must be disclosed on the annual report;

- 1       (2) Maintains a minimum of five hundred paid online subscribers as of January 1 of the  
2           current year;
  - 3       (3) Prints and distributes at least seven hundred fifty copies of the newspaper each  
4           week regardless of whether the print edition is made available to the public for a  
5           paid subscription or at no cost to the reader;
  - 6       (4) Distributes the minimum print copies in each county for which the newspaper will  
7           act as a legal newspaper in quantities as required by this section, with not more  
8           than five percent of the copies delivered to any single distribution location within  
9           such county;
  - 10      (5) Publishes, at least annually, an affidavit by an owner or agent of any newspaper  
11          stating the newspaper complies with subsections one through four ~~and files the~~  
12          affidavit with the secretary of state;
  - 13      (6) Maintains an office in ~~the state of South Dakota~~each county for which the  
14          newspaper will act as a legal newspaper for the purpose of gathering news,  
15          soliciting advertising, and conducting general newspaper business for at least eight  
16          normal business hours per week; and
  - 17      (7) Complies with a written request from the governing body who has placed legal  
18          notices in the newspaper for an audit of compliance with subsection two through  
19          four for the calendar year preceding the notice of audit.
- 20           The provisions of §§ 17-2-2.4 and the requirement to publicize and submit a sworn  
21           statement of ownership under 17-2-2.5 shall not apply to a South Dakota twenty-first  
22           century newspaper.

**Section 3. That chapter 17-2 be amended with a NEW SECTION:**

On or before the last business day in January of each year, any legal newspaper  
who received funds from a South Dakota governmental entity for publishing legal notices  
in the preceding calendar year must file a report with the Secretary of State stating the  
amount of gross revenue, by county, of all such funds received in the prior year for such  
legal notices.

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AMENDMENT