

AN ACT

ENTITLED, An Act to revise the public records law to clarify certain disclosures.

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

Section 1. That § 1-27-31 be amended as follows:

1-27-31. A state agency may not disclose that it is investigating, examining, or auditing a private entity, and may only disclose the information obtained from such an investigation, examination, or audit as follows:

- (1) To the private entity being investigated, examined, or audited;
- (2) To those persons whom the private entity has authorized in writing to receive such information;
- (3) To the officers, employees, or legal representatives of any other state agency which requests the information in writing for the purpose of investigating and enforcing civil or criminal matters. The written request will specify the particular information desired and the purpose for which the information is requested;
- (4) To any administrative or judicial body if the information is directly related to the resolution of an issue in the proceeding, or pursuant to an administrative or judicial order. However, no person may use a subpoena, discovery, or other applicable statutes to obtain such information;
- (5) To another state pursuant to an agreement between the State of South Dakota and the other state, but only if the other state agrees to keep the information confidential as set forth in §§ 1-27-28 to 1-27-32, inclusive;
- (6) To the attorney general, state's attorney, or any state, federal, or local law enforcement officer;
- (7) To a federal agency pursuant to the provisions of federal law;
- (8) To the extent necessary to submit any final reports or filings which are otherwise required

by law to be prepared or filed;

- (9) For investigations to protect the natural resources of the state; or
- (10) To comply with federal law, rules, or program delegation requirements.

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I certify that the attached Act
originated in the

SENATE as Bill No. 242

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 242

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State