

# State of South Dakota

## EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

681T0420

### SENATE BILL NO. 75

Introduced by: Senators Kraus, Maher, Nelson (Tom), and Novstrup (Al) and  
Representatives Willadsen and Hunt

1 FOR AN ACT ENTITLED, An Act to revise the determination of fees that may be charged for  
2 certain public records.

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

4 Section 1. That § 1-27-1.2 be amended to read as follows:

5 1-27-1.2. If a custodian of a public record of a county, municipality, political subdivision,  
6 or tax-supported district provides to a member of the public, upon request, a copy of the public  
7 record by transmitting it from a modem to an outside modem, ~~a reasonable~~ no fee may be  
8 charged for such specialized service. ~~Such fee may include a reasonable amount representing~~  
9 ~~a portion of the amortization of the cost of computer equipment, including software, necessarily~~  
10 ~~added in order to provide such specialized service~~ the transmission of data in its original form.  
11 However, if the person requesting the public record requests a form that is different from its  
12 original form, a reasonable fee may be charged for the data conversion. This section does not  
13 require a governmental entity to acquire computer capability to generate public records in a new  
14 or different form if that new form would require additional computer equipment or software not  
15 already possessed by the governmental entity.

