

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0727

## HOUSE BILL NO. 1233

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to provide for the public access to the records of former  
2 Governors and lieutenant governors.

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

4 Section 1. The records of any Governor and any lieutenant governor are the property of the  
5 state and shall be transferred to his or her successor or the state archivist upon leaving office.  
6 Once transferred, public access to such records is subject to the provisions of chapter 1-27.

7 Section 2. Unless released to the public pursuant to section 3 of this Act, any record of an  
8 officer designated in section 1 of this Act, exempted from the provisions of § 1-27-1, shall be  
9 opened to the public upon either the death of the former officer or ten years from the date the  
10 officer left office, whichever transpires last.

11 Section 3. Whenever an officer designated in section 1 of this Act leaves office and transfers  
12 his or her records to the state archivist, the former officer shall retain the right to approve or  
13 deny the release of any record exempted from the provisions of § 1-27-1. The former officer  
14 may exercise that right either personally or may designate in writing a person to do so to the  
15 archivist.



1       Section 4. The state archivist may enter into agreements with any officer designated in  
2 section 1 of this Act for the transfer of the former officer's records to a museum, institution of  
3 higher learning, or other suitable repository within South Dakota upon determining that such  
4 repository will allow for the preservation, study, and public access of such records consistent  
5 with this Act. Such agreements shall be entered into only after a public hearing.