



## 2022 South Dakota Legislature

# House Bill 1075

Introduced by: **Representative Reed**

1 **An Act to modify legal and official notice publication requirements.**

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

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

4 **17-2-1.** All legal and other official notices ~~shall~~ must be published in a legal  
5 newspaper as ~~defined~~ described in this chapter, ~~and the~~ . When any legal notice is required  
6 by law to be published in any newspaper, the newspaper publishing the notice shall place  
7 the notice on a statewide website, established and maintained as a repository for such  
8 notices by an organization representing a majority of South Dakota newspapers.

9 The newspaper shall include a prominent link to the statewide website on the  
10 newspaper's website homepage or post all public notices to the newspaper's website in a  
11 manner that is accessible and free to the public, if the newspaper maintains a website.  
12 The affidavit of publication shall ~~must~~ state that ~~such~~ the newspaper is a legal newspaper,  
13 ~~which~~ . The affidavit shall be ~~is~~ prima facie evidence of that fact; ~~and every~~ . Each affidavit  
14 of publication ~~shall~~ must state in plain terms the fees charged ~~thereon~~ .

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

16 **17-2-2.1.** No publication is a legal newspaper for publishing legal and other official  
17 notices unless, for at least one year prior to publication of such notices, the publication is  
18 printed in the English language and contains at least four pages per issue, with at least  
19 one hundred twenty square inches of printed matter per page; and if the publication is a  
20 daily, is distributed in either a printed or electronic format, or both, at least five days each  
21 week, or if not a daily, is distributed in either a printed or electronic format, or both, at  
22 least once each week for at least fifty weeks each year. In any week in which there is a  
23 legal holiday, no more than four issues of a daily newspaper are necessary.

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

1           **17-2-2.4.** A legal newspaper shall, for at least one year prior to publication of legal  
2 and official notices, maintain a known office of publication in the community where its  
3 mailing permit of original entry is issued, for the purpose of gathering news, soliciting  
4 advertising, and conducting general newspaper business for at least eight normal business  
5 hours per week. The terms, "printed" or "published", mean that the newspaper is  
6 published where it maintains its known office of publication as described in this section,  
7 ~~but not~~. No newspaper may have more than one place where it is published at the same  
8 time.

9           **Section 4. That § 17-2-28 be AMENDED:**

10           **17-2-28.** If the publication of any notice, minutes, bids, document, or other  
11 information is required by law by the state or any municipality, county, or school district,  
12 the public notice ~~shall~~ must bear ~~an inscription listing~~ inscriptions that list the approximate  
13 cost of the newspaper publication and that the notice may be viewed free of charge on a  
14 statewide public notice website maintained pursuant to § 17-2-1. The ~~inscription shall~~  
15 inscriptions must be printed at the top or bottom of the public notice and in the same type  
16 size as the body of the public notice.