



2020 South Dakota Legislature

Senate Bill 179

Introduced by: **Senator Youngberg**

1 **An Act to revise the legal notice process.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **17-2-29. Publication of legal notices--Website.**

5 All legal and other official notices required by law to be published in a legal
6 newspaper may be published on an official government legal notice website established
7 and maintained by the secretary of state in lieu of publication in a newspaper. The
8 secretary of state may charge up to a ten-dollar fee to publish a legal notice on the legal
9 notice website. The secretary of state shall establish a legal notice website by July 1, 2022.

10 **Section 2.** That a NEW SECTION be added:

11 **17-2-30. Accessibility of website.**

12 The legal notice website shall be accessible to the public over the internet at least
13 ninety percent of the time, twenty-four hours per day, every day of a year.

14 **Section 3.** That a NEW SECTION be added:

15 **17-2-31. Copies of notice.**

16 If a person is unable to access a legal notice on the legal notice website, the
17 secretary of state shall provide a copy of the notice to the person free of charge.

18 **Section 4.** That a NEW SECTION be added:

19 **17-2-32. Duration of notices.**

20 A notice published on the legal notice website shall remain available on the legal
21 notice website at least until the last posting date required by law has expired or until the
22 event described in the notice has taken place, whichever is later.

1 **Section 5.** That a NEW SECTION be added:

2 **17-2-33. Certification of notices--Contents.**

3 The secretary of state shall create and keep on file an electronic or paper-based
4 certification of the posting required for each legal notice published on the legal notice
5 website. The certification shall state that the notice was posted from the initial date
6 through either the last posting date required by law or the date when the event described
7 in a notice takes place, whichever is later. The secretary of state shall provide a copy of
8 the certification free of charge upon request.

9 **Section 6.** That a NEW SECTION be added:

10 **17-2-34. Prima facie evidence of publication.**

11 A certification of legal notice under § 17-2-33 shall be prima facie evidence that
12 notice was published.

13 **Section 7.** That a NEW SECTION be added:

14 **17-2-35. Promulgation of rules.**

15 The secretary of state may promulgate rules related to establishing and
16 maintaining a legal notice website.

17 **Section 8.** That § 17-2-1 be AMENDED:

18 **17-2-1. Official notices--Publication--Affidavit.**

19 ~~All~~Except for notices published on the legal notice website under § 17-2-29, all
20 legal and other official notices shall be published in a legal newspaper as defined in this
21 chapter, and the affidavit of publication shall state that such newspaper is a legal
22 newspaper, which affidavit shall be prima facie evidence of that fact; and every affidavit
23 of publication shall state in plain terms the fees charged thereon.