



## 2024 South Dakota Legislature

# Senate Bill 75

### SENATE LOCAL GOVERNMENT ENGROSSED

Introduced by: **Senator Wheeler**

1 **An Act to modify provisions pertaining to the designation of a legal newspaper.**

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

3 **Section 1. That § 17-2-2.2 be AMENDED:**

4 **17-2-2.2.** A legal newspaper shall, for at least one year prior to publication of legal  
5 and official notices, ~~maintain~~ be intended for distribution and circulation to the general  
6 public, without regard to business, trade, or profession, and must either:

7 (1) Maintain a definite price of not less than fifty percent of its published price, ~~and~~  
8 ~~shall be paid for by no less than fifty percent of those to whom it is distributed.~~  
9 ~~Such legal newspaper shall, and~~ have a minimum paid circulation of at least two  
10 hundred ~~and be intended for distribution and circulation to the general public,~~  
11 ~~without regard to business, trade, or profession; or~~

12 (2) Maintain a minimum of two hundred paid online subscribers and distribute an  
13 associated print edition at least once a week for at least fifty weeks per year with  
14 a circulation of at least five hundred copies, regardless of whether the print edition  
15 is made available to the public for a paid subscription or for free.

16 **Section 2. That § 17-2-2.3 be AMENDED:**

17 **17-2-2.3.** A legal newspaper shall contain reports of local happenings of recent  
18 occurrences of a varied nature, such as political, social, moral, and religious subjects and  
19 miscellaneous reading matter, ~~and for.~~ For at least one year prior to publication of legal  
20 and official notices, a newspaper must devote at least twenty-five percent of its total  
21 column space in at least one-half of its issues in any calendar year to ~~such~~ nonpaid news  
22 content. No more than eighty percent of the space devoted to ~~such~~ nonpaid news content  
23 may duplicate any other publication, unless the duplicated material is from recognized  
24 general news services.

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

2 **17-2-2.4.** A legal newspaper shall, for at least one year prior to publication of legal  
3 and official notices, maintain a known office of publication in the community where its  
4 mailing permit of original entry is issued or where its principal office is located as stated  
5 on the annual report filed with the secretary of state, for the purpose ~~of gathering news,~~  
6 ~~soliciting advertising, and conducting general newspaper business for at least eight normal~~  
7 ~~business hours per week. The terms, printed or published, mean that the newspaper is~~  
8 ~~published where it maintains its known office of publication as described in this section of~~  
9 publishing a newspaper. No newspaper may have more than one place where it is  
10 published at the same time.

11 For the purposes of this section the term "publish" means the process by which  
12 news may be gathered, advertising solicited, and general newspaper business conducted  
13 for at least eight normal business hours per week.

14 **Section 4. That § 17-2-2.5 be AMENDED:**

15 **17-2-2.5.** In order to maintain legal newspaper status, the newspaper ~~shall~~  
16 ~~publish and must~~ submit to the secretary of state before January first of each year a sworn  
17 statement of ownership and total print and online circulation for the previous calendar  
18 year, on forms prescribed by the secretary of state.

19 ~~Continuous publication within the meaning of this section and §§ 17-2-2.1 to 17-~~  
20 ~~2-2.4, inclusive, is not deemed to be interrupted by any involuntary suspension of~~  
21 ~~publication resulting from loss, destruction, failure, or unavailability of operating facilities,~~  
22 ~~equipment, or personnel from any cause, and any newspaper so affected is not disqualified~~  
23 ~~as a legal newspaper if publication is resumed within one week after it again becomes~~  
24 ~~possible. This section and §§ 17-2-2.1 to 17-2-2.4, inclusive, do not disqualify as a legal~~  
25 ~~newspaper any publication which, prior to January 1, 1985, was a legal newspaper, so~~  
26 ~~long as it continues to meet the requirements under which it previously qualified. Between~~  
27 September first and December thirty-first of each year, a legal newspaper must publish  
28 either:

- 29 (1) A United States Postal Service periodicals-class statement of ownership and  
30 circulation; or  
31 (2) The most recent sworn statement by a recognized independent circulation auditing  
32 agency verifying the total print and online circulation.

1           For the purposes of subdivision (2), a newspaper designated as an official legal  
2           newspaper by a public agency for the purpose of publication of legal and official notices  
3           must complete the independent audit annually. For a newspaper that has not been  
4           designated as an official legal newspaper by any public agency, an independent audit shall  
5           have been completed within two years prior to being designated as an official legal  
6           newspaper by any public agency.

7           **Section 5. That chapter 17-2 be amended with a NEW SECTION:**

8           The publication requirements listed in §§ 17-2-2.1 to 17-2-2.5, inclusive, are not  
9           deemed to be interrupted by any involuntary suspension of publication resulting from loss,  
10          destruction, failure, or unavailability of operating facilities, equipment, or personnel from  
11          any cause, and any newspaper so affected is not disqualified as a legal newspaper if  
12          publication is resumed within one week after it again becomes possible. This section and  
13          §§ 17-2-2.1 to 17-2-2.5, inclusive, do not disqualify as a legal newspaper any publication  
14          which, prior to January 1, 1985, was a legal newspaper, so long as it continues to meet  
15          the requirements under which it previously qualified. A newspaper may use activity  
16          occurring prior to July 1, 2024, to satisfy the requirements of chapter 17-2.