

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

681T0420

HOUSE ENGROSSED NO. **SB 75** - 2/27/2012

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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 fee may be charged
8 for ~~such~~ any specialized service. Such fee may include a reasonable amount representing a
9 portion of the amortization of the cost of computer equipment, including software, necessarily
10 added in order to provide such specialized service. This section does not require a governmental
11 entity to acquire computer capability to generate public records in a new or different form if that
12 new form would require additional computer equipment or software not already possessed by
13 the governmental entity.

14 No fee may be charged for the electronic transfer of any minutes of open meeting actions



- 1 of a political subdivision, board or agency of a political subdivision, or the governing board of
- 2 an agency that levies property taxes that were recorded in the last three years.