



2025 South Dakota Legislature

House Bill 1041

Introduced by: The Chair of the Committee on Education at the request of the Department of Education

1 **An Act to revise and repeal certain provisions pertaining to the state library and**
 2 **State Library Board.**

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

4 **Section 1. That § 2-13-12 be AMENDED:**

5 **2-13-12.** In addition to the distribution authorized by § 2-13-7, the Bureau of
 6 Human Resources and Administration shall deliver to the Supreme Court~~, and~~ and the director
 7 of the Legislative Research Council~~, and the state library board~~, upon proper requisition
 8 from time to time, copies of the session laws~~, which may be used in their discretion in~~
 9 exchange for the statutes, codes, or reports of other states, territories, or countries, or
 10 for textbooks or other works on law, for the purpose of completing and improving the
 11 Supreme Court and legislative reference libraries~~, for distribution to public and academic~~
 12 ~~libraries in this state and for fulfilling the requirements of chapter 14-1A.~~

13 **Section 2. That § 14-1-40 be AMENDED:**

14 **14-1-40.** The policy of the State of South Dakota ~~shall be~~ is that:
 15 (1) Library services should be available widely throughout the state to bring within
 16 convenient reach of the people cultural, informational, and educational resources
 17 essential to the improvement of their quality of life;
 18 (2) The provision and support of library services should be a necessary function of
 19 government at all levels;
 20 (3) The joint exercise of governmental powers under chapter 1-24 ~~shall be~~ is
 21 encouraged where ~~such~~ joint action will increase the extent of library materials and
 22 services in a fair and equitable manner~~, through cooperation between units of~~
 23 government and between and among libraries; and
 24 (4) Cooperation among and between libraries ~~shall~~ must be encouraged and promoted
 25 by the state library agency; ~~and~~

1 ~~(5) Library services suitable to support informed decisions by the Legislature and the~~
2 ~~personnel of government shall be provided by the State Library Agency.~~

3 **Section 3. That § 14-1-44 be AMENDED:**

4 **14-1-44.** The State Library Office shall execute the library policy of the ~~State of~~
5 ~~South Dakota state~~ and shall:

- 6 ~~(1) Promote adequate library service for all the people of the state;~~
- 7 ~~(2) Supplement the services of libraries throughout the state;~~
- 8 ~~(3) Increase the proficiency of library personnel through provision of in-service and~~
9 ~~continuing education programs for library personnel employed in the state;~~
- 10 ~~(4) Provide for the citizens of the state specialized library services and materials not~~
11 ~~generally appropriate, economical, or available in other libraries of the state;~~
- 12 ~~(5) Establish and operate a state publications library distribution program; and~~
- 13 ~~(6) Collect and publish annual statistical data of libraries in the state.~~ Promote a system
14 of public, school, and academic libraries across the state;
- 15 (2) Offer training and technical assistance to library personnel across the state;
- 16 (3) Provide Braille and talking book services to make reading resources more generally
17 accessible; and
- 18 (4) Upon request, assist local libraries with literacy programming, promotion, and
19 organization.

20 **Section 4. That § 14-1A-3 be AMENDED:**

21 **14-1A-3.** Each state agency shall notify the ~~State Library~~ South Dakota State
22 Historical Society of any state ~~publications~~ publication of the agency and shall make
23 available the state publication available to the ~~State Library~~ as provided by administrative
24 rule society.

25 **Section 5. That § 14-2-40 be AMENDED:**

26 **14-2-40.** Each board of public library trustees shall:
27 (1) Appoint a librarian to serve at the pleasure of the board. Any paid librarian shall
28 receive any employee benefits provided all other employees of the local
29 governmental unit and ~~shall~~ must be compensated at rates determined by the
30 governing body's compensation schedule, if ~~such~~ the schedule exists. If no ~~such~~
31 schedule exists, the salary ~~shall~~ must be set by the local governing body;

- 1 (2) Adopt bylaws for the conduct of ~~their~~ the board's business and adopt policies for
- 2 the selection of public library materials, the governance of the library, and the use
- 3 of public library services and materials;
- 4 (3) Prepare and submit an annual budget request to its governing body;
- 5 (4) Adopt a final annual budget within those funds certified to it as being appropriated
- 6 in the annual budget of its governing body;
- 7 (5) Meet at least once during each quarter of the year; and
- 8 (6) Prepare and submit an annual report to its governing body ~~and to the South Dakota~~
- 9 ~~State Library on such forms as may be provided by the State Library.~~

10 **Section 6. That § 1-45-26 be REPEALED.**

11 ~~The State Library Office of the Division of Library Services includes the State Library~~

12 ~~Board created by § 14-1-55.~~

13 **Section 7. That § 14-1-45 be REPEALED.**

14 ~~The State Library Office shall provide library service to the Legislature and to the~~

15 ~~personnel of state government.~~

16 **Section 8. That § 14-1-47 be REPEALED.**

17 ~~The State Library Office shall maintain appropriate collections of library materials~~

18 ~~to supplement the collections of other libraries in the state and to meet the research and~~

19 ~~informational needs of the Legislature and the employees of state government.~~

20 **Section 9. That § 14-1-48 be REPEALED.**

21 ~~The State Library Office shall provide a network and system whereby the resources~~

22 ~~of libraries in this state are made available to the citizens of the state.~~

23 **Section 10. That § 14-1-51 be REPEALED.**

24 ~~The State Library Office shall establish and support suitable libraries in the special~~

25 ~~schools supported in whole or in part by the state, with the consent and subject to any~~

26 ~~rules and regulations as may be made by the boards responsible for the institutions.~~

27 **Section 11. That § 14-1-55 be REPEALED.**

1 ~~The Governor shall appoint a State Library Board to perform all functions of the~~
2 ~~former State Library Commission. The board shall consist of six members appointed by~~
3 ~~the Governor for three year terms. The members may not be of all the same political~~
4 ~~party. The initial terms of the members of the board shall be set by the Governor in such~~
5 ~~a manner that no more than two members' terms expire in the same year. One member~~
6 ~~shall be the executive director of the Board of Regents or the executive director's designee.~~
7 ~~The members shall represent, as nearly as practical, all geographic areas of the state.~~

8 ~~The terms of members begin on October thirty first of the calendar year in which~~
9 ~~the Governor appoints the member, unless otherwise designated by the Governor. The~~
10 ~~appointee's term expires on October thirtieth in the third year of appointment.~~

11 ~~Any member's term ending June 30, 2013, or thereafter is extended to October~~
12 ~~thirtieth in the year the term is to expire.~~

13 **Section 12. That § 14-1-56 be REPEALED.**

14 ~~The State Library Board shall maintain its office in the State Library at the capital~~
15 ~~of the state.~~

16 **Section 13. That § 14-1-59 be REPEALED.**

17 ~~The State Library Board is the policy making body of the State Library Office and~~
18 ~~shall:~~

19 ~~(1) Approve general policies for the State Library;~~

20 ~~(2) Promulgate rules, pursuant to chapter 1-26, under which state library services and~~
21 ~~materials may be used by citizens and by libraries in the state, under which~~
22 ~~administration and execution of federal or private funds or programs that may be~~
23 ~~received by the State Library may be carried out, and under which libraries of the~~
24 ~~state may have access to systems and networks provided outside the state by the~~
25 ~~State Library; and~~

26 ~~(3) Adopt a long range plan for the statewide coordination and development of library~~
27 ~~services.~~

28 **Section 14. That § 14-1-60 be REPEALED.**

29 ~~The State Library Board may:~~

30 ~~(1) Recommend agreements, under such terms and conditions as may be suitable,~~
31 ~~with any person, any library, any state department, any unit of local government~~

- 1 ~~empowered to establish a library, or any library board to provide library services,~~
- 2 ~~to extend, improve, or coordinate library services, or to demonstrate appropriate~~
- 3 ~~programs of library service;~~
- 4 ~~(2) Recommend library agreements pursuant to the Interstate Library Compact;~~
- 5 ~~(3) Appoint any advisory councils it may deem necessary or may find are required for~~
- 6 ~~receipt of federal or private funds or programs; and~~
- 7 ~~(4) Accept gifts of library materials, money, or property for the use of the State Library.~~

8 **Section 15. That § 14-1-64 be REPEALED.**

9 ~~The State Library Board shall exercise the advisory function as defined in~~
10 ~~subdivision 1-32-1(2) and consistent with § 1-45-4. The state librarian shall perform~~
11 ~~administrative functions in accordance with the general policies of the State Library Board~~
12 ~~and the executive branch of government.~~

13 **Section 16. That § 14-1A-1 be REPEALED.**

- 14 ~~Terms used in this chapter mean:~~
- 15 ~~(1) "State agency," includes the Legislature, constitutional officers, and any~~
 - 16 ~~department, division, bureau, board, commission, committee, or agency of the~~
 - 17 ~~State of South Dakota;~~
 - 18 ~~(2) "State publication," any information originating in or produced by the authority of~~
 - 19 ~~a state agency or at the total or partial expense of a state agency that the agency~~
 - 20 ~~intends for general distribution to the public, regardless of format or medium,~~
 - 21 ~~source or copyright, license, or trademark. The term does not include information~~
 - 22 ~~intended only for distribution to contractors or grantees of the agency, persons~~
 - 23 ~~within the agency, or members of the public under § 1-27-1, information produced~~
 - 24 ~~by a state agency that is intended strictly for internal administrative or operational~~
 - 25 ~~purposes, or materials excluded from this definition by the state library through~~
 - 26 ~~the promulgation and enforcement of rules.~~

27 **Section 17. That § 14-1A-2 be REPEALED.**

28 ~~There is created as a section of the State Library, and under the direction of the~~
29 ~~state librarian, a state publications library distribution program. The program shall~~
30 ~~promote the distribution and use of state publications in libraries throughout the state.~~

Underscores indicate new language.
Overstrikes indicate deleted language.

- 1 ~~The State Library Board shall promulgate rules pursuant to chapter 1-26 necessary to~~
- 2 ~~carry out this chapter.~~