



2024 South Dakota Legislature  
**Senate Bill 75**  
**ENROLLED**

AN ACT

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

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

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

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

- (1) Maintain a definite price of not less than fifty percent of its published price, be paid for by no less than fifty percent of those to whom it is distributed, and have a minimum paid circulation of at least two hundred; or
- (2) Maintain a minimum of two hundred paid online subscribers and distribute an associated print edition at least once a week for at least fifty weeks per year with a circulation of at least five hundred copies, regardless of whether the print edition is made available to the public for a paid subscription or for free.

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

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

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

**17-2-2.4.** A legal newspaper shall, for at least one year prior to publication of legal and official notices, maintain a known office of publication in the community where its mailing permit of original entry is issued or where its principal office is located as stated on the annual report filed with the secretary of state, for the purpose of publishing a newspaper. No newspaper may have more than one place where it is published at the same time.

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

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

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

Between September first and December thirty-first of each year, a legal newspaper must publish either:

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

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

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

The publication requirements listed in §§ 17-2-2.1 to 17-2-2.5, inclusive, are not deemed to be interrupted by any involuntary suspension of publication resulting from loss, destruction, failure, or unavailability of operating facilities, equipment, or personnel from any cause, and any newspaper so affected is not disqualified as a legal newspaper if publication is resumed within one week after it again becomes possible. This section and §§ 17-2-2.1 to 17-2-2.5, inclusive, do not disqualify as a legal newspaper any publication

which, prior to January 1, 1985, was a legal newspaper, so long as it continues to meet the requirements under which it previously qualified. A newspaper may use activity occurring prior to July 1, 2024, to satisfy the requirements of chapter 17-2.

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

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I certify that the attached Act originated in the:

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_,

Senate as Bill No. 75

2024 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2024

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2024  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 75  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State