

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0294

## SENATE BILL NO. 5

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the distribution of  
2 state publications.

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

4 Section 1. That § 14-1A-1 be amended to read as follows:

5 14-1A-1. Terms used in this chapter mean:

6 (1) ~~"Center," the State Publications Library Distribution Center;~~

7 ~~—(2)—"Print," all forms of printing and duplicating, including audio-visual materials,~~  
8 ~~regardless of format or purpose, with the exception of correspondence and interoffice~~  
9 ~~memoranda;~~

10 ~~—(3)—"State agency," includes, but is not limited to, the Legislature, constitutional officers,~~  
11 ~~and any department, division, bureau, board, commission, committee, or agency of~~  
12 ~~the State of South Dakota;~~

13 ~~(4)(2)~~ "State publication," any document, compilation, journal, law, resolution, bluebook,  
14 statute, code, register, pamphlet, list, microphotographic form, tape or disk recording,  
15 compact disc, floppy diskette, book, proceedings, report, memorandum, hearing,



1 legislative bill, leaflet, order, regulation, directory, periodical or magazine published,  
2 issued, in print, or purchased for distribution, by the state, the Legislature,  
3 constitutional officers, any state department, committee, or other state agency  
4 supported wholly or in part by public funds information originating in or produced  
5 by the authority of a state agency or at the total or partial expense of a state agency  
6 that the agency intends to distribute outside the agency, regardless of format or  
7 medium, source or copyright, license, or trademark. The term does not include  
8 information intended only for distribution to contractors or grantees of the agency,  
9 persons within the agency, or members of the public under § 1-27-1, information  
10 produced by a state agency that is intended strictly for internal administrative or  
11 operational purposes, or materials excluded from this definition by the state library  
12 through the promulgation and enforcement of rules.

13 Section 2. That § 14-1A-2 be amended to read as follows:

14 14-1A-2. There is created as a section of the State Library, and under the direction of the  
15 state librarian, a ~~State Publications Library Distribution Center~~ state publications library  
16 distribution program. The ~~center~~ program shall promote the ~~establishment of an orderly~~  
17 ~~depository library system~~ distribution and use of state publications in libraries throughout the  
18 state. The State Library Board shall promulgate rules pursuant to chapter 1-26 necessary to carry  
19 out this chapter.

20 Section 3. That § 14-1A-3 be amended to read as follows:

21 14-1A-3. ~~Every~~ Each state agency shall ~~upon release, deposit at least thirteen copies of each~~  
22 ~~of its state publications, with the State Library for record and depository system purposes, with~~  
23 ~~the exception of audio-visual materials. At least two copies of audio-visual materials shall be~~  
24 ~~deposited with the State Library for record and depository system purposes~~ notify the State

1 Library of any state publications of the agency and shall make available the state publication to  
2 the State Library as provided by administrative rule.

3 Section 4. That § 14-1A-4 be repealed.

4 ~~— 14-1A-4. Upon request by the center, each issuing state agency shall furnish the center with~~  
5 ~~a complete list of its current state publications and a copy of its mailing and exchange lists.~~

6 Section 5. That § 14-1A-5 be repealed.

7 ~~— 14-1A-5. The center shall assure that the University of South Dakota at Vermillion and the~~  
8 ~~Library of Congress shall each receive two copies and that Black Hills State University at~~  
9 ~~Spearfish shall receive one copy of each document, with the exception of audio-visual materials.~~  
10 ~~The University of South Dakota at Vermillion shall retain permanently at least one copy of each~~  
11 ~~document distributed by the center for the purpose of historical research. Permanent retention~~  
12 ~~may be encompassed through use of microforms.~~

13 Section 6. That § 14-1A-6 be repealed.

14 ~~— 14-1A-6. The center shall enter into depository contracts with any municipal or county free~~  
15 ~~library, state college or state university library, the Library of Congress and the center for~~  
16 ~~research libraries, and other state libraries. The requirements for eligibility to contract as a~~  
17 ~~depository library shall be established by the State Library Board. The standards shall include~~  
18 ~~and take into consideration the type of library, ability to preserve such publications and to make~~  
19 ~~them available for public use, and also such geographical locations as will make the publications~~  
20 ~~conveniently accessible to residents in all areas of the state.~~

21 Section 7. That § 14-1A-7 be repealed.

22 ~~— 14-1A-7. The center shall publish and distribute regularly to contracting depository libraries~~  
23 ~~and other libraries upon request a list of available state publications.~~

24 Section 8. That § 14-1A-8 be repealed.

1 ~~14-1A-8. The center shall not engage in general public distribution of either state~~  
2 ~~publications or lists of publications.~~