

## **New State Statute and Administrative Rules pertaining to Distribution of State Publications:**

### **Chapter 14-1A**

14-1A-1. Definition of terms. Terms used in this chapter mean:

(1) "State agency," includes the Legislature, constitutional officers, and any department, division, bureau, board, commission, committee, or agency of the State of South Dakota;

(2) "State publication," any information originating in or produced by the authority of a state agency or at the total or partial expense of a state agency that the agency intends for general distribution to the public, regardless of format or medium, source or copyright, license, or trademark. The term does not include information intended only for distribution to contractors or grantees of the agency, persons within the agency, or members of the public under § 1-27-1, information produced by a state agency that is intended strictly for internal administrative or operational purposes, or materials excluded from this definition by the state library through the promulgation and enforcement of rules.

14-1A-2. State publications library distribution program. There is created as a section of the State Library, and under the direction of the state librarian, a state publications library distribution program. The program shall promote the distribution and use of state publications in libraries throughout the state. The State Library Board shall promulgate rules pursuant to chapter 1-26 necessary to carry out this chapter.

14-1A-3. State agency publications to be available to State Library . Each state agency shall notify the State Library of any state publications of the agency and shall make available the state publication to the State Library as provided by administrative rule.

### **Administrative Rules Chapter 24:30:07**

**24:30:07:01. State publications library distribution program defined.** The state publications library distribution program is meant to collect and distribute any state publication as that term is defined in SDCL [14-1A-1\(2\)](#).

**24:30:07:02. Standards to be met by full depository libraries.** The State Library Board shall select two libraries to be full depository libraries under the state publications library distribution program. A full depository library must receive from the State Library one nondigital copy of any state publication available in only nondigital format, and shall agree to educate users about the state publications library distribution program. Libraries designated as full depository libraries shall:

(1) Designate a person by name as administrator of the program for the purpose of direct contact with staff at the State Library;

(2) Retain and make accessible all state publications obtained through the program, regardless of format, for a minimum of five years with the exception of those publications that are clearly superseded by subsequent editions or that are issued at a later date in cumulated form;

(3) Discard publications received through the program only according to procedures set forth by the State Library;

(4) Allow the state librarian access to the program for purposes of evaluation;

(5) Conduct at least two annual public orientations or workshops that highlight the use of state publications; and

(6) Attend, annually, at least one continuing education opportunity offered by the State Library government publications staff.

**24:30:07:03. Standards to be met by affiliate depository libraries.** In an effort to increase availability and distribution of state publications, the State Library shall also designate libraries that will be affiliate depository libraries. An affiliate depository library may not receive any nondigital copies of state publications, but shall agree to educate users about the state publications library distribution program. Libraries designated as affiliate depository libraries shall:

(1) Designate a person by name as administrator of the program for the purpose of direct contact with staff at the State Library;

(2) Conduct at least one annual public orientation or workshop that highlights the use of state publications; and

(3) Attend, annually, at least one continuing education opportunity offered by the State Library government publications staff.

**24:30:07:04. Selection of depository libraries.** The State Library Board shall award contracts for full depository libraries from applications received from municipal or county free libraries or state university libraries that meet the requirements of § 24:30:07:02, based upon evaluation of geographic balance, available space and staff, and other factors affecting public access to the collection. The state librarian shall develop and make known procedures for designating affiliate depository libraries that encourage all libraries in South Dakota to participate in the state publications library distribution program.

**24:30:07:05. Termination of contracts.** If a contract with a full depository is terminated, the state librarian shall determine procedures for disposition of the state publications collection obtained by that library through the program.

**24:30:07:06. Notification and availability of publications produced by state agencies.** Within 90 days of publication, or by December 1, 2012, whichever is later, state agencies shall notify the State Library of any state publications published after July 1, 2012, to be included in the state publications library distribution program. State agencies shall supply the State Library with the state publications described in the previous sentence as follows:

(1) For state publications available only in nondigital format, four copies must be supplied;

(2) For state publications available in digital and nondigital formats, one digital copy in PDF or other approved format must be supplied along with two nondigital copies; and

(3) For state publications available in digital format only, one digital copy in PDF or other approved format must be supplied.

The State Library may place on the internet without restriction any items submitted pursuant to this section that are available at no charge from state agencies. For submitted items that are normally available for purchase from the issuing agency, the State Library shall seek permission from the issuing agency before making the items available on the internet.

**24:30:07:07. Transition of current documents depository libraries.** Libraries previously designated as documents depository libraries under § 24:30:06:04 that do not become full depository libraries under this chapter shall follow procedures developed and made known by the state librarian for disposition of the state publications collections obtained pursuant to chapter 24:30:06.