

South Dakota

[2007 Report](#) by Rick Goheen, University of Toledo LaValley Law Library; 2009-10 Update by Candice J Spurlin, McKusick Law Library, University of South Dakota School of Law

<p>OFFICIAL STATUS</p> <p>X</p> <p>No change since the 2007 report</p>	<p>AUTHENTICATION</p> <p>X</p> <p>No change since the 2007 report</p>
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South Dakota online legal resources are not official.
There are print official versions of all the online legal resources investigated; in no instance is the online resource considered official. The online opinions of the state Supreme Court which begin in 1996 carry disclaimer information concerning their online status.

South Dakota is not addressing the authentication of online legal resources.
Neither the Legislative Research Council nor by the South Dakota Code Commission have plans for authentication for their online resources in the near future.

Has the state eliminated the print publication of any of these titles in favor of online only since the 2007 report? South Dakota has not eliminated any of its print primary law resources in favor of online resources.

Has the state enacted legislation guaranteeing the public's permanent access to state online government information since the 2007 report? No legislation mandates permanent access to online government information.

Have courts in your state adopted a medium neutral citation system since the 2007 report? In 1995, the South Dakota Supreme Court adopted Rule 95-13, which provided for medium neutral citation as described below.

Have there been any other significant changes to the 2007 state summary? Other minor changes have been integrated into the text below.

South Dakota has not eliminated any of its print primary law resources in favor of online resources. South Dakota Codified Laws section 1-27, Public Records and Files, defines a public record and mandates that records be available and open to inspection by the public during normal business hours (SDCL §1-27-1), but no legislation mandates permanent access to online government information. The South Dakota State Library maintains a website called SoDakLIVE at <http://search.sodaklive.com>. The state library harvests government documents and preserves them on this website, but no law mandates that they guarantee their permanent online preservation.

South Dakota makes all legislative primary legal resources available online to the public on its state website at <http://www.state.sd.us/>. Online versions of the current administrative code, the administrative register (1998–current), the current statutory code, session laws (1997–current), and high court opinions (1996–current) are relatively easy to find. But none of the online versions are *official* or certified as *authentic*.

At the time of this writing, the index page for the online South Dakota Codified Laws gives the following notice: “Statutes are current as of 7/1/2008. This includes all changes made during the 2008 Legislative Session.” The 2007 report noted that at the bottom of the index page and on the Web page for each individual statutory section, this notice appears:

This page is maintained by the Legislative Research Council (LRC). It contains material authorized for publication that is copyrighted by the state of South Dakota. Except as authorized by federal copyright law, no person may print or distribute copyrighted material without the express authorization of the South Dakota Code Commission.

This notice has been replaced with “© 2009 South Dakota Legislature” on the bottom of each page. The LRC Code Counsel says the change is merely the choice of the Webmaster and has no other significance. Since the material is copyrighted, the online statutes are regarded as unique or distinctive text *official* enough to protect, but the South Dakota Code Commission doesn’t state that the online statutes are *official*. South Dakota Codified Laws §2-26-17 states that the print version of the code is the *official* code.

South Dakota’s own administrative agencies need the commission’s permission to copy and redistribute statutes, as is sometimes necessary in connection with promulgating and publishing rules administrative rules. The Legislative Research Council’s *Guide to Form and Style for Administrative Rules of South Dakota* (at <http://legis.state.sd.us/rules/RulesManual.pdf>) advises agencies to obtain the printing master for new rules from their material on the Web. *Id.* at 17. Agencies therefore start with text from the online resource. No other source of rules is mentioned. Given that the state government already treats its online rules as *official* for internal use, it would only be one small step further to designate them as *official* for public use as well. However, no plans are in place to make the online *Administrative Rules of South Dakota* official.

Online opinions of the state courts are not *official*. The earliest South Dakota Supreme Court opinions (1996–2005) available on the Web were published in HTML; after 2005 online cases are published in PDF. All online opinions, beginning with the earliest opinions in 1996, carry a notice in red type that states that: “These opinions are subject to formal revision before official publication in the North Western Reporter.”

On October 30, 1995 the South Dakota Supreme Court adopted Rule 95-13. The rule provided for medium neutral citation for all opinions on or after January 1, 1996. The legislature passed the rule in the 1996 legislative session and codified it at South Dakota Codified Laws §15-26A-69.1. The statute also gives directions for understanding the system and how citation is to be assigned to each opinion by the clerk of the Supreme Court.