



2021 South Dakota Legislature

House Bill 1129

Introduced by: **Representative Mulally**

1 **An Act to establish requirements for livestreamed public meetings.**

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

3 **Section 1.** That § 1-25-1 be AMENDED.

4 **1-25-1. Public meetings--Exceptions--Public comment--Penalty.**

5 The official meetings of the state and its political subdivisions are open to the
6 public, unless a specific law is cited by the state or the political subdivision to close the
7 official meeting to the public.

8 It is not an official meeting of ~~one a~~ public body if its members provide information or
9 attend the official meeting of another public body for which the notice requirements of
10 § 1-25-1.1 or 1-25-1.3 have been met.

11 It is not an official meeting of a public body if its members attend a press conference
12 called by a representative of the public body.

13 For any event hosted by a nongovernmental entity to which a quorum of the public
14 body is invited and public policy may be discussed, but the public body does not control
15 the agenda, the political subdivision may post a public notice of a quorum, in lieu of an
16 agenda. The notice of a quorum ~~shall~~ must meet the posting requirements of § 1-25-1.1
17 or 1-25-1.3 and ~~shall~~ contain, at a minimum, the date, time, and location of the event.

18 The public body shall reserve, at every regularly scheduled official meeting, a period
19 for public comment, limited at the public body's discretion, but not so limited as to provide
20 for no public comment. At a minimum, public comment ~~shall~~ must be allowed at regularly
21 scheduled official meetings ~~which~~ that are designated as regular meetings by statute, rule,
22 or ordinance.

23 If a public body livestreams a meeting, the public body shall utilize a website or
24 platform that:

25 (1) Does not limit public accessibility by requiring the creation of accounts, profiles, or
26 registration;

- 1 (2) Allows for archived meeting videos to be easily accessed by the public;
 2 (3) Provides the public body with the ability to limit digital advertisements that the
 3 body deems to be inappropriate;
 4 (4) Allows for the imposition of sufficient controls to guard against hacking,
 5 misappropriation, misuse, and piracy; and
 6 (5) Allows the public body to disable or moderate public comments during the live
 7 video or upon posting to a newsfeed.

8 Public comment is not required at official meetings held solely for the purpose of an
 9 inauguration, swearing in of newly elected officials, or presentation of an annual report to
 10 the governing body, regardless of whether ~~or not such the~~ activity ~~takes place~~ occurs at
 11 the time and place usually reserved for a regularly scheduled meeting.

12 If a quorum of township supervisors, road district trustees, or trustees for a
 13 municipality of the third class meet solely for purposes of implementing previously
 14 publicly-adopted policy, carrying out ministerial functions of that township, district, or
 15 municipality, or undertaking a factual investigation of conditions related to public safety,
 16 the meeting is not subject to the provisions of this chapter.

17 A violation of this section is a Class 2 misdemeanor.