

## 2021 South Dakota Legislature

**Senate Bill 128****AMENDMENT 128A FOR THE INTRODUCED BILL**

1 **An Act to ~~preclude the assignment of exclusive broadcast rights for certain high~~**  
2 **~~school interscholastic activities by an association~~ revise certain provisions**  
3 **related to news media coverage of high school activities.**

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

5 **Section 1.** That ~~§ 13-36-4~~ be AMENDED:

6 **~~13-36-4. Delegation of control, supervision, and regulation of high school~~**  
7 **~~interscholastic activities to association.~~**

8 ~~The school board of a public school, approved and accredited by the secretary of~~  
9 ~~the Department of Education, may delegate, on a year to year basis, the control,~~  
10 ~~supervision, and regulation of any high school interscholastic activities to any association~~  
11 ~~which is voluntary and nonprofit if:~~

12 ~~(1) Membership in the association is open to all high schools approved and accredited~~  
13 ~~pursuant to this section, including any school that allows participation by students~~  
14 ~~receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions~~  
15 ~~of this title;~~

16 ~~(2) The constitution, bylaws, and rules of the association are subject to ratification by~~  
17 ~~the school boards of the member public school districts and the governing boards~~  
18 ~~of the member nonpublic schools and include a provision for a proper review~~  
19 ~~procedure and review board;~~

20 ~~(3) The report of any audit required by § 13-26-5 is made public on the association's~~  
21 ~~website as well as the Department of Legislative Audit's website;~~

22 ~~(4) The association complies with the provisions of chapter 1-25 and chapter 1-27.~~  
23 ~~However, the association, and its employees, meetings, and records, are afforded~~  
24 ~~the same exemptions and protections as a political subdivision or public body is~~  
25 ~~provided under chapter 1-25 and chapter 1-27; and~~

1 ~~(5) The association shall report to the Government Operations and Audit Committee~~  
2 ~~annually, or at the call of the chair.~~

3 ~~The governing body of a nonpublic school, approved and accredited by the secretary~~  
4 ~~of the Department of Education, or AdvancED, or the Association of Christian Schools~~  
5 ~~International (ACSI), or the Association of Classical and Christian Schools (ACCS), or~~  
6 ~~Christian Schools International (CSI), or National Lutheran School Accreditation (NLSA),~~  
7 ~~or Commission for Oeceti Sakowin Accreditation (COSA), or Wisconsin Evangelical Lutheran~~  
8 ~~Synod School Accreditation, may also delegate, on a year to year basis, the control,~~  
9 ~~supervision, and regulation of any high school interscholastic activities to any association~~  
10 ~~which is voluntary and nonprofit if membership in such association is open to all high~~  
11 ~~schools approved and accredited pursuant to this section, including any school that allows~~  
12 ~~participation by students receiving alternative instruction as set forth in § 13-27-3,~~  
13 ~~pursuant to the provisions of this title, and if the constitution, bylaws, and rules of the~~  
14 ~~association are subject to ratification by the school boards of the member public school~~  
15 ~~districts and the governing boards of the member nonpublic schools and include a~~  
16 ~~provision for a proper review procedure and review board.~~

17 ~~Any association which that complies with this section may exercise the control,~~  
18 ~~supervision, and regulation of interscholastic activities, including interscholastic athletic~~  
19 ~~events of member schools, except as otherwise provided in § 13-36-4.1. The association~~  
20 ~~may promulgate reasonable uniform rules, to make decisions and to provide and enforce~~  
21 ~~reasonable penalties for the violation of the rules.~~

22 **Section 2.** That a NEW SECTION be added:

23 ~~**13-36-4.1. Exclusive broadcast rights—Lack of authority.**~~

24 ~~The authority to exercise control, supervision, and regulation of interscholastic~~  
25 ~~activities, including interscholastic athletic events, as set forth in § 13-36-4, does not~~  
26 ~~include the authority to grant or assign exclusive broadcast rights for state level events~~  
27 ~~to a media contractor.~~

28 **Section 1.** That § 13-1-57 be AMENDED.

29 ~~**13-1-57. Definitions regarding news media coverage of high school**~~  
30 ~~**activities.**~~

31 ~~Terms used in §§ 13-1-58 and 13-1-59 mean:~~

32 ~~(1) "Association," any association created under chapter 13-36;~~

1 (2) "Journalism," the gathering, preparing, collecting, photographing, recording,  
2 streaming, broadcasting, writing, editing, reporting, or publishing of news or  
3 information that concerns matters of public interest for dissemination to the public,  
4 including on the internet;

5 ~~(2)~~(3) "Media contractor" any entity that contracts with a school board, school district, or  
6 association to conduct journalism at any interscholastic high school activity or  
7 event;

8 (4) "News media," personnel of a newspaper or other periodical issued at regular  
9 intervals, a news service, a radio station, a television station, or a television  
10 network, regardless of whether the news media is in print, electronic, or digital  
11 format;

12 ~~(3)~~(5) "School district," the same meaning as in § 13-5-1;

13 ~~(4)~~(6) "School board," the same meaning as in § 13-8-1.

14 **Section 2.** That § 13-1-58 be AMENDED.

15 **13-1-58. Interference with news media coverage of high school activities**  
16 **prohibited.**

17 No school district ~~or~~, school board, association, or media contractor may interfere  
18 with the right of news media to attend and engage in journalism concerning any  
19 interscholastic high school activity or event. The school district or school board shall  
20 prevent any school under its authority from interfering with the right of news media to  
21 engage in journalism at any such activity or event. The provisions of this section do not  
22 apply to any state interscholastic event.

23 **Section 3.** That § 13-1-59 be AMENDED.

24 **13-1-59. Promulgation of rules to accommodate news media coverage of**  
25 **high school activities.**

26 Each school district and school board may adopt rules governing reasonable  
27 accommodations for news media to conduct journalism at all interscholastic high school  
28 activities and events. The rules on reasonable accommodations shall allow news media all  
29 necessary access to conduct journalism at such events, free of charge, subject to  
30 reasonable limitations for public safety, available space, and the right of the general public  
31 to attend such events.