



2022 South Dakota Legislature

House Bill 1255

Introduced by: **Representative** Haugaard

1 **An Act to clarify certain public meeting requirements.**

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

3 **Section 1. That § 1-25-12 be AMENDED:**

4 **1-25-12.** Terms used in this chapter mean:

5 (1) "Political subdivision," any association, authority, board, commission, committee,
6 council, task force, school district, county, city, town, township, or other local
7 government entity that is created or appointed by statute, ordinance, or resolution
8 and is vested with the authority to exercise any sovereign power derived from state
9 law;

10 (2) "Public body," any political subdivision and the state;

11 (3) "Public comment," information presented by any member of the public, whether a
12 natural person or an organization by a designated representative, via audio, video,
13 electronic medium, or other method of communication;

14 (4) "Official meeting," any meeting of a quorum of a public body at which official
15 business or public policy of that public body is discussed or decided by the public
16 body, whether in person or by means of teleconference;

17 ~~(4)~~(5) "Teleconference," information exchanged by any audio, video, or electronic
18 medium, including the internet;

19 ~~(5)~~(6) "State," each board, commission, department, or agency of the State of South
20 Dakota. The term, state, does not include the Legislature.

21
22 **Section 2. That § 1-25-1 be AMENDED:**

23 **1-25-1.** The official meetings of the state and its political subdivisions are open to
24 the public, and the public must be permitted public comment, unless a specific law is cited
25 by the state or the political subdivision to close the official meeting to the public.

1 It is not an official meeting of one public body if its members provide information
2 or attend the official meeting of another public body for which the notice requirements of
3 § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its
4 members attend a press conference called by a representative of the public body.

5 For any event hosted by a nongovernmental entity to which a quorum of the public
6 body is invited and public policy may be discussed, but the public body does not control
7 the agenda, the political subdivision ~~may~~ must post a public notice of a quorum, in lieu of
8 an agenda. The notice of a quorum shall meet the posting requirements of § 1-25-1.1 or
9 1-25-1.3 and shall contain, at a minimum, the date, time, and location of the event.

10 The public body shall reserve at every ~~regularly scheduled~~ official meeting a period
11 for public comment, limited at the public body's discretion, but not so limited as to provide
12 for no public comment. At a minimum, public comment shall be allowed at ~~regularly~~
13 ~~scheduled~~ all official meetings which are designated as regular meetings by statute, rule,
14 or ordinance.

15 Public comment is not required but may be permitted at official meetings held
16 solely for the purpose of an inauguration, swearing in of newly elected officials, or
17 presentation of an annual report to the governing body regardless of whether ~~or not~~ such
18 activity takes place at the time and place usually reserved for ~~a regularly scheduled~~ an
19 official meeting.

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

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

26 **Section 3. That § 1-25-1.1 be AMENDED:**

27 **1-25-1.1.** Each political subdivision shall provide public notice, with proposed
28 agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-
29 four hours immediately preceding any official meeting, by posting a copy of the notice,
30 visible to the public, at the principal office of the political subdivision holding the meeting.
31 The proposed agenda ~~shall~~ must include the date, time, and location of the meeting and
32 a period for public comment. The notice ~~shall~~ must also be posted on the political
33 subdivision's website upon dissemination of the notice, if a website exists. For any special
34 or rescheduled meeting, the information in the notice ~~shall~~ must be delivered in person,

1 by mail, by email, or by telephone, to members of the local news media who have
2 requested notice. For any special or rescheduled meeting, each political subdivision shall
3 also comply with the public notice provisions of this section for ~~a regular~~ an official meeting
4 to the extent that circumstances permit. A violation of this section is a Class 2
5 misdemeanor.

6 **Section 4. That § 1-25-1.3 be AMENDED:**

7 **1-25-1.3.** The state shall provide public notice of a meeting by posting a copy of
8 the proposed agenda at the principal office of the board, commission, or department
9 holding the meeting. The proposed agenda ~~shall~~ must include the date, time, and location
10 of the meeting, a period for public comment, and be visible, readable, and accessible to
11 the public. The agenda ~~shall~~ must be posted at least seventy-two hours before the meeting
12 is scheduled to start according to the agenda. The seventy-two hours does not include
13 Saturday, Sunday, or legal holidays. The notice ~~shall~~ must also be posted on a state
14 website, designated by the commissioner of the Bureau of Finance and Management. For
15 any special or rescheduled meeting, the information in the notice ~~shall~~ must be delivered
16 in person, by mail, by email, or by telephone, to members of the local news media who
17 have requested notice. For any special or rescheduled meeting, the state ~~shall~~ must also
18 comply with the public notice provisions of this section for ~~a regular~~ an official meeting to
19 the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

20 **Section 5. That § 1-25-1.6 be AMENDED:**

21 **1-25-1.6.** At any official meeting conducted by teleconference, there ~~shall~~ must
22 be provided one or more places at which the public may listen to and ~~participate~~ provide
23 public comment in the teleconference meeting. For any official meeting held by
24 teleconference, that has less than a quorum of the members of the public body
25 participating in the meeting who are present at the location open to the public,
26 arrangements ~~shall~~ must be provided for the public to listen to the meeting and provide
27 public comment via telephone or internet. The requirement to provide one or more places
28 for the public to listen to and provide public comment in the teleconference does not apply
29 to official meetings closed to the public pursuant to specific law.