

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0532

HOUSE STATE AFFAIRS
ENGROSSED NO. **HB 1113** - 01/25/2013

Introduced by: The Committee on State Affairs at the request of the Office of the Governor
and the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to expand the definition of teleconference to include certain
2 meetings conducted through electronic text colloquy and to require the retention of certain
3 records of text colloquy meetings for public inspection.

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

5 Section 1. That § 1-25-1 be amended to read as follows:

6 1-25-1. The official meetings of the state, its political subdivisions, and any public body of
7 the state or its political subdivisions are open to the public unless a specific law is cited by the
8 state, the political subdivision, or the public body to close the official meeting to the public. For
9 the purposes of this section, a political subdivision or a public body of a political subdivision
10 means any ~~association~~, authority, board, commission, committee, council, task force, school
11 district, county, city, town, township, or other agency of the state, which is created or appointed
12 by statute, ordinance, or resolution and is vested with the authority to exercise any sovereign
13 power derived from state law.

14 It is not an official meeting of one political subdivision or public body if its members



1 provide information or attend the official meeting of another political subdivision or public body
2 for which the notice requirements of § 1-25-1.1 have been met.

3 Any official meeting may be conducted by teleconference as defined in § 1-25-1.2. A
4 teleconference may be used to conduct a hearing or take final disposition regarding an
5 administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers
6 present to the roll call conducted by teleconference for the purpose of determining a quorum.
7 Each vote at an official meeting held by teleconference shall be taken by roll call.

8 If the state, a political subdivision, or a public body conducts an official meeting by
9 teleconference, the state, the political subdivision, or public body shall provide one or more
10 places at which the public may listen to or view the contents of and participate in the
11 teleconference meeting. For any official meeting held by teleconference, which has less than a
12 quorum of the members of the public body participating in the meeting who are present at the
13 location open to the public, arrangements shall be provided for the public to listen to or view
14 the contents of the meeting via telephone or internet. The requirement to provide one or more
15 places for the public to listen to or view the contents of the teleconference does not apply to an
16 executive or closed meeting.

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

18 Section 2. That § 1-25-1.2 be amended to read as follows:

19 1-25-1.2. For the purposes of this chapter, a teleconference is information exchanged by
20 audio or video medium. A text colloquy among a quorum of a public body or a political
21 subdivision by electronic means, including e-mail, text messaging, chat services, and other
22 similar media is a teleconference if official business is discussed. However, the scheduling of
23 meetings and similar communications do not constitute official business.

24 Section 3. That chapter 1-27 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The contents of any teleconference meeting conducted by text colloquy among a quorum of
3 a public body or a political subdivision by electronic means including e-mail, text messaging,
4 chat services, and other similar media is a public record and shall be maintained by the public
5 body for a period of one year following the meeting.