



2023 South Dakota Legislature

Senate Bill 162

SENATE ENGROSSED

Introduced by: **Senator Diedrich**

1 **An Act to revise public meeting requirements.**

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

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

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

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

21 Public comment is not required at official meetings held solely for the purpose of
 22 meeting in executive session, an inauguration, swearing in of newly elected officials, or
 23 presentation of an annual report to the governing body, ~~regardless of whether or not such~~
 24 the activity takes place at the time and place usually reserved for a regularly scheduled
 25 official meeting.

1 If a quorum of township supervisors, road district trustees, or trustees for a
2 municipality of the third class meet solely for purposes of implementing previously
3 publicly-adopted policy~~;~~ carrying out ministerial functions of that township, district, or
4 municipality~~;~~ or undertaking a factual investigation of conditions related to public safety~~;~~
5 the meeting is not subject to the provisions of this chapter.

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