

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0531

SENATE STATE AFFAIRS

ENGROSSED NO. **HB 1108** - 02/25/2013

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 application of certain open meetings
2 provisions to certain committees of public boards.

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

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

5 1-25-1. The official meetings of the state, its political subdivisions, and any public body of
6 the state or its political subdivisions, or any committee or subcommittee thereof, are open to the
7 public unless a specific law is cited by the state, the political subdivision, or the public body to
8 close the official meeting to the public. For the purposes of this section, a political subdivision
9 or a public body of a political subdivision means any ~~association~~, authority, board, commission,
10 committee, council, task force, school district, county, city, town, township, or other agency of
11 the state, which is created or appointed by statute, ordinance, or resolution, and is vested with
12 the authority to exercise any sovereign power derived from state law.

13 It is not an official meeting of one political subdivision or public body if its members
14 provide information or attend the official meeting of another political subdivision or public body



1 for which the notice requirements of § 1-25-1.1 have been met.

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

7 If the state, a political subdivision, or a public body conducts an official meeting by
8 teleconference, the state, the political subdivision, or public body shall provide one or more
9 places at which the public may listen to and participate in the teleconference meeting. For any
10 official meeting held by teleconference, which has less than a quorum of the members of the
11 public body participating in the meeting who are present at the location open to the public,
12 arrangements shall be provided for the public to listen to the meeting via telephone or internet.
13 The requirement to provide individual telephone or internet access does not apply to any
14 advisory body that has no sovereign power. The requirement to provide one or more places for
15 the public to listen to the teleconference does not apply to an executive or closed meeting.

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