

2025 South Dakota Legislature

Senate Bill 74**AMENDMENT 74A
FOR THE INTRODUCED BILL**

1 **An Act to require the publication and review of an explanation of the open meeting**
2 **laws of this state.**

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

4 **Section 1. That § 1-11-1 be AMENDED:**

5 **1-11-1.** It is the duty of the attorney general:

- 6 (1) To appear for the state and prosecute and defend all actions and proceedings, civil
7 or criminal, in the Supreme Court, in which the state shall be interested as a party;
- 8 (2) When requested by the Governor or either branch of the Legislature, or whenever,
9 in the judgment of the attorney general, the welfare of the state demands, to
10 appear for the state and prosecute or defend, in any court or before any officer,
11 any cause or matter, civil or criminal, in which the state may be a party or
12 interested;
- 13 (3) To attend to all civil cases remanded by the Supreme Court to the circuit court, in
14 which the state shall be a party or interested;
- 15 (4) To prosecute, at the request of the Governor, state auditor, or state treasurer, any
16 official bond or contract in which the state is interested, upon a breach thereof,
17 and to prosecute or defend for the state all actions, civil or criminal, relating to any
18 matter connected with either of their departments;
- 19 (5) To consult with, advise, and exercise supervision over the several state's attorneys
20 of the state in matters pertaining to the duties of their office, and the attorney
21 general shall be authorized and it is made the duty of the office, whenever in the
22 attorney general's judgment any opinion written by the attorney general will be of
23 general interest and value, to mail either written or printed copies of such opinion
24 to the auditor-general and to every state's attorney and county auditor in the state;

- 1 (6) When requested, to give an opinion in writing, without fee, upon all questions of
 2 law submitted to the attorney general by the Legislature or either branch thereof,
 3 or by the Governor, auditor, or treasurer;
- 4 (7) When requested by the state auditor, treasurer, or commissioner of school and
 5 public lands, to prepare proper drafts for contracts, forms, and other writings,
 6 which may be wanted for use of the state;
- 7 (8) To report to the Legislature, or either branch thereof, whenever requested, upon
 8 any business relating to the duties of the office;
- 9 (9) To prosecute state officers who neglect or refuse to comply with the provisions of
 10 statutes of this state prohibiting officers of the state from accepting any money,
 11 fee, or perquisite other than salary for performance of duties connected with the
 12 office or paid because of holding such office and the statute requiring issue and
 13 delivery and filing of prenumbered duplicate receipts and accounting for money
 14 received for the state;
- 15 (10) To pay into the state treasury all moneys received by the attorney general,
 16 belonging to the state, immediately upon the receipt thereof;
- 17 (11) To prosecute any criminal action that was committed by an inmate under
 18 confinement in a facility operated by the Department of Corrections; ~~and~~
- 19 (12) To attend to and perform any other duties which may from time to time be required
 20 by law; ~~and~~
- 21 (13) To publish an explanation of the open meeting laws of this state, as found in
 22 chapter 1-25, on the attorney general's website each year before January first.

23 **Section 2. That a NEW SECTION be added to chapter 1-25:**

24 Any agency, as defined in § 1-26-1, or political subdivision of this state, that is
 25 required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must
 26 annually review the following ~~at the first official, during an official~~ meeting of the agency
 27 or subdivision ~~each calendar year~~:

- 28 (1) The explanation of the open meeting laws of this state published by the attorney
 29 general, pursuant to § 1-11-1; and
- 30 (2) Any other material pertaining to the open meeting laws of this state provided by
 31 the attorney general.

32 The agency or subdivision must include in the minutes of the official meeting an
 33 acknowledgement that the review was completed.