



2025 South Dakota Legislature

House Bill 1059

HOUSE LOCAL GOVERNMENT ENGROSSED

Introduced by: **Representative** Fitzgerald

1 **An Act to clarify the meaning of teleconference for purposes of open meeting**
 2 **requirements.**

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

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

5 **1-25-1.** ~~The An official meetings meeting of the state and its political subdivisions~~
 6 ~~are a public body is~~ open to the public unless a specific law is cited by the ~~state or the~~
 7 ~~political subdivision~~ public body to close the official meeting to the public.

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

12 For any event hosted by a nongovernmental entity to which a quorum of the public
 13 body is invited and public policy may be discussed, but the public body does not control
 14 the agenda, the ~~political subdivision~~ public body may post a public notice of a quorum, in
 15 lieu of an agenda. The notice of a quorum ~~shall~~ must meet the posting requirements of
 16 § 1-25-1.1 or 1-25-1.3 and ~~shall~~ must contain, at a minimum, the date, time, and location
 17 of the event.

18 The public body shall reserve at every official meeting a period for public comment,
 19 limited at the public body's discretion as to the time allowed for each topic and the total
 20 time allowed for public comment, but not so limited as to provide for no public comment.

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

1 If a quorum of township supervisors, road district trustees, or trustees for a
 2 municipality of the third class ~~meet~~ meets 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.

7 **Section 2. That § 1-25-12 be AMENDED:**

8 **1-25-12.** Terms used in this chapter mean:

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

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

15 ~~(3)~~ "Official meeting," any meeting of a quorum of a public body at which official
 16 business or public policy of that public body is discussed or decided by the public
 17 body, whether in person or by means of teleconference or electronic means,
 18 including electronic mail, instant messaging, social media, text message, or virtual
 19 meeting platform, provided the term does not include communications solely to
 20 schedule a meeting or confirm attendance availability for a future meeting;

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

23 ~~(2)~~ "Political subdivision," any association, authority, board, municipality, commission,
 24 committee, council, county, school district, task force, town, township, or other
 25 local governmental entity, which is created by statute, ordinance, or resolution,
 26 and is vested with the authority to exercise any sovereign power derived from state
 27 law;

28 ~~(3)~~ "Public body," any political subdivision or the state;

29 ~~(5)(4)~~ "State," each agency, board, commission, or department, ~~or agency~~ of the State
 30 of South Dakota. ~~The term, state, does not include, not including~~ the Legislature;
 31 and

32 ~~(5)~~ "Teleconference," an exchange of information by any audio, video, or electronic
 33 medium, including the internet.