



2026 South Dakota Legislature

Senate Bill 47

Introduced by: The Chair of the Committee on Local Government at the request of the Attorney General

1 **An Act to revise the requirements for executive sessions and closed meetings.**

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

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

4 **1-25-2.** ~~Executive or closed meetings~~ An executive session or closed meeting may
5 be held only for the ~~sole~~ purposes of:

6 (1) Discussing the ~~qualifications~~ character, competence, fitness, performance,
7 ~~character or fitness~~ or qualifications of any current or prospective public officer or
8 ~~employee or prospective public officer or employee~~. The term, ~~employee~~, does not
9 ~~include any~~, not including an independent contractor;

10 (2) Discussing ~~the~~ a student's:

11 (a) Discipline, ~~expulsion, or suspension~~, discipline, ~~assignment of or the~~;

12 (b) Assignment or educational program ~~of a student or the eligibility of a~~
13 ~~student~~; or

14 (c) Eligibility to participate in interscholastic activities provided by the South
15 Dakota High School Activities Association;

16 (3) Consulting with legal counsel, ~~or reviewing communications from legal counsel~~,
17 about proposed or pending litigation or contractual matters;

18 (4) Preparing for contract negotiations or negotiating with employees or employee
19 representatives;

20 (5) Discussing marketing or pricing strategies by a board or commission of a business
21 that is owned by the state or any of its political subdivisions, ~~when if~~ public
22 discussion may be harmful to the competitive position of the business; or

23 (6) Discussing the following information pertaining to the protection of public or private
24 property and any person on or within ~~public or private~~ the property ~~specific to~~:

25 (a) Any vulnerability assessment or response plan intended to prevent or
26 mitigate criminal acts;

- 1 (b) Emergency management or response;
- 2 (c) Public safety information that would create a substantial likelihood of
3 endangering public safety or property, if disclosed;
- 4 (d) ~~Cyber security plans, computer, communications~~ Communications network
5 schema, computer systems, cyber security plans, passwords, or user
6 identification names;
- 7 (e) Guard schedules;
- 8 (f) Lock combinations; and
- 9 (g) Any blueprint, building plan, or infrastructure record regarding any building
10 or facility ~~that, which~~ would expose or create vulnerability through
11 disclosure of the ~~location,~~ configuration, location, or security of critical
12 systems of the building or facility; ~~and~~
- 13 (h) ~~Any~~
- 14 (7) Discussing any emergency or disaster response plans or protocols, safety or
15 security audits or reviews, or lists of emergency or disaster response personnel or
16 material; ~~any and~~
- 17 (8) Discussing the location of or listing ~~of weapons or ammunition; nuclear, chemical,~~
18 ~~or biological any:~~
- 19 (a) Ammunition or weapons;
- 20 (b) Biological, chemical, or nuclear agents; or other
- 21 (c) Other military or law enforcement equipment or personnel.

22 ~~However, any official action concerning the matters pursuant to this section shall~~
23 ~~be made at an open official meeting. An executive or closed meeting must be held only~~
24 ~~upon a majority vote of the members of the public body present and voting, and discussion~~
25 ~~during the closed meeting is restricted to the purpose specified in the closure motion.~~

26 An executive session or closed meeting may be held only upon a majority vote of
27 the members of the public body present and voting at an otherwise open official meeting.

28 In the absence of a unanimous vote, any vote to enter executive session must be
29 taken by roll call. A motion to enter executive session must state the applicable subdivision
30 in this section, or any other applicable law, pursuant to which the executive session is to
31 be held. The motion and vote to enter executive session must be reported in the minutes
32 of the proceedings. Discussion during executive session is restricted to the purpose
33 specified in the motion to enter executive session.

34 Any official action concerning the matters considered pursuant to this section must
35 be taken at an open official meeting.

1 Nothing in § 1-25-1 or this section prevents an executive session or closed meeting
2 if the federal or state Constitution or ~~the any federal or state statutes require or permit it~~
3 statute permits or requires the session or meeting.

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