



2026 South Dakota Legislature
Senate Bill 47
ENROLLED

AN ACT

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

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

Section 1. That § 1-25-2 be AMENDED:

- 1-25-2.** An executive session or closed meeting may be held only for the purposes of:
- (1) Discussing the character, competence, fitness, performance, or qualifications of any current or prospective public officer or employee, not including an independent contractor;
 - (2) Discussing a student's:
 - (a) Discipline, expulsion, or suspension;
 - (b) Assignment or educational program; or
 - (c) Eligibility to participate in interscholastic activities provided by the South Dakota High School Activities Association;
 - (3) Consulting with legal counsel, or reviewing communications from legal counsel, about proposed or pending litigation or contractual matters;
 - (4) Preparing for contract negotiations or negotiating with employees or employee representatives;
 - (5) Discussing marketing or pricing strategies by a board or commission of a business that is owned by the state or any of its political subdivisions, if public discussion may be harmful to the competitive position of the business; or
 - (6) Discussing the following information pertaining to the protection of public or private property and any person on or within the property:
 - (a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
 - (b) Emergency management or response;

- (c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;
 - (d) Communications network schema, computer systems, cyber security plans, passwords, or user identification names;
 - (e) Guard schedules;
 - (f) Lock combinations; and
 - (g) Any blueprint, building plan, or infrastructure record regarding any building or facility, which would expose or create vulnerability through disclosure of the configuration, location, or security of critical systems of the building or facility;
- (7) Discussing any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; and
- (8) Discussing the location of or listing any:
- (a) Ammunition or weapons;
 - (b) Biological, chemical, or nuclear agents; or
 - (c) Other military or law enforcement equipment or personnel.

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

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

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

Nothing in § 1-25-1 or this section prevents an executive session or closed meeting if the federal or state Constitution or any federal or state statute permits or requires the session or meeting.

A violation of this section is a Class 2 misdemeanor.

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

I certify that the attached Act originated in
the:
Senate as Bill No. 47

Received at this Executive Office
this ____ day of _____,
2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this _____ day of
_____, A.D., 2026

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Chief Clerk of the House

Secretary of State

Senate Bill No. 47
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State