

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

922Z0005

## HOUSE BILL NO. 1172

Introduced by: Representatives May, Beal, Bordeaux, Brunner, Campbell, Clark, Dennert, DiSanto, Frye-Mueller, Goodwin, Gosch, Greenfield (Lana), Haugaard, Howard, Jensen (Kevin), Kaiser, Karr, Latterell, Lesmeister, Livermont, Marty, McCleerey, Peterson (Sue), Pischke, Rasmussen, Rounds, Steinhauer, Tulson, and Zikmund and Senators Greenfield (Brock), Frerichs, Jensen (Phil), Killer, Klumb, Nelson, Netherton, Russell, and Tapio

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding meetings of certain  
2 public bodies.

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

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

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 are open to the public unless a specific law is cited by the  
7 state, the political subdivision, or the public body to close the official meeting to the public. For  
8 the purposes of this section, a political subdivision or a public body of a political subdivision  
9 means any association, authority, board, commission, committee, council, task force, school  
10 district, county, city, town, township, or other agency of the state, ~~which~~ that is created or  
11 appointed by statute, ordinance, or resolution and is vested with the authority to exercise any  
12 sovereign power derived from state law. For the purposes of this section, an official meeting is  
13 any meeting of a quorum of a public body at which official business of that public body is



1 discussed or decided, or public policy is formulated, whether in person or by means of  
2 teleconference.

3 It is not an official meeting of one political subdivision or public body if its members  
4 provide information or attend the official meeting of another political subdivision or public body  
5 for which the notice requirements of § 1-25-1.1 have been met.

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

11 If the state, a political subdivision, or a public body conducts an official meeting by  
12 teleconference, the state, the political subdivision, or public body shall provide one or more  
13 places at which the public may listen to and participate in the teleconference meeting. The chair  
14 of the public body shall reserve at every official meeting by the public body a period for public  
15 comment, limited at the chair's discretion, but not so limited as to provide for no public  
16 comment. For any official meeting held by teleconference, which has less than a quorum of the  
17 members of the public body participating in the meeting who are present at the location open  
18 to the public, arrangements shall be provided for the public to listen to the meeting via telephone  
19 or internet. The requirement to provide one or more places for the public to listen to the  
20 teleconference does not apply to an executive or closed meeting.

21 If a quorum of township supervisors, road district trustees, or trustees for a municipality of  
22 the third class meet solely for purposes of implementing previously publicly-adopted policy,  
23 carrying out ministerial functions of that township, district, or municipality, or undertaking a  
24 factual investigation of conditions related to public safety, the meeting is not subject to the

1 provisions of this chapter.

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

3 Section 2. That chapter 13-8 be amended by adding a NEW SECTION to read:

4 If at a meeting of a school board the board conducts an executive or closed meeting pursuant

5 to § 1-25-2, the duration of the executive or closed meeting may not extend for the entire

6 duration of the school board meeting.