

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

198W0432

## HOUSE LOCAL GOVERNMENT ENGROSSED NO. **HB 1153** - 02/19/2015

Introduced by: Representatives Novstrup (Al), Bartling, Bolin, Deutsch, Haggar (Don), Harrison, Hawley, Heinemann (Leslie), Hickey, Johns, Kaiser, Kirschman, Mickelson, Munsterman, Qualm, Rasmussen, Rounds, Schoenbeck, Sly, Solum, Stalzer, Tulson, Westra, Willadsen, and Wollmann and Senators Lederman, Brown, Frerichs, Hunhoff (Bernie), Monroe, Omdahl, Rave, Tieszen, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to expand the definition of teleconference to include certain  
2 meetings conducted through electronic text colloquy and to require the retention of certain  
3 records of text colloquy meetings for public inspection.

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

5 Section 1. That § 1-25-1 be amended to read as follows:

6 1-25-1. The official meetings of the state, its political subdivisions, and any public body of  
7 the state or its political subdivisions are open to the public unless a specific law is cited by the  
8 state, the political subdivision, or the public body to close the official meeting to the public. For  
9 the purposes of this section, a political subdivision or a public body of a political subdivision  
10 means any ~~association~~, authority, board, commission, committee, council, task force, school  
11 district, county, city, town, township, or other agency of the state, which is created or appointed  
12 by statute, ordinance, or resolution and is vested with the authority to exercise any sovereign



1 power derived from state law.

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

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

10 If the state, a political subdivision, or a public body conducts an official meeting by  
11 teleconference, the state, the political subdivision, or public body shall provide one or more  
12 places at which the public may listen to or view the contents of and participate in the  
13 teleconference meeting. For any official meeting held by teleconference, which has less than a  
14 quorum of the members of the public body participating in the meeting who are present at the  
15 location open to the public, arrangements shall be provided for the public to listen to or view  
16 the contents of the meeting via telephone or internet. The requirement to provide one or more  
17 places for the public to listen to or view the contents of the teleconference does not apply to an  
18 executive or closed meeting.

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

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

Section 2. That § 1-25-1.2 be amended to read as follows:

1-25-1.2. For the purposes of this chapter, a teleconference is information exchanged by audio or video medium. A text colloquy among a quorum of a public body or a political subdivision by electronic means, including e-mail, text messaging, chat services, and other similar media is a teleconference if official business is discussed. The contents of any teleconference meeting conducted by text colloquy are a public record and shall be maintained by the public body for a period of one year following the meeting if:

(1) Official business within the jurisdiction of the public body is discussed; and

(2) The teleconference meeting conducted by text colloquy includes at least a quorum of a public body or political subdivision.

Communication by text colloquy not meeting both of these standards are not a public record.

The scheduling of any meeting or similar clerical communication does not constitute official business for purposes of this section.