



2021 South Dakota Legislature

House Bill 1128

Introduced by: **Representative Mulally**

1 **An Act to establish requirements for public meeting notices and materials.**

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

3 **Section 1.** That § 1-25-1.1 be AMENDED.

4 **1-25-1.1. Political subdivision--Notice of public meeting--Requirements--**
5 **Penalty.**

6 Each ~~A~~ political subdivision shall ~~provide public post~~ a notice, with proposed
7 agenda, ~~that is of each public meeting at its principal office.~~ The notice must:

8 (1) Be visible, readable, and accessible;

9 (2) Readable;

10 (3) Accessible to the public for at least ~~an entire, continuous~~ the twenty-four hours
11 hour period immediately preceding ~~any official meeting,~~ by ~~posting a copy of the~~
12 notice, visible to the public, at the principal office of the political subdivision holding
13 the meeting. ~~The~~;

14 (4) State the date, time, and location of the meeting;

15 (5) Include the most recent version of the proposed agenda ~~shall include the date,~~
16 time, and location of the meeting; and

17 (6) Include materials required in accordance with § 1-27-1.16.

18 ~~The notice shall also be posted~~ political subdivision shall simultaneously post the
19 notice required by this section on the political subdivision's website ~~upon dissemination of~~
20 the notice, if a website exists.

21 ~~For any special or rescheduled meeting, the information in the notice shall be~~
22 ~~delivered in person, by mail, by email, or by telephone, to members of the local news~~
23 ~~media who have requested notice.~~

24 ~~For any~~ In the case of a special or rescheduled meeting, each political subdivision
25 shall also comply with the ~~public notice provisions of requirements set forth in this section~~
26 for a regular meeting, to the extent that circumstances permit, and also provide the

1 information required by this section in person, by mail, or by email, to members of the
 2 news media who have requested notice.

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

4 **Section 2.** That § 1-27-1.16 be AMENDED.

5 **1-27-1.16. Open meeting--Distributed material--Exceptions--Penalty.**

6 ~~If Except as otherwise provided in this section, if a meeting is required to be open~~
 7 ~~to the public, pursuant to § 1-25-1, and if any printed material relating related to an~~
 8 ~~agenda item of the meeting is prepared or distributed by or at the direction of the~~
 9 ~~governing body, or any of its employees, and the printed material is distributed before the~~
 10 ~~meeting to all members of the governing body, the material shall either must be posted~~
 11 ~~on the governing body's website or, if one exists, and made available at the official~~
 12 ~~business office of the governing body, at least twenty-four hours prior to the meeting or~~
 13 ~~at the time the material is distributed to the governing body, whichever is later.~~

14 ~~If the material is not posted to the governing body's website, at least one copy of~~
 15 ~~the printed Copies of the material shall must be available in the meeting room, for~~
 16 ~~inspection by any person, while the governing body is considering the printed material.~~

17 ~~However, the provisions of this agenda item to which the material pertains.~~

18 ~~This section do does not apply to any printed material or record that is~~
 19 ~~specifically:~~

20 ~~(1) Material that is exempt from disclosure under the provisions of this chapter or to~~
 21 ~~any printed material or record regarding the;~~

22 ~~(2) Material that pertains to an agenda item of an executive or closed meeting held in~~
 23 ~~accordance with § 1-25-2; or~~

24 ~~(3) Material pertaining to contested proceedings under chapter 1-26.~~

25 ~~For purposes of this section, materials include documents, exhibits, information,~~
 26 ~~and records.~~

27 A violation of this section is a Class 2 misdemeanor. ~~However, the provisions of~~
 28 ~~this section do not apply to printed material, records, or exhibits involving contested case~~
 29 ~~proceedings held in accordance with the provisions of chapter 1-26.~~