

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

956Z0717

HOUSE BILL NO. 1144

Introduced by: Representative Johns and Senator Bolin

1 FOR AN ACT ENTITLED, An Act to authorize a public body to conduct certain deliberations
2 in an executive or closed meeting.

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

4 Section 1. That § 1-25-2 be amended to read:

5 1-25-2. Executive or closed meetings may be held for the sole purposes of:

- 6 (1) Discussing and deliberating on the qualifications, competence, performance,
7 character or fitness of any public officer or employee or prospective public officer or
8 employee. The term, "employee", does not include any independent contractor;
- 9 (2) Discussing and deliberating on the expulsion, suspension, discipline, assignment of
10 or the educational program of a student or the eligibility of a student to participate in
11 interscholastic activities provided by the South Dakota High School Activities
12 Association;
- 13 (3) Consulting with legal counsel or reviewing and deliberating on communications from
14 legal counsel ~~about proposed or pending litigation or contractual matters~~;
- 15 (4) Preparing for and deliberating on contract negotiations or negotiating with employees



1 or employee representatives; or

2 (5) Discussing and deliberating on marketing or pricing strategies by a board or
3 commission of a business owned by the state or any of its political subdivisions,
4 when public discussion may be harmful to the competitive position of the business.

5 However, any official action concerning such matters shall be made at an open official meeting.

6 An executive or closed meeting shall be held only upon a majority vote of the members of ~~such~~
7 the body present and voting, and discussion during the closed meeting is restricted to the
8 purpose specified in the closure motion. Nothing in § 1-25-1 or this section ~~may be construed~~
9 ~~to prevent~~ prevents an executive or closed meeting if the federal or state Constitution or the
10 federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor.