

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

653R0542

## SENATE BILL NO. 104

Introduced by: Senators Knudson, Abdallah, Adelstein, Bradford, Brown, Dempster, Fryslie, Gant, Garnos, Gray, Hansen (Tom), Hanson (Gary), Heidepriem, Hunhoff (Jean), Kloucek, Miles, Olson (Russell), Rhoden, Tieszen, Turbak Berry, and Vehle and Representatives Faehn, Gosch, Hamiel, Hunhoff (Bernie), Noem, Peters, Rausch, Rave, and Solberg

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

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

4 Section 1. That chapter 1-27 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed  
7 material relating to an agenda item of the meeting is prepared or distributed by or at the  
8 direction of the governing body or any of its employees and the printed material is:

- 9 (1) Distributed at the meeting to all members of the governing body;  
10 (2) Distributed before the meeting to all members of the governing body; or  
11 (3) Available in the meeting to all members of the governing body;

12 at least one copy of the printed material shall be available in the meeting room for inspection  
13 by any person while the governing body is considering the printed material. However, the



1 provisions of this section do not apply to any printed material that is specifically exempt from  
2 disclosure under the provisions of this chapter or to any printed material regarding the agenda  
3 item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this  
4 section is a Class 2 misdemeanor.

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

6 1-25-1. Except as otherwise provided by law, the official meetings of the state and the  
7 political subdivisions thereof, including all related boards, commissions and other agencies, and  
8 the official meetings of boards, commissions, task forces, and agencies created or appointed by  
9 statute, ordinance, or resolution, or which are nontaxpaying and derive a source of revenue  
10 directly from public funds, shall be open to the public, except as provided in this chapter. It does  
11 not constitute an official meeting if members of a political subdivision of this state are attending  
12 a meeting of the state or one of its political subdivisions, a board, a commission, an association,  
13 an agency, or any other public entity for which public notice is provided pursuant to § 1-25-1.1  
14 for the purpose of providing information or observing, and the notice requirements in § 1-25-1.1  
15 do not apply. Meetings, including executive or closed meetings may be conducted by  
16 teleconference. Members shall be deemed present if they answer present to the roll call taken  
17 by teleconference. Any vote at a meeting held by teleconference shall be taken by roll call.  
18 Except for executive or closed meetings held by teleconference, there shall be provided one or  
19 more places at which the public may listen to and participate in the proceeding. Except for  
20 executive or closed meetings held by teleconference of related boards and commissions of the  
21 state, there shall be provided two or more places at which the public may listen to and  
22 participate in the proceeding. Except for the Digital Dakota Network, no teleconference may be  
23 used in conducting hearings or taking final disposition pursuant to § 1-26-4. Teleconference  
24 meetings are subject to the notice provisions of chapter 1-25.

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

2 Section 3. That chapter 1-27 be amended by adding thereto a NEW SECTION to read as  
3 follows:

4 The minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by  
5 law shall be available for inspection by any person at least ten business days after the meeting  
6 or at least ten business days prior to the next convened meeting, whichever occurs earlier. A  
7 violation of this section is a Class 2 misdemeanor.