

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

595R0514

HOUSE BILL NO. 1093

Introduced by: Representatives Hunt, Gibson, and Lust and Senators Hunhoff (Jean), Gant,
and Hundstad

1 FOR AN ACT ENTITLED, An Act to revise the open meeting requirement to permit the use
2 of teleconferencing for rule-making and other purposes.

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

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

5 1-25-1. ~~Except as otherwise provided by law, the official meetings of the state and the~~
6 ~~political subdivisions thereof, including all related boards, commissions and other agencies, and~~
7 ~~the official meetings of boards, commissions and agencies created by statute or which are~~
8 ~~nontaxpaying and derive a source of revenue directly from public funds, shall be open to the~~
9 ~~public, except as provided in this chapter. It does not constitute an official meeting if members~~
10 ~~of a political subdivision of this state are attending a meeting of the state or one of its political~~
11 ~~subdivisions, a board, a commission, an association, an agency, or any other public entity for~~
12 ~~which public notice is provided pursuant to § 1-25-1.1 for the purpose of providing information~~
13 ~~or observing, and the notice requirements in § 1-25-1.1 do not apply. Meetings, including~~
14 ~~executive or closed meetings may be conducted by teleconference. Members shall be deemed~~
15 ~~present if they answer present to the roll call taken by teleconference. Any vote at a meeting held~~



1 ~~by teleconference shall be taken by roll call. Except for executive or closed meetings held by~~
2 ~~teleconference, there shall be provided one or more places at which the public may listen to and~~
3 ~~participate in the proceeding. Except for executive or closed meetings held by teleconference~~
4 ~~of related boards and commissions of the state, there shall be provided two or more places at~~
5 ~~which the public may listen to and participate in the proceeding. Except for the Digital Dakota~~
6 ~~Network, no teleconference may be used in conducting hearings or taking final disposition~~
7 ~~pursuant to § 1-26-4. Teleconference meetings are subject to the notice provisions of chapter~~
8 ~~1-25. The official meetings of the state and the political subdivisions of the state are open to the~~
9 ~~public unless a specific law is cited by the state or political subdivision to close the official~~
10 ~~meeting to the public. A political subdivision includes any association, authority, board,~~
11 ~~commission, committee, council, task force, or other agent of the state vested with the authority~~
12 ~~to exercise any portion of the state's sovereignty. A political subdivision may be created by~~
13 ~~statute, nontaxpaying, or derive a source of revenue from public funds.~~

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

17 Any official meeting may be conducted by teleconference. A teleconference may be used
18 to conduct a hearing or take final disposition regarding an administrative rule pursuant to
19 § 1-26-4. A member is deemed present if the member answers present to the roll call conducted
20 by teleconference for the purpose of determining a quorum. Each vote at an official meeting
21 held by teleconference shall be taken by roll call.

22 When the state or a political subdivision conducts an official meeting by teleconference, the
23 state or the political subdivision shall provide two or more places at which the public may listen
24 to and participate in the teleconference meeting. The requirement to provide two or more places

- 1 for the public to listen to the teleconference does not apply to an executive or closed meeting.
- 2 A violation of this section is a Class 2 misdemeanor.