



2025 South Dakota Legislature

House Bill 1059

Introduced by: **Representative** Fitzgerald

1 **An Act to clarify the meaning of teleconference for purposes of open meeting**
 2 **requirements.**

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

4 **Section 1. That § 1-25-1 be AMENDED:**

5 **1-25-1.** ~~The An official meetings meeting of the state and its political subdivisions~~
 6 ~~are a public body~~ is open to the public unless a specific law is cited by the ~~state or the~~
 7 ~~political subdivision~~ public body to close the official meeting to the public.

8 It is not an official meeting of ~~one~~ a public body if ~~its~~:

9 (1) Its members provide information or attend the official meeting of another public
 10 body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. ~~It~~
 11 ~~is not an official meeting of a public body if its~~;

12 (2) Its members attend a press conference called by a representative of the public
 13 body; or

14 (3) Its members communicate via teleconference or other electronic means for the
 15 sole purpose of scheduling, or confirming availability to attend, a future meeting.

16 For any event hosted by a nongovernmental entity to which a quorum of the public
 17 body is invited and public policy may be discussed, but the public body does not control
 18 the agenda, the ~~political subdivision~~ public body may post a public notice of a quorum, in
 19 lieu of an agenda. The notice of a quorum ~~shall~~ must meet the posting requirements of
 20 § 1-25-1.1 or 1-25-1.3 and ~~shall~~ must contain, at a minimum, the date, time, and location
 21 of the event.

22 The public body shall reserve at every official meeting a period for public comment,
 23 limited at the public body's discretion as to the time allowed for each topic and the total
 24 time allowed for public comment, but not so limited as to provide for no public comment.

25 Public comment is not required at an ~~official meetings meeting~~ held solely for the
 26 purpose of meeting in executive session, an inauguration, ~~swearing in of newly elected~~

1 ~~officials, or~~ presentation of an annual report to the governing public body, or swearing in
2 of a newly elected official, regardless of whether the activity takes place at the time and
3 place usually reserved for an official meeting.

4 If a quorum of township supervisors, road district trustees, or trustees for a
5 municipality of the third class ~~meet~~ meets solely for purposes of implementing previously
6 publicly adopted policy; carrying out ministerial functions of that township, district, or
7 municipality; or undertaking a factual investigation of conditions related to public safety;
8 the meeting is not subject to the provisions of this chapter.

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

10 **Section 2. That § 1-25-12 be AMENDED:**

11 **1-25-12.** Terms used in this chapter mean:

12 (1) ~~"Political subdivision," any association, authority, board, commission, committee,~~
13 ~~council, task force, school district, county, city, town, township, or other local~~
14 ~~government entity that is created or appointed by statute, ordinance, or resolution~~
15 ~~and is vested with the authority to exercise any sovereign power derived from state~~
16 ~~law;~~

17 ~~(2) "Public body," any political subdivision and the state;~~

18 (3) "Official meeting," any meeting of a quorum of a public body at which official
19 business or public policy of that public body is discussed or decided by the public
20 body, whether in person or by means of teleconference;

21 ~~(4) "Teleconference," information exchanged by any audio, video, or electronic~~
22 ~~medium, including the internet, including electronic mail, instant messaging, social~~
23 ~~media, text message, or virtual meeting platform;~~

24 (2) "Political subdivision," any association, authority, board, city, commission,
25 committee, council, county, school district, task force, town, township, or other
26 local governmental entity;

27 (3) "Public body," any political subdivision or the state;

28 ~~(5)(4) "State," each board, commission, department, or agency of the State of South~~
29 ~~Dakota. The term, state, does not include agency of this state, not including the~~
30 ~~Legislature; and~~

31 (5) "Teleconference," an exchange of information by any audio, video, or electronic
32 medium, including the internet.