

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

595R0514

HOUSE STATE AFFAIRS
ENGROSSED NO. **HB 1093** - 2/10/2010

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~~



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

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

19 Any official meeting may be conducted by teleconference as defined in § 1-25-1.2. A
20 teleconference may be used to conduct a hearing or take final disposition regarding an
21 administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers
22 present to the roll call conducted by teleconference for the purpose of determining a quorum.
23 Each vote at an official meeting held by teleconference shall be taken by roll call.

24 When the state, a political subdivision, or a public body conducts an official meeting by

1 teleconference, the state, the political subdivision, or public body shall provide one or more
2 places at which the public may listen to and participate in the teleconference meeting. The
3 requirement to provide one or more places for the public to listen to the teleconference does not
4 apply to an executive or closed meeting.

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