

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

732B0145

HOUSE BILL NO. 1048

Introduced by: Representatives Reed, Bartels, Barthel, Beal, Chase, Deutsch, Diedrich, Duvall, Finck, Glanzer, Hunhoff, Otten (Herman), Peterson (Kent), Post, Qualm, Reimer, Smith (Jamie), and York and Senators Smith (VJ), Ewing, Langer, Novstrup, and Stalzer

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



1 representatives;

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

5 (6) Discussing information listed in subdivisions 1-27-1.5(8) and 1-27-1.5(17).

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

7 An executive or closed meeting shall be held only upon a majority vote of the members of ~~such~~
8 the public body present and voting, and discussion during the closed meeting is restricted to the

9 purpose specified in the closure motion. Nothing in § 1-25-1 or this section ~~may be construed~~

10 ~~to prevent~~ prevents an executive or closed meeting if the federal or state Constitution or the

11 federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor.