

**SOUTH DAKOTA ADVISORY TASK FORCE COMMITTEE
ON OPEN MEETINGS LAWS**

PROPOSED AGENDA

April 7, 2026
10:00 a.m.
Central Time

George S. Mickelson Criminal Justice Training Center
1302 East SD Highway 1889 – 2nd Floor
Pierre, South Dakota 57501

If you wish to join this meeting by **Microsoft Teams**, please join meeting at:

Meeting ID: 297 226 132 264 09

Passcode: My754xb7

Or to join by **telephone** dial:

1 (605) 679-7263 with Phone Conference ID: **717 270 225#**

CALL TO ORDER, ROLL CALL

1. Introduction for online participants and Roll Call – Reminder:
For the benefit of listeners who are remote, please state your name before you speak. – *Beverly Katz, Assistant Attorney General*
 - * *Michael Smith* – Clay County State’s Attorney
 - * *Austin Hoffman* – McPherson County State’s Attorney
 - * *Karla Engle* – Chief Legal Counsel for the Department of Transportation
 - * *Kirsten Jasper* – Chief Legal Counsel for the Department of Revenue
 - * *Tracey Kelley* – Custer County State’s Attorney
 - * *Dylan Kirchmeier* – Roberts County State’s Attorney
 - * *Dave Bordewyk* – South Dakota News Media Association
 - * *Steve Willard* – South Dakota Broadcasters Association
 - * *Shane Roth* – DeSmet School District Board President and Associated School Boards of South Dakota President
 - * *Garret Bischoff* – Huron School District Board Vice-President and Associated School Boards of South Dakota Immediate Past President
 - * *Honorable Geoffrey Gray-Lobe* – Clay County Commissioner
 - * *Honorable Cole Heisey* – Minnehaha County Commissioner
 - * *Kellen Willert* – City Attorney for the City of Belle Fourche, Municipal League representative
 - * *Terry Sletten* – SDATAT Executive Director
 - * *Jim Urban* – SDATAT Board of Director Member

2. Public Comment period as per SDCL § 1-25-1 – Public comments will be limited to 10 minutes per person
3. Additions or Changes to the Proposed Agenda; Motion for Proposed Agenda to become a Final Agenda
4. Consideration of Proposed Draft Revisions or New Sections
 - A. **Tabled No. 5:** SDCL § 1-25-3 (“State bodies” – expand it to include “all public bodies” for detailed minutes of proceedings)
Please note that the laws referenced below apply to specific public bodies.
 - SDCL § 7-10-1 County auditor keeps record.*
 - SDCL § 9-18-1.1 City finance officer keeps record.*
 - SDCL § 8-6-3 Township clerk keeps record.**(SDCL § 1-27-1.17 Draft minutes of public meeting held pursuant to SDCL § 1-25-1 are kept by law and shall be made available within 10 business days)*
 - B. **Tabled No. 7:** SDCL ch. 1-25 New law for clarification – Official action by any public body must be preceded by a motion and vote of the members of the public body present and voting
 - C. **No. 8:** Making audio recordings of meetings mandatory with a specified retention period (New law)
 - D. **No. 9:** Creating a statute of limitations for alleged open meetings violations (Revised law SDCL § 1-25-6 – Must file complaint with the State’s Attorney within 180 days of the alleged violation)
 - E. **No. 10:** Creating clarification on the public comment process (Revised law SDCL § 1-25-1)
5. Discussion regarding future meeting
6. Adjournment

All items are scheduled for 10:00 a.m. Central Time. Scheduled items may be delayed at the discretion of the Chair of the Advisory Task Force Committee on Open Meetings Laws.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General’s Office, 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.

No. 5

1 ENTITLED, An Act to Require All Public Bodies to Keep and Post Minutes of any
2 Official Open Meeting

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

4 **Section 1. That § 1-25-3 be AMENDED as follows:**

5 **1-25-3.** ~~The state~~ All public bodies subject to § 1-25-1.1 or § 1-25-1.3
6 shall keep detailed minutes of the proceedings of all regular or special
7 meetings. The minutes required in this section ~~shall~~ must report the results of
8 each vote taken by the public body, and how each individual member voted on
9 any motion on which a roll call vote is taken. The minutes shall be available
10 for inspection by the public pursuant to SDCL ch. 1-27 ~~at all times at the~~
11 ~~principal place of business of the board or commission.~~ A violation of this
12 section is a Class 2 misdemeanor.

No. 7

1 ENTITLED, An Act to Require Official Action of a Public Body to Occur Only After a
2 Motion and Vote of the Public Body

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

4 **Section 1. That chapter 1-25 be AMENDED by adding thereto a new section**
5 **to read as follows:**

6 Official action by any public body must be preceded by a motion and
7 vote of the members of the public body present and voting. A violation of this
8 section is a Class 2 misdemeanor. (*Intend a Misdemeanor?*)

No. 8

1 ENTITLED, An Act to Require the Creation and Retention of Audio Recordings

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

3 **Section 1. That chapter 1-25 be AMENDED by adding thereto a new section**
4 **to read as follows:**

5 The state shall make an audio recording of every public meeting and
6 retain that audio recording for a period of _____ year.

7 All first-class municipalities as well as any county commission in a
8 county with a population exceeding 5,000, as determined by the most recent
9 federal census, shall make an audio recording of all regular and special
10 meetings and retain that recording for a period of _____ year.

No. 9

1 ENTITLED, An Act to Require That A Complaint Be Filed With the State's
2 Attorney Within One Hundred Eighty Days

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

4 **Section 1. That § 1-25-6 be AMENDED as follows:**

5 **1-25-6.** If a complaint alleging a violation of this chapter is made
6 pursuant to § 23A-2-1, the state's attorney shall take one of the following
7 actions:

8 (1) Prosecute the case pursuant to Title 23A;

9 (2) Determine that there is no merit to prosecuting the case. Upon doing so,
10 the state's attorney shall send a copy of the complaint and any investigation
11 file to the attorney general. The attorney general shall use the information
12 for statistical purposes and may publish abstracts of such information,
13 including the name of the government body involved for purposes of public
14 education; or

15 (3) Send the complaint and any investigation file to the South Dakota Open
16 Meetings Commission for further action.

17 A complaint brought pursuant to this section must be filed with the
18 state's attorney within one hundred eighty days after the date of the alleged
19 violation.

No. 10

1 ENTITLED, An Act to Clarify the Public Comment Process

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

3 **Section 1. That § 1-25-1 be AMENDED as follows:**

4 **1-25-1.** An official meeting of a public body is open to the public unless
5 a specific law is cited by the public body to close the official meeting to the
6 public.

7 It is not an official meeting of one public body if its members provide
8 information or attend the official meeting of another public body for which
9 the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an
10 official meeting of a public body if its members attend a press conference
11 called by a representative of the public body.

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

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

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22 The public body shall reserve the public an opportunity to comment on
23 each individual agenda item, including any consent agenda considered as a
24 whole, before the public body discusses or takes any action on that specific
25 agenda item. The opportunity for public comment on each item shall occur
26 immediately prior to the body's discussion or action on that item.

27 The public body may establish reasonable limits on the time allowed
28 for each speaker and on the total time allowed for public comment on each
29 item or for the meeting as a whole, but shall not limit such comment so as to
30 provide for no public comment on any agenda item.

31 The public body shall not discuss or take action on any agenda item
32 until the public has been given the opportunity to comment on that item as
33 required by this subsection. The public body shall not add any new item to
34 the approved agenda after the meeting has begun unless, after the item is
35 added, the public is first given the opportunity to comment on that new item
36 immediately prior to any discussion or action on it.

37 Public comment is not required at an official meeting held solely for
38 the purpose of meeting in executive session, an inauguration, presentation of
39 an annual report to the public body, or swearing in of a newly elected official,
40 regardless of whether the activity takes place at the time and place usually
41 reserved for an official meeting.

42 If a quorum of township supervisors, road district trustees, or trustees
43 for a municipality of the third class meets solely for purposes of implementing

No. 10

44 previously publicly adopted policy; carrying out ministerial functions of that
45 township, district, or municipality; or undertaking a factual investigation of
46 conditions related to public safety; the meeting is not subject to the provisions
47 of this chapter.

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