

ENTITLED, An Act to Define the Contents of an Agenda for Purposes of the Open Meetings Laws

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

Section 1: That chapter 1-25 be amended by adding thereto a new section to read as follows:

The proposed agenda required by § 1-25-1.1 or 1-25-1.3 must contain a statement of the items scheduled to be considered by a public body during any official meeting.

The agenda items must be clearly and concisely described in enough detail to reasonably inform the public of the items of official business or public policy intended to be considered at the official meeting.

The agenda of each meeting must include notice of any executive session held pursuant to § 1-25-2 that may be conducted at that meeting. The notice of executive session must include reference to the reasons supporting entry by the public body into executive session.

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

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

Section 1: That § 1-25-3 be amended as follows:

~~The state~~ All public bodies shall keep detailed minutes of the proceedings of all regular or special meetings. The minutes required in this section ~~shall~~ must report the results of each vote taken by the public body, and how each individual member voted on any motion on which a roll call vote is taken. The minutes shall be available for inspection by the public at all times at the principal place of business of the ~~board or commission~~ public body. A violation of this section is a Class 2 misdemeanor.

ENTITLED, An Act to Amend the Open Meetings Laws Concerning Executive Session

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

Section 1: That § 1-25-2 be amended by adding thereto a new section to read as follows:

Executive or closed meetings may be held for the sole purposes of:

- (1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;
- (2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;
- (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
- (4) Preparing for contract negotiations or negotiating with employees or employee representatives;
- (5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or
- (6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:
 - (a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
 - (b) Emergency management or response;
 - (c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

- (d) Cyber security plans, computer, communications network schema, passwords, or user identification names;
- (e) Guard schedules;
- (f) Lock combinations;
- (g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and
- (h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

An executive session, or closed meeting, must be held only upon a majority vote of the members of the public body present and voting. A motion must be made to enter executive session that clearly and concisely states the reasons supporting entry into executive session. The motion and reasons for entry into executive session must be reported in the minutes of the proceedings. Discussion during executive session is restricted to the purposes specified in the motion to enter executive session. Any official action concerning the matters considered pursuant to this section shall be made at an open official meeting. ~~An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion.~~ Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a Class 2 misdemeanor.

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

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

Section 1: That chapter 1-25 be amended by adding thereto a new section to read as follows:

Official action by any public body must be preceded by a motion and vote of the members of the public body present and voting.