



## **Board of Minerals and Environment**

523 East Capitol Avenue  
Pierre, South Dakota 57501-3182  
(605)773-3886

### **AGENDA**

Board of Minerals and Environment  
Mineral Palace Hotel and Gaming - Gem Theater Room  
604 Main Street  
Deadwood, SD  
**September 17, 2025**

#### **September 17 - 10:00 a.m. Mountain Time - Gem Theater Room**

Call to order and roll call

Approval of minutes from July 17, 2025, meeting

Mining Issues Consent Calendar – Tom Cline

Annual review of open meeting laws in accordance with SDCL 1-25-13 – David McVey

Public comment period in accordance with SDCL 1-25-1

Upcoming board meetings

Hand out instructions and maps showing the location of sites to be toured

Break

Notice is given to individuals with disabilities that the board meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at [Brian.Walsh@state.sd.us](mailto:Brian.Walsh@state.sd.us) as soon as possible but no later than two business days prior to the meeting to ensure accommodations are available.

#### **11:00 a.m. MDT – Tour**

The tour on September 17 is open to the public. To facilitate planning for the tours, if you are considering attending, please contact Roberta Hudson or Eric Holm at (605) 773-4201. Persons interested in attending will need to provide their own transportation for the site tour. Four-wheel drive vehicles are recommended for travel in certain areas. Some parts of the tour may be conducted on foot and may not be readily accessible by persons with disabilities as the terrain may be rugged. Participants will be required to wear a hard hat, long pants, and closed toe shoes. A limited number of hard hats may be available for participants to borrow, but to ensure eligibility for participation, members of the public should bring their own hard hat.

11:00 AM Safety Meeting and tour of Gilt Edge Mine

12:30 PM Break

2:00 PM\*\* Homestake Office Parking lot—safety meeting and brief overview of Homestake East Waste Rock Depository and Blacktail Water Treatment Plant

2:45 PM Tour of Richmond Hill Mine

4:30 PM Safety meeting and tour of DTRC exploration areas

5:30 PM Informational presentation by Dakota Gold and Adjourn at Round House, Lead

\*Times are tentative and subject to change based on number of participants and other factors.

**\*\* Post-break meeting location subject to change based on number of participants—alternate location to be announced to participants prior to break.**

**Note: After adjournment of the board meeting**, on September 18, 2025, board members will break up into groups of four or less and tour other sites related to mining and mineral exploration. This is being done for the educational benefit of newer board members. The separate non-quorum tours are not open to public participation.

The audio recording for this meeting is available on the South Dakota Boards and Commissions Portal at <http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=67>

Minutes of the  
Board of Minerals and Environment  
Joe Foss Building, Matthew Training Center  
523 East Capitol Avenue  
Pierre, South Dakota

July 17, 2025  
10:00 a.m. Central Time

CALL TO ORDER: The meeting was called to order by Chairman Glenn Blumhardt. The roll was called, and a quorum was present.

The meeting was streaming live on SD.net, a service of South Dakota Public Broadcasting.

Chairman Blumhardt welcomed former board member and chairman, Dick Sweetman.

BOARD MEMBERS PRESENT: Glenn Blumhardt, Bob Ewing, Gregg Greenfield, Jessica Gruenwald, Gary Haag, Doyle Karpen, Rhett Miller, Bob Morris, and Laurie Schultz.

BOARD MEMBERS ABSENT: None.

OTHERS PRESENT: Kyrik Rombough and Samantha Olmstead, DANR Air Quality Program; Steve Blair, Deputy Attorney General; David McVey, Assistant Attorney General; Roberta Hudson, Mike Lees, Eric Holm, Tom Cline, and Bret Graves, DANR Minerals, Mining, and Superfund Program; Kent Woodmansey, Director, DANR Environmental Services; and Dick Sweetman, Sioux Falls.

APPROVE AGENDA: Motion by Karpen, seconded by Haag, to approve the agenda. Motion carried unanimously.

APPROVE MINUTES FROM MAY 15, 2025, MEETING: Motion by Ewing, seconded by Karpen, to approve the minutes from the May 15, 2025, Board of Minerals and Environment meeting. Motion carried unanimously.

MINING ISSUES CONSENT CALENDAR: Prior to the meeting the board received a copy of the consent calendar (see attachment).

Tom Cline with the Minerals, Mining, and Superfund Program was available for questions from the board. There were no questions.

Motion by Morris, seconded by Schultz, to approve the consent calendar, as presented. Motion carried unanimously.

ANNUAL UPDATE OF THE PRELIMINARY LIST OF SPECIAL, EXCEPTIONAL, CRITICAL OR UNIQUE LANDS: Eric Holm reported that under ARSD 74:29:10:19, the Board of Minerals

and Environment is required to annually hold a hearing to consider any petitions received to nominate lands to the Preliminary List.

Under ARSD 74:29:10:17(4), DANR publishes an annual notice to solicit petitions to add areas to the preliminary list. The notice was published on March 5, 2025, in the Sioux Falls Argus Leader, Black Hills Pioneer, and Rapid City Journal. Affidavits of publication were received from all newspapers.

On February 28, 2025, the South Dakota Department of Tourism, the Department of Game, Fish, and Parks, the State Historical Preservation Office, and the Archaeological Research Center were also invited to submit nominating petitions.

The deadline for submittal of petitions to nominate areas to preliminary list was June 3, 2025. No nominating petitions were submitted, so no board action is required.

Mr. Holm noted that the last petition submitted during the annual update period that required board action was in 1992.

PUBLIC HEARING TO CONSIDER AMENDMENTS AND ADDITIONS TO ARSD 74:36, AIR POLLUTION CONTROL PROGRAM RULES: The Board of Minerals and Environment convened at 10:00 a.m. Central Time on July 17, 2025, in the Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota.

The purpose of the hearing was to consider the adoption of amendments and additions to Administrative Rules of South Dakota numbered 74:36:01, 74:36:02, 74:36:03, 74:36:04, 74:36:05, 74:36:07, 74:36:08, 74:36:09, 74:36:10, 74:36:11, 74:36:12, 74:36:13, 74:36:16, 74:36:18, 74:36:20, and 74:36:21, adopted under the authority of SDCL 34A-1-6, 34A-1-12, 34A-1-15, 34A-1-18, 34A-1-19, and 34A-1-21.

The hearing officer was Board of Minerals and Environment Chair Glenn Blumhardt. Other members of the board participating were Robert Ewing, Gregg Greenfield, Jessica Gruenwald, Gary Haag, Doyle Karpen, Rhett Miller, Bob Morris, and Laurie Schultz.

Others in attendance were Kyrik Rombough and Samantha Olmstead, Department of Environment and Natural Resources (DANR) Air Quality Program; Steve Blair, Deputy Attorney General; David McVey, Assistant Attorney General; Roberta Hudson, Mike Lees, and Eric Holm, DANR Minerals, Mining, and Superfund Program; Kent Woodmansey, Director, DANR Environmental Services; and Dick Sweetman, member of the public.

Samanth Olmstead, DANR Air Quality Program, provided a slide presentation discussing the proposed amendments to ARSD 74:36, Air Pollution Control Program.

In April 2025, DANR started the initial outreach by providing a draft of the proposed revisions by letter and email to several Title V facilities and a subset of nine interested parties. The draft was also available on DANR's website.

The environmental groups that were notified during the initial outreach included Black Hills Group Sierra Club, EPA, Dakota Rural Action, and Black Hills Regional Multiple Use Coalition.

Industry notified during the initial outreach included Ag Processing, Aberdeen Energy, Hub City Energy, Glacial Lakes Energy, Huron Energy, NuStar, Dakota Ethanol, Pete Lien, Red River Energy, Redfield Energy, Ring Neck Energy, Magellan, NuGen Energy, Otter Tail, POET Biorefining, SD Soybean, and Valero.

Other interested parties that were notified during the initial outreach included BAE Systems, Black Hills Corporation, Black Hills Council of Local Governments, Bureau of Land Management, Sioux Falls Public Works, and South Dakota State University.

Following the initial outreach DANR received concurrence from six facilities and one question. No other comments were received.

The question the department received was regarding what would happen if the federal rules that are under congressional review are rescinded. Ms. Olmstead stated that if that were the case, the said reference would be removed from the states Air Pollution Control Program rules.

On May 27, 2025, DANR Secretary Roberts granted permission to move forward with the formal rule-making process. On May 30, 2025, the draft rules were submitted to the Legislative Research Council (LRC) and the Bureau of Finance and Management (BFM), which included Fiscal Note, Public Notice, and Small Business Impact Statement.

Notice of the public hearing was published in nine daily newspapers on June 6, 7, and 10, 2025. Affidavits of Publication are on file at DANR.

Letters and the public notice were sent to 114 companies, individuals and other interested parties. The public notice was also available on the Open South Dakota webpage, DANR One Stop webpage, and DANR Air Quality Program webpage.

Ms. Olmstead stated that, periodically, the Air Quality Program needs to go through the state regulations to ensure they are equivalent to the federal regulations. For federal regulations that are adopted by reference, DANR proposed to update the reference date in the rules to the most current version of the federal regulation, which is currently July 1, 2024. DANR also proposed correcting several typographical errors.

Ms. Olmstead pointed out the following proposed revisions:

- 74:36:01:01(18) – There is a National Ambient Air Quality Standard for Ozone. Ozone is formed by the reaction of volatile organic compounds and nitrogen oxides in the presences of sunlight. DANR has received comments that it is not clear that volatile organic compounds are considered a criteria pollutant. The other National Ambient Air Quality Standards are for sulfur dioxide, particulate matter, nitrogen dioxide, carbon monoxide, and lead. DANR proposed to update the definition of “criteria pollutant” to clarify volatile organic compounds and nitrogen oxides are considered a criteria pollutant.
- 74:36:02:02 – EPA revised the National Ambient Air Quality Standard for particulate matter less than 2.5 microns (e.g. PM<sub>2.5</sub>) on March 6, 2024, and for sulfur oxides on

December 27, 2024. The revisions are incorporating the new National Ambient Air Quality Standards.

- 74:36:04:12 – DANR has received requests to receive the permitting documents by email instead of by mail. To allow the use of email as a method of notification, DANR proposed updating the language referring to how the department sends a copy of the draft permit for a minor source to the applicant.
- DANR proposed to correct typographical errors in the following sections: 74:36:05:04.01, 74:36:07:105, 74:36:07:125(3), 74:36:07:131, 74:36:07:137, 74:36:07:141(8), 74:36:08:59, and 74:36:09:02.
- 74:36:12:02(3) – South Dakota’s opacity requirements do not apply during such operations as soot blowing, startup, shutdown, and malfunctions. However, the wording in this section does not include “such operations as.” DANR proposed to update the language in this section.
- 74:36:20:11 – DANR has received requests to receive the permitting documents by email instead of by mail. To allow the use of email as a method of notification, DANR proposed updating language referring to how the department sends a copy of the draft construction permit to the applicant.
- DANR proposed repealing the following sections:
  - 74:36:05:16.01(18) – EPA has removed 40 CFR Part 70.6(g) from the federal regulations. To maintain approval of the Title V permitting program, DANR is removing this section.
  - 74:36:09 – DANR is updating to remove language from the rules that was removed from the federal regulations.
- DANR proposed adding the following new sections:
  - 74:36:07:14.01 – Standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after October 4, 2023.
  - 74:36:07:22.02 – Standards of performance for equipment leaks of VOC in synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after April 25, 2023.
  - 74:36:07:23.01 – Standards of performance for bulk gasoline terminals that construction, reconstruction, or modification commenced after June 10, 2022.

DANR received no comments from the public following the public notice.

DANR received concurrence of the fiscal note from BFM. Mr. Rombough provided each board member with a copy of BFM's comments.

LRC reviewed the proposed rules for form, style, clarity, and legality. LRC submitted more than 5,000 comment recommending changes to the entire rule package outside of the newly drafted language that was proposed by DANR. The board members received the proposed rules containing LRC's comments via email prior to the hearing. The board was also provided with a hard copy of the rules with LRC's comments at the beginning of the hearing. Because LRC made so many comments, DANR prepared a proposed rule document that the department recommended the board accept.

Mr. Rombough handed out copies of the newly prepared proposed rules. The original proposed changes are shown in red with a strikethrough and blue with an underline, and LRC's requested changes are highlighted in yellow. Ms. Olmstead noted that page A-5 shows an example of these changes.

Below is a list of style and form changes requested by LRC:

- Change numerical numbers to written numbers (30 to thirty, 95% to ninety-five percent)
- Change "shall" to "must"
- Change "which" to "that"
- Change definition subdivision ("CO" means carbon monoxide to "CO," carbon monoxide.
- Change section symbol to part when referring to parts (40 C.F.R § 60, Subpart A to 40 C.F.R Part 60, Subpart A)
- Change part to section symbol when referring to parts of sections (40 C.F.R Part 70.6(d) to 40 C.F.R. § 70.6(d))
- Remove spaces between subdivisions

Examples of clarity changes requested by LRC and accepted by DANR include:

- Chapter 7 and 8, the table of contents, catchline, and body of the rule must match the title of the federal rule. You can see an example of this on Page A-50.
- Change "Environmental Protection Agency" to "the EPA"

LRC clarity changes rejected by DANR:

- There are federal rules the state cannot adopt by reference and, therefore, must be written word for word in the rules. DANR discussed all LRC recommendations that changed wording with EPA, and EPA said they would not accept it so it must remain the same,
- Change "should" to "must": Cannot change because "should" is interpreted as more stringent, and the state has stringency limitations.

The following are legality changes requested by LRC:

- Update law implemented: add 34A-1-1 to the list for 34A-1-6 and 34A-1-15. An example of this change is shown on Page A-11.
- The LRC commented on the portion of the rules packet that discusses municipal solid waste landfills. The language read, “This section is no longer in effect on the effective date of EPA's approval of the state's § 111(d) plan required in the Clean Air Act. The secretary shall certify to the Interim Rules Review Committee that the approval has occurred.” After speaking with EPA, Steve Blair, Deputy Attorney General and LRC code council, DANR updated the language to read: “The EPA approved South Dakota’s 111d plan as required by the Clean Air Act on March 30, 2021. These rules are no longer in effect except for the owner or operators permitted prior to the date of the EPA approval.” You can see this language on Page A-69.
- LRC also commented on the section we revised earlier in my presentation. In 74:36:12:02(3), we proposed adding “such operations as”. However, LRC did not want us to include this language. We talked with EPA, and they were ok with LRC’s recommendation and removed the proposed language. This language can be seen on Page A-242.

This concluded Ms. Olmstead’s presentation.

Besides BFM fiscal note concurrence and LRC’s comments no additional written or oral testimony was submitted during the public hearing.

Ms. Olmstead and Mr. Rombough answered questions from the board.

DANR requested that the board approve the proposed rules as presented, which included LRC’s form and style changes, some of LRC’s clarity changes, and LRC’s legality changes.

There were no changes to the proposed rules presented by DANR staff because of the public hearing or a comment.

Motion by Morris, seconded by Miller, to adopt the proposed amendments to ARSD 74:36 – Air Pollution Control rules including LRC’s form and style changes, clarity changes, and legality changes as presented by DANR staff. A roll call vote was taken, and the motion carried unanimously.

Chairman Blumhardt declared the hearing closed at 10:45 a.m.

#### PUBLIC HEARING TO CONSIDER AMENDMENTS TO ARSD 74:29, MINED LAND

RECLAMATION RULES: The Board of Minerals and Environment convened at 10:50 a.m. Central Time on July 17, 2025, in the Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota.

The purpose of the hearing was to consider the adoption of amendments to rules numbered ARSD 74:29:01:02; 74:29:01:07; 74:29:10:19; and the adoption of new rules numbered ARSD 74:29:12:01; 74:29:12:02; 74:29:12:03; 74:29:12:04; 74:29:12:05; 74:29:12:06; 74:29:12:07; 74:29:12:08; 74:29:12:09; 74:29:12:10; 74:29:12:11; 74:29:12:12; 74:29:12:13; 74:29:12:14; 74:29:12:15; 74:29:12:16; 74:29:12:17; 74:29:12:18, adopted under the authority of SDCL 45-6B-81.

**Hearing Officer:** Board of Minerals and Environment Chair Glenn Blumhardt.

**Members of the Board in Attendance:** Other members of the board participating were Robert Ewing, Gregg Greenfield (participating telephonically), Jessica Gruenwald, Gary Haag, Doyle Karpen, Rhett Miller, Bob Morris, and Laurie Schultz.

**Others in Attendance:** Kyrik Rombough and Samantha Olmstead, DANR Air Quality Program; Steve Blair, Deputy Attorney General; David McVey, Assistant Attorney General; Roberta Hudson, Mike Lees, and Eric Holm, DANR Minerals, Mining, and Superfund Program; Kent Woodmansey, Director, DANR Environmental Services; and Dick Sweetman, member of the public.

**Written Testimony:** None

**Oral Testimony:** None

Roberta Hudson, DANR Minerals, Mining, and Superfund Program, provided an overview of the proposed rule changes to the board.

Ms. Hudson explained that no public comments were received in response to the publication of the Notice of Hearing. She further explained that the lack of comments reflects the fact that the department solicited comments from all permitted mine operators during the initial stages of rule drafting and addressed industry questions and concerns prior to beginning the formal rulemaking process.

Ms. Hudson explained that the Legislative Research Council (LRC) provided the department with its review of the rules in early July 2025. All of LRC's style, form, and legality changes were incorporated into the draft provided to the board in the board packet. Subsequently, LRC identified three outstanding items for the department to address after the draft rules were mailed to the board in the board packet. The department addressed LRC's additional recommendations and presented the additional changes to the board during Ms. Hudson's presentation at the hearing.

Ms. Hudson provided a slide presentation discussing the proposed amends to ARSD 74:29, Mined Land Reclamation. Article 74:29 applies to mine permit applications filed under SDCL 45-6B. The proposed revisions update department review timelines for a mine permit application. The reason for the changes is to make the rules more consistent with other permits issued by the department, to allow longer review time for the department, which is necessary for larger, more complex permits, and to remove the unnecessary definition of review timeline calculation.

**74:29:01:02, Computation of Time** - remove unnecessary details regarding computation of time associated with processing of permit applications.

**74:29:01:07, Determination of Procedural Completeness** - change the timeline for reviewing and responding to an applicant's response to deficiencies in a mine permit application from seven days to thirty days.



**74:29:10:19, Board update of preliminary list** - change the requirement for board hearings to consider nominating petitions for updating the preliminary list of special, exceptional, critical or unique lands from annual to as needed.

**New Chapter-ARSD 74:29:12, Reclamation and postclosure financial assurance.** The 2024 South Dakota SD Legislature passed SB 111 granting approval for the Board of Minerals and Environment to promulgate rules to establish procedures for posting and monitoring financial assurance. The new proposed rules allow for clarity on several issues, including types of bonds, expectations and requirements for each bond type, operator bankruptcy, board refusal of a bond, and review of financial assurance amounts.

Mike Lees reiterated that LRC's style, form, and legality changes were incorporated into the proposed amendments and the new Chapter.

**74:29:12:01. Financial assurance cost elements.** Ms. Hudson noted that after the proposed rules were sent to the board members, a second review the proposed rules by LRC determined that under SDCL 45-6B-81(11), which was approved in SB 111, Section 74:29:12:01 constitutes substance, not procedure, and the board does not have the authority to expound on criteria for setting financial assurance beyond those provided in **45-6B-21, Criteria for determining amount and duration of surety**. Ms. Hudson explained that the department recommended deleting 74:29:12:01, Financial assurance cost elements, from the proposed rules, and that the remaining sections of the new chapter be re-numbered as sections 74:29:12:01 through 74:29:12:17.

Renumbered sections **74:29:12:01 through 74:29:12:17**. This new chapter clarifies requirements that permitted mine operators must meet when posting financial assurance to cover reclamation and postclosure liability and clarifies surety requirements pertaining to long-term water treatment costs.

The reasons for adopting the proposed rules are to provide clear financial assurance requirements for permitted mine operators and to adjust cumbersome mine permit application timing requirements.

**74:29:12:04. Surety bonds.** Ms. Hudson pointed out that the draft rules provided in the board packet contained typographical errors in subsection (7) that will be corrected in the final rules to read:

“(7) The sum of all surety bonds issued by a surety company as financial assurance for one or more permits held by an operator is not in excess of thirty percent of the surety company's capital surplus account, as shown on a balance sheet attached to the surety bond and certified by a certified public accountant for the most recent annual reporting period;”

**74:29:12:06. Irrevocable letters of credit.** Ms. Hudson pointed out that the draft rules provided in the board packet included a typographical error in subsection (8) that will be corrected in the final rules to read:

“(8) The sum of multiple irrevocable letters of credit issued by a bank as financial assurance for multiple permits held by an operator is not in excess of thirty percent of the bank's capital surplus account as shown on a balance sheet certified by a certified public accountant;”

**74:29:12:13. Provisions for large-scale heap leach gold mine holding costs.** Ms. Hudson pointed out that one of the three outstanding issues LRC recommended after the rules were mailed in the

board packet pertained to this section. LRC recommended revising the definition of “holding costs.” To address this issue the department recommended the board change the section to read:

**“74:29:12:13. Provisions for large-scale heap leach gold mine holding costs. A large-scale heap leach gold mine shall submit a cash deposit that complies with the requirements of § 74:29:12:07 to cover holding costs for a period of time until proceeds from a forfeited reclamation financial assurance instrument are received by the department. Holding costs cover expenses the department incurs for work necessary to ensure a mine remains in compliance with SDCL chapters 45-6B and 34A-2 during the interim period between bankruptcy of the operator and the payment of proceeds from the forfeiture to the department. The calculation for these holding costs must be part of the reclamation financial assurance calculation, and the cash deposit must be submitted at the same time as the reclamation financial assurance.”**

This concluded Ms. Hudson’s presentation.

DANR requested that the board approve the proposed rules as presented.

Motion by Morris, seconded by Karpen, to adopt the proposed amendments to ARSD 74:29, Mined Land Reclamation, as presented by DANR staff, including the form, style, and legality changes made by LRC and the deletion of 74:29:12:01 and renumbering of the remainder of the sections. A roll call vote was taken, and the motion carried unanimously.

**Summary of Changes to proposed Rules Because of the Public Hearing or Comment:** There were no written or oral public comments submitted prior to or during the hearing, so, other than LRC recommendations, there were no changes to the proposed rules.

**Adjournment:** Chairman Blumhardt declared the hearing closed at 12:45 p.m.

**PETITION TO REVOKE SMALL SCALE MINE PERMIT NO. 404 ISSUED TO ROY SCHIEFER AND FRED JOHNSON AND PETITION FOR FORFEITURE OF SURETY:** Hearing Chair Gregg Greenfield opened the hearing. He noted that Mr. Schiefer and Mr. Johnson are both deceased.

Steve Blair, Deputy Attorney General, represented the DANR Minerals, Mining, and Superfund Program.

No one appeared on behalf of Roy Schiefer and Fred Johnson.

Mr. Blair stated that copies of the petition to revoke Small Scale Mine Permit No. 404 and for forfeiture of the surety and the Notice of Violation were provided to the board, as part of the meeting packet, prior to the hearing.

The Board of Minerals and Environment issued a Small Scale Mine Permit to Roy Schiefer in 1983, and Mr. Schiefer posted a \$2,500 reclamation surety. The Surety Bond No. 58058341 was issued by Western Surety Company. In 2021, Mr. Schiefer requested that the permit be transferred to himself and Fred Johnson, and a rider was executed with the surety company, placing Mr. Johnson of the surety bond.

The department became aware of Mr. Schiefer's death in early 2024 during efforts to have the operator submit the annual report and the required notice of intent to continue mining along with an annual fee.

The department also mailed this information to Mr. Johnson. The documents were returned to the department by the US Postal Service with a forwarding address. The documents were remailed to the forwarding address, but they were returned to the department with no forwarding address.

In September 2024 the department became aware of Mr. Johnson's passing. The department then attempted to make contact with the surviving heirs of Mr. Schiefer and Mr. Johnson that were able to be identified. Mr. Johnson's obituary listed his daughter Sydney Johnson as a survivor, and Mr. Schiefer's obituary listed Beverly Schiefer as a surviving daughter.

Various attempts were made to contact both Ms. Schiefer and Ms. Johnson as heirs of the two estates taking into account that the estates may hold an interest in the mining permit that survived the death of Mr. Schiefer and Mr. Johnson. So, moving forward on any potential revocation and forfeiture, the department wanted to make sure there were attempts made to identify heirs of the estates.

The department engaged in some communications through mailings with both Ms. Schiefer and Ms. Johnson. Those mailings were returned or unanswered, so in February 2025 DANR issued a Notice of Violation concerning Small-Scale Mine Permit No. 404. The Notice of Violation asked that the annual report form and fee be submitted within twenty days of receipt of the Notice, or that a transfer application for the permit be submitted within that time period. The Notice of Violation was directed to Sydney Johnson and Beverly Schiefer, as the identified surviving heirs of Mr. Johnson and Mr. Schiefer.

After the Notice of Violation was issued, Beverly Schiefer contacted the department by telephone, and she followed up with a letter dated February 4, 2025, to the department memorializing the conversation she had with staff, which was that she and her sister were the only remaining family members for Roy Schiefer, and that they had no interest in Small-Scale Mine Permit No. 404 or the surety.

The Notice of Violation that was mailed to Ms. Johnson was returned to the department as unclaimed; however, in May 2025 the department received a letter from legal counsel for Sydney Johnson stating that Ms. Johnson had no intention to contest the revocation of the mine permit or forfeiture of the associated surety.

Western Surety Company was contacted regarding this matter and did not contest forfeiture of surety bond number 58058341, in the amount of \$2,500 to the State of South Dakota. Western Surety Company has submitted the surety proceeds, in the amount of \$2,500, to the department.

Mr. Blair stated that all parties were duly notified of the action the board is being asked to take during this hearing. Given the violations that are noted in the petition, the failure to file the annual report and the annual fee, the department requested that the Board of Minerals and Environment revoke Small Scale Mine Permit No. 404, order that Surety Bond No. 58058341, issued by Western Surety Company, totaling \$2,500, be forfeited to the State of South Dakota, and order that the staff for the Department of Agriculture and Natural Resources be directed to hold the surety proceeds in the name

of the Board of Minerals and Environment. Mr. Blair also requested that the board release the heirs of Mr. Schiefer and Mr. Johnson from further liability under the permit.

Mr. Greenfield asked Mr. Blair if he is satisfied with the factual basis for the revocation of the permit and the forfeiture of the bond. Mr. Blair answered that he is.

Mr. Blair stated that for the purposes of the record he would ask that a default be noted and that the allegations in the petition be accepted.

Mr. Greenfield stated that in hearing no objections, he would note the default for the purposes of the record. He asked if there were any questions from the board.

Mr. Ewing asked if any reclamation is needed at the site. Eric Holm, Minerals, Mining, and Superfund Program, responded that currently just under an acre is disturbed. There is a 12-foot highwall that needs to be either reduced or the material underneath the highwall that was used to construct a pad needs to be pushed up against it, and the trails need to be ripped and seeded.

Mr. Haag asked if this site is on Forest Service land. Mr. Holm answered that it is on Forest Service land, and the forfeited surety will likely be given to the Forest Service to reclaim the site. The reclamation costs are estimated at \$9,000. He noted that another person has taken over the mining claim, and the Forest Service will need to converse with him to see what his plans are. The Forest Service cannot reclaim the area unless it gets approval from the claim holder.

Mr. Morris asked if an estate that was created. Mr. Blair said he is not aware of any information that would indicate a formal estate was created for either Mr. Schiefer or Mr. Johnson.

Mr. Morris asked if the board made the decision to not seek reimbursement from the heirs of the estate would affect the Forest Service's ability to reclaim the site. Mr. Blair answered that he does not believe the Forest Service would be affected. Ms. Hudson stated that it is possible that the Forest Service has additional bonding for this permit to clean up the site.

Mr. Karpen said the \$2,500 bond is not enough to reclaim the site. Mr. Holm stated that even though the bond amount is less than the estimated \$9,000 it will cost to reclaim the site, the Forest Service will still perform the work.

Mr. Ewing asked if the individual that took over the claim has a permit with the state. Mr. Holm answered that he does not. The individual has not contacted DANR, and he has talked to the Forest Service only once. Mr. Holm said the individual will need a new mine permit if he wants to mine at the site.

Motion by Karpen, seconded by Ewing, to revoke Small Scale Mine Permit No. 404, order that Surety Bond No. 58058341, issued by Western Surety Company, totaling \$2,500, be forfeited to the State of South Dakota, and order that the staff for the Department of Agriculture and Natural Resources be directed to hold the surety proceeds in the name of the Board of Minerals and Environment, and to release the heirs of Mr. Schiefer and Mr. Johnson from further liability under the permit. A roll call vote was taken, and the motion carried with Blumhardt, Ewing, Gruenwald, Haag, Karpen, Miller, Morris, and Schultz voting aye. Greenfield abstained.

Mr. Blair will prepare a draft Order for Mr. Greenfield's consideration.

ELECTION OF OFFICERS: Motion by Karpen, seconded by Gruenwald, that the current slate of officers remain for another year: Glenn Blumhardt, Chair; Gregg Greenfield, Vice Chair; and Laurie Schultz, Secretary. Motion carried unanimously.

PUBLIC COMMENT PERIOD IN ACCORDANCE WITH SDCL 1-25-1: There were no public comments.

UPCOMING BOARD MEETINGS: The board is scheduled to meet in Pierre August 20 and 21, 2025, and in Deadwood September 17 and 18, 2025. (NOTE: the August 20-21 meeting was cancelled in early August.)

EXECUTIVE SESSION: At 1:35 p.m. Karpen made a motion, seconded by Ewing, to enter into executive session to consult with legal counsel about pending litigation pursuant to SDCL 1-25-2(3). Motion carried unanimously.

The board exited executive session at 1:50 p.m. No board action was taken.

ADJOURN: Motion by Karpen, seconded by Haag, that the meeting be adjourned. Motion carried unanimously.

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Secretary, Board of Minerals      Date  
and Environment

***Consent Calendar***  
***South Dakota Board of Minerals & Environment***

***July 17, 2025***

<b><u>License Holder</u></b>	<b><u>License No.</u></b>	<b><u>Site No.</u></b>	<b><u>Surety Amount</u></b>	<b><u>Surety Company or Bank</u></b>	<b><u>DANR Recommendation</u></b>
<b><u>Transfer of Liability:</u></b>					
Hand County Highway Dept. Miller, SD	83-148		Exempt	NA	Transfer liability
		<b>148005</b>	NE1/4 Section 3; T115N-R70W, Hand County		
Transfer to:					
Charles Martinmaas Orient, SD	05-362		\$8,047	American Bank & Trust - Miller	
<b><u>Release of Liability &amp; Surety Release:</u></b>					
Michael Gustafson Deadwood, SD	12-943		\$1,500	First Interstate Bank - Deadwood	Release Liability & \$1,500
		<b>943001</b>	NE1/4 Section 23 and SE1/4 Section 14; T5N-R3E, Lawrence County		
William S. Raabe Tyndall, SD	10-891		\$2,500	Community Bank - Avon	Release Liability & \$2,500
		<b>891001</b>	NE1/4 Section 14; T95N-R60W, Bon Homme County		
Robideau Trucking Company Mitchell, SD	97-628		\$1,500	First National Bank - Mitchell Fulton State Bank - Mitchell	Release Liability & \$1,500
		<b>628001</b>	Section 22 & SW1/4 Section 23; T104N-R60W, Davison County		

***Consent Calendar***  
***South Dakota Board of Minerals & Environment***

***July 17, 2025***

<b><u>License Holder</u></b>	<b><u>License No.</u></b>	<b><u>Site No.</u></b>	<b><u>Surety Amount</u></b>	<b><u>Surety Company or Bank</u></b>	<b><u>DANR Recommendation</u></b>
<b><u>Release of Liability &amp; Surety Release</u></b>					
Tri State Construction LLC Queen Creek, AZ	83-85		\$20,000	United Fire & Casualty Company Cedar Rapids, IA	Release Liability & \$20,000
		<b>85004</b>	NE1/4 SE1/4 Section 25; T8N-R2E & Section 30, Butte County		
<b><u>Release of Liability:</u></b>					
Bowes Construction, Inc. Brookings, SD	83-164		\$20,000	Hudson Insurance Company New York, NY	Release Liability
		<b>164027</b>	N1/2 SE1/4 Section 19; T92N-R49W, Union County		
Cedar Township Ree Heights, SD	94-531		Exempt	NA	Release Liability
		<b>531001</b>	NW1/4 Section 17; T110N-R70W, Hand County		
Central Specialties Alexandria, MN	02-733		\$20,000	Ohio Farmers Insurance Company Westfield Center, OH	Release Liability
		<b>733005</b>	NW1/4 Section 16; T121N-R74W, Walworth County		

***Consent Calendar***  
***South Dakota Board of Minerals & Environment***

***July 17, 2025***

July 17, 2025

<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DANR Recommendation</u>
<b><u>Release of Liability:</u></b>					
Corson County Highway Dept. McIntosh, SD	83-239		Exempt	NA	Release Liability
		<b>239022</b>	NE1/4 Section 3; T19N-R27E, Corson County		
Dawson Construction, Inc Howard, SD	83-21		\$20,000	Sun Surety Insurance Company Rapid City	Release Liability
		<b>21007</b>	N1/2 Section 11; T106N-R56W, Miner County		
First Rate Excavate Inc Sioux Falls, SD	05-817		\$20,000	North American Specialty Insurance Company - Sioux Falls	Release Liability
		<b>817003</b>	SW1/4 SW1/4 Section 1; T101N-R49W, Minnehaha County		
Gregory County Highway Dept. Burke, SD	83-171		Exempt	NA	Release Liability
		<b>171002</b>	Section 16; T97N-R68W, Gregory County		
		<b>171013</b>	W1/2 Section 20; T97N-R68W, Gregory County		
		<b>171015</b>	SE1/4 Section 13; T97N-R73W, Gregory County		
Hand County Highway Dept. Miller, SD	83-148		Exempt	NA	Release Liability
		<b>148011</b>	SW1/4 Section 11; T114N-R68W, Hand County		
		<b>148018</b>	NE1/4 Section 16; T115N-R67W, Hand County		



***Consent Calendar***  
***South Dakota Board of Minerals & Environment***

***July 17, 2025***

July 17, 2025

<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DANR Recommendation</u>
<b><u>Release of Liability:</u></b>					
Cory Harms DBA Harms Gravel Milbank, SD	83-94		\$9,000	First Interstate Bank - Billings, MT	Release Liability
		<b>94006</b>	SE1/4 Section 8; T120N-R51W, Grant County		
Daniel J. Healy Utica, SD	11-919		\$5,000	CorTrust Bank, Yankton	Release Liability
		<b>919003</b>	Section 18; T95N-R55W, Yankton County		
Jerauld County Highway Dept. Wessington Springs, SD	83-80		Exempt	NA	Release Liability
		<b>80044</b>	SE1/4 Section 1; T106N-R63W, Jerauld County		
Marlene Pajl Winner, SD	92-463		\$1,000	First Fidelity Bank - Winner	Release Liability
		<b>463001</b>	W1/2 Section 28; T102N-R77W, Tripp County		
Midland Contracting, Inc. Volga, SD	03-768		\$20,000		
		<b>768005</b>	SW1/4 Section 18; T110N-R63W, Beadle County		
		<b>768010</b>	NW1/4 Section 17; T109N-R63W, Beadle County		

***Consent Calendar***  
***South Dakota Board of Minerals & Environment***

***July 17, 2025***

<b><u>License Holder</u></b>	<b><u>License No.</u></b>	<b><u>Site No.</u></b>	<b><u>Surety Amount</u></b>	<b><u>Surety Company or Bank</u></b>	<b><u>DANR Recommendation</u></b>
<b><u>Release of Liability:</u></b>					
Miner County Highway Dept. Howard, SD	83-177		Exempt	NA	Release Liability
		<b>177006</b>	SE1/4 Section 28; T105N-R55W, Miner County		
Morris Inc. Ft. Pierre, SD	83-2		\$20,000	United Fire & Casualty Company Cedar Rapids, IA	Release Liability
		<b>2014</b>	Section 9; T110N-R78W, Hughes County		
Gale Nitteberg DBA Nitteberg Construction Co. Estelline, SD	95-566		\$20,000	United Fire & Casualty Company Cedar Rapids, IA	Release Liability
		<b>566003</b>	SW1/4 Section 5; T113N-R53W, Hamlin County		
Ries Brothers, LLC Watertown, SD	14-976		\$1,000	First Premier Bank - Sioux Falls	Release Liability
		<b>976001</b>	NW1/4 Section 17; T116N-R51W, Codington County		
Roger Johnson Sand & Gravel Huron, SD	83-139		\$14,058	First National Bank - Pierre	Release Liability
		<b>139006</b>	NE1/4 Section 32; T112N-R62W, Beadle County		
		<b>139008</b>	NW1/4 Section 24; T111N-R65W, Beadle County		

***Consent Calendar***  
***South Dakota Board of Minerals & Environment***

***July 17, 2025***

<b><u>License Holder</u></b>	<b><u>License No.</u></b>	<b><u>Site No.</u></b>	<b><u>Surety Amount</u></b>	<b><u>Surety Company or Bank</u></b>	<b><u>DANR Recommendation</u></b>
<b><u>Release of Liability:</u></b>					
SD Game Fish & Parks Pierre, SD	21-1100		Exempt	NA	Release Liability
		<b>1100001</b>	NE1/4 SE1/4 Section 9; T10N-R6E, Butte County		
Wheatland Township of Day County Webster, SD	87-348		Exempt	NA	Release Liability
		<b>348003</b>	SW1/4 Section 15; T120N-R55W, Day County		
Zandstra Construction Inc. Rapid City, SD	84-254		Exempt	NA	Release Liability
		<b>254004</b>	SW1/4 SE1/4 Section 6; T3S-R8E, Custer County		

# *Consent Calendar*

## *South Dakota Board of Minerals & Environment*

*September 17, 2025*

<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DANR Recommendation</u>
<b><u>Transfer of Liability:</u></b>					
Meade County Highway Dept. Sturgis, SD	83-113		Exempt	NA	Transfer liability
		<b>113051</b>	Section 4; T5N-R6E and S1/2 SE1/4 Section 33; T6N-R6E, Meade County		
Transfer to:					
North Star Construction, Inc. Spearfish, SD	22-1114		\$11,000	First Interstate Bank – Spearfish, SD	
<b><u>Surety Release:</u></b>					
Marlene Pajl Winner, SD	92-463		\$1,000	First Fidelity Bank – Winner, SD	Release \$1,000
		<b>License Only</b>			
Ries Brothers, LLC Watertown, SD	14-976		\$1,000	First Premier Bank – Sioux Falls, SD	Release \$1,000
		<b>License Only</b>			
<b><u>Release of Liability &amp; Surety Release</u></b>					
Chris Novotny Winner, SD	92-465		\$500 \$500	First National Bank – Pierre, SD First National Bank – Winner, SD	Release Liability & \$1,000
		<b>465001</b>	Section 2; T98N-R78W, Tripp County		

***Consent Calendar***  
***South Dakota Board of Minerals & Environment***

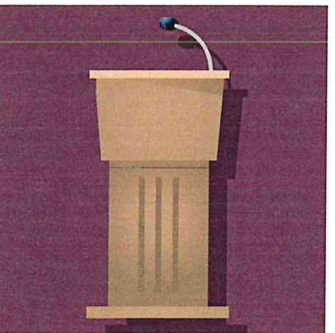
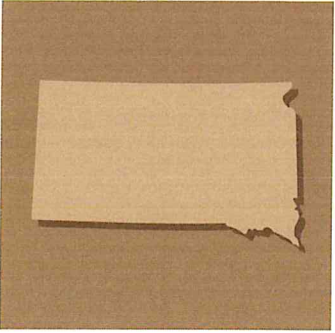
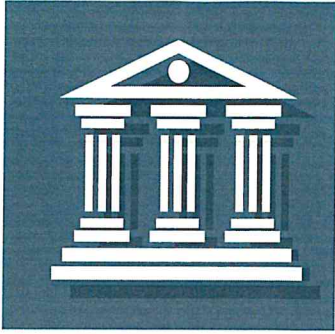
					September 17, 2025
<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DANR Recommendation</u>
<b><u>Release of Liability &amp; Surety Release</u></b>					
James R Schoenhard Wood, SD	83-175		\$1,000 \$2,000	First National Bank – Pierre, SD	Release Liability & \$3,000
		<b>175001</b>	SE1/4 Section 1; T103N-R72W, Brule County		
<b><u>Release of Liability:</u></b>					
BDM Gravel LLC Roscoe, SD	20-1071		\$20,000	Plains Commerce Bank Aberdeen, SD	Release Liability
		<b>1071002</b>	SE1/4 Section 8; T124N-R72W, Edmunds County		
Dakota Earthworks Inc. Sioux Falls, SD	05-809		\$20,000	North American Specialty Insurance Co. – Manchester, NH	Release Liability
		<b>809005</b>	NW1/4 SW1/4 and NW1/4 Section 23; T95N-R52W, Clay County		
Dakota Road Builders Slayton, MN	83-240		\$20,000	Western Surety Company Sioux Falls, SD	Release Liability
		<b>240020</b>	NW1/4 Section 5; T105N-R49W, Moody County		
Fall River County Highway Dept. Hot Springs, SD	83-19		Exempt	NA	Release Liability
		<b>19044</b>	SE1/4 Section 10; 7S-R4E, Fall River County		

***Consent Calendar***  
***South Dakota Board of Minerals & Environment***

					<b><i>September 17, 2025</i></b>
<b><u>License Holder</u></b>	<b><u>License No.</u></b>	<b><u>Site No.</u></b>	<b><u>Surety Amount</u></b>	<b><u>Surety Company or Bank</u></b>	<b><u>DANR Recommendation</u></b>
<b><u>Release of Liability:</u></b>					
First Rate Excavate Inc. Sioux Falls, SD	05-817		\$20,000	North American Specialty Insurance Co. Sioux Falls, SD	Release Liability
		<b>817005</b>	NE1/4 Section 29; T110N-R51W, Brookings, County		
Fisher Sand & Gravel Company Dickinson, ND	83-54		\$20,000	Liberty Mutual Insurance Company Boston, MA	Release Liability
		<b>54119</b>	NE1/4 Section 25; T113N-R75W, Sully County		
Florence Township Miller, SD	87-347		Exempt	NA	Release Liability
		<b>347001</b>	SE1/4 Section 12; T114N-R68W, Hand County		
Mondamin Township Miller, SD	85-295		Exempt	NA	Release Liability
		<b>295001</b>	SE1/4 NW1/4 Section 25; T109N-R69W, Hand County		
Oldcastle Materials Group Midwest – Des Moines, IA	83-42		\$20,000	Fidelity and Deposit Co. of Maryland Schaumburg, IL	Release Liability
		<b>42012</b>	SE1/4 Section 20; T2N-R14E, Pennington County		
		<b>42023</b>	Lot 5,6,7,8 Section 35; T2N-R14E, Pennington County		

***Consent Calendar***  
***South Dakota Board of Minerals & Environment***

					<b><i>September 17, 2025</i></b>
<b><u>License Holder</u></b>	<b><u>License No.</u></b>	<b><u>Site No.</u></b>	<b><u>Surety Amount</u></b>	<b><u>Surety Company or Bank</u></b>	<b><u>DANR Recommendation</u></b>
<b><u>Release of Liability:</u></b>					
Sweet Township Menno, SD	25-1148		Exempt	NA	Release Liability
		<b>1148001</b>	Section 10; T96N-R57W, Yankton County		
Vermillion Township Canova, SD	97-630		Exempt	NA	Release Liability
		<b>630001</b>	SE1/4 Section 28; T105N-R55W, Miner County		
Western Construction Inc. Rapid City, SD	09-880		\$20,000	Western Surety Company Chicago, IL	Release Liability
		<b>880017</b>	SW1/4 NE1/4 and NW1/4 SE1/4 Section 35; T2N-R14E, Pennington County		



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# Conducting the Public's Business in Public

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A guide to South Dakota's  
Open Meetings Laws  
*(Revised 2025)*

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Prepared by:  
S.D. Attorney General's Office  
*in partnership with the*  
S.D. NewsMedia Association

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**Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?**

**A:** South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

**Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?**

**A:** The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

**Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?**

**A:** Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where

less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

**Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?**

**A:** SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its agencies, boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on <http://boardsandcommissions.sd.gov>.

**Q: WHO ARE LOCAL NEWS MEDIA?**

**A:** There is no definition of "local news media" in SDCL ch. 1-25. "News media" is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that "local news media" is all news media – broadcast and print – that regularly carry news to the community.

**Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?**

**A:** Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

**Q: CAN PUBLIC MEETINGS BE RECORDED?**

**A:** Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

**Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?**

**A:** SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student's participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or

contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

**Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?**

**A:** Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. "pursuant to SDCL 1-25-2(3)." Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state "motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter," or "motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel."

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

**Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?**

**A:** Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

**Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?**

**A:** Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys or Deputy State's Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General.  
<http://atg.sd.gov/>.

**Q: WHAT DOES THE TERM "SOVEREIGN POWER" MEAN?**

**A:** The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

**Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?**

**A:** Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03*, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

**Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?**

**A:** The definition of an "official meeting" in SDCL 1-25-12(1) specifically includes meetings conducted by "electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]" A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

**Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?**

**A:** SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

**Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?**

**A:** Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.

**Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?**

**A:** Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

## PERTINENT S.D. OPEN MEETINGS STATUTES

(other specific provisions may apply depending on the public body involved)

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

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

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

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

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

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

A violation of this section is a Class 2 misdemeanor.

**1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS.** Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by

telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

**1-25-1.3. PUBLIC NOTICE OF STATE.** The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

**1-25-1.5. TELECONFERENCE MEETING.** Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

**1-25-1.6. TELECONFERENCE PARTICIPATION.** At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

**1-25-2. EXECUTIVE SESSION.** 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.

However, any official action concerning the matters 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.

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

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

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

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

**1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES).** If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

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

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

**1-25-7. REFERRAL TO OMC.** Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney,

and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

**1-25-8. OMC Members.** The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

**1-25-12. DEFINITIONS.** Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

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

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

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

**1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS.** Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

(1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and

(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

**1-27-1.16. MEETING PACKETS AND MATERIALS.**

If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

**1-27-1.17. DRAFT MINUTES.** The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

**1-27-1.18. WORKING GROUP REPORTS.** Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.



## 2025 South Dakota Legislature

### Senate Bill 74

### ENROLLED

#### AN ACT

**ENTITLED An Act to require the publication and review of an explanation of the open meeting laws of this state.**

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

**Section 1. That § 1-11-1 be AMENDED:**

**1-11-1.** It is the duty of the attorney general:

- (1) To appear for the state and prosecute and defend all actions and proceedings, civil or criminal, in the Supreme Court, in which the state shall be interested as a party;
- (2) When requested by the Governor or either branch of the Legislature, or whenever, in the judgment of the attorney general, the welfare of the state demands, to appear for the state and prosecute or defend, in any court or before any officer, any cause or matter, civil or criminal, in which the state may be a party or interested;
- (3) To attend to all civil cases remanded by the Supreme Court to the circuit court, in which the state shall be a party or interested;
- (4) To prosecute, at the request of the Governor, state auditor, or state treasurer, any official bond or contract in which the state is interested, upon a breach thereof, and to prosecute or defend for the state all actions, civil or criminal, relating to any matter connected with either of their departments;
- (5) To consult with, advise, and exercise supervision over the several state's attorneys of the state in matters pertaining to the duties of their office, and the attorney general shall be authorized and it is made the duty of the office, whenever in the attorney general's judgment any opinion written by the attorney general will be of general interest and value, to mail either written or printed copies of such opinion to the auditor-general and to every state's attorney and county auditor in the state;



- (6) When requested, to give an opinion in writing, without fee, upon all questions of law submitted to the attorney general by the Legislature or either branch thereof, or by the Governor, auditor, or treasurer;
- (7) When requested by the state auditor, treasurer, or commissioner of school and public lands, to prepare proper drafts for contracts, forms, and other writings, which may be wanted for use of the state;
- (8) To report to the Legislature, or either branch thereof, whenever requested, upon any business relating to the duties of the office;
- (9) To prosecute state officers who neglect or refuse to comply with the provisions of statutes of this state prohibiting officers of the state from accepting any money, fee, or perquisite other than salary for performance of duties connected with the office or paid because of holding such office and the statute requiring issue and delivery and filing of prenumbered duplicate receipts and accounting for money received for the state;
- (10) To pay into the state treasury all moneys received by the attorney general, belonging to the state, immediately upon the receipt thereof;
- (11) To prosecute any criminal action that was committed by an inmate under confinement in a facility operated by the Department of Corrections;
- (12) To attend to and perform any other duties which may from time to time be required by law; and
- (13) To publish an explanation of the open meeting laws of this state, as found in chapter 1-25, on the attorney general's website each year before January first.

**Section 2. That a NEW SECTION be added to chapter 1-25:**

Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

- (1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and
- (2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

An Act to require the publication and review of an explanation of the open meeting laws of this state.

I certify that the attached Act originated in the:

Senate as Bill No. 74

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_,  
2025 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2025

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2025  
at \_\_\_\_\_ o'clock \_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 74  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State



## 2025 South Dakota Legislature

### House Bill 1059

### ENROLLED

#### AN ACT

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

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

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

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

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

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

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

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

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or

municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

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

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

- (1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;
- (2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;
- (3) "Public body," any political subdivision or the state;
- (4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and
- (5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

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

I certify that the attached Act originated in the:

House as Bill No. 1059

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_,

2025 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2025

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2025  
at \_\_\_\_\_ o'clock \_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1059

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State