

Meeting Agenda
SOUTH DAKOTA ATHLETIC COMMISSION
Via Zoom
Or
Call: 1- 346-248-7799
Meeting ID: 863 7132 1065
Passcode: 001417

Friday, August 7, 2026, 12:30 p.m. CDT

Proposed Agenda

- A. Call to Order
- B. Roll Call
- C. Approval of the Agenda
- D. Open Forum: 5 minutes for the public to address the Commission
- E. Approval of Meeting Minutes: May 29, 2026
- F. Financial Report: June 30, 2026
- G. Old Business
 - 1) Approved Events Update
 - i. BOX 2027-01 (PFL – Sioux Falls)
- H. New Business
 - 1) SDCL Chapter 42-12 Changes
 - 2) Event Applications
 - 3) Open Meetings Law Review (required by SDCL 1-25-13)
 - 4) Election of Officers
- I. Other Business
 - 1) Office Update
- J. Announcements
 - 1) Next Meeting Date – December 4, 2026 at 12:30 pm CST
- K. Adjourn

Meeting Minutes
SOUTH DAKOTA ATHLETIC COMMISSION
Via Teleconference
May 29, 2026 12:30 p.m. CST

Vice Chairman Paulsen called the meeting to order at 12:34 p.m. A quorum was present.

Members Present Electronically: Kaleb Paulsen, Jeremy Fox, and Chet Kilmer

Members Absent: Shania Riggs, and Yvonne Taylor

Others Present Electronically: Jennifer Stalley, executive secretary; and Jerry McCabe, Department of Labor, Commission legal counsel

Kilmer made a motion to approve the agenda. Fox seconded the motion. **MOTION PASSED.**

Paulsen asked for any public comments. No comments were offered.

Fox made a motion to approve the March 20, 2026 Commission meeting minutes. Kilmer seconded the motion. **MOTION PASSED.**

Kilmer made a motion to accept the April 30, 2026 financial report as presented. Fox seconded the motion. **MOTION PASSED.**

Stalley provided an update on previously approved events.

Stalley provided an overview of proposed changes to South Dakota Administrative Rules article 20:81. The Commission discussed the proposed changes and possible additional changes.

Kilmer made a motion to proceed with proposed changes to South Dakota Administrative Rules article 20:81 and direct Stalley to move forward with the necessary steps in the administrative rule change process. Fox seconded the motion. **MOTION PASSED.**

Fox made a motion to approve an event application by 15th Round Promotions for a boxing event to be held on January 21, 2027, in Sioux Falls on the conditions the promoter is properly licensed for 2027; the promoter submits the required \$1,000 event fee deposit; the promoter provides proof of a \$20,000 surety bond or irrevocable line of credit; the promoter agrees the event card locks seven days before the approved event date and no additional bouts or fighters will be approved after that deadline; the promoter provides the Commission with a copy of the signed contract for all boxers on the approved card at least seven days before the approved event date; the promoter submits a plan for the locker room and ring set up at the venue at least 30 days prior to the approved event date; the promoter submits a plan for security at the event at least 30 days prior to the approved event date; the promoter agrees any streaming revenue from the event must be reported to the Commission and used in the final event fee calculation, the promoter complies with all other deadlines and requirements for a boxing event as set forth in state statute and administrative rule, and the promoter acknowledges that any changes made to the administrative rules governing event between this approval and the event date apply to the event.. Kilmer seconded the motion. **MOTION PASSED.**

Stalley provided an office update. Stalley updated the Commission on a Department of Labor internal control review of the Commission as part of an overall Department risk review.

Paulsen noted the next Commission meeting as July 31, 2026 at 12:30 p.m. CDT. This meeting will include a public hearing on proposed administrative rule changes and a regular Commission meeting.

Kilmer made a motion to adjourn the meeting at 1:52 p.m. Fox seconded the motion. **MOTION PASSED.**

Respectfully Submitted,

Jeremy Fox, Secretary

AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1039 SOUTH DAKOTA ATHLETIC COMMISSION - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	1039000887	1140000	104,579.77	DR	BOXING COMMISSION FUND
COMPANY/SOURCE TOTAL			6503 887	DR *	
COMP/BUDG UNIT TOTAL			6503 1039	DR **	
BUDGET UNIT TOTAL			1039	DR ***	

STATE OF SOUTH DAKOTA
REVENUE SUMMARY BY BUDGET UNIT
FOR PERIOD ENDING: 06/30/2026

AGENCY	10	LABOR & REGULATION					
BUDGET UNIT	1039	SOUTH DAKOTA ATHLETIC COMMISSION - INFO					
CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE		
COMPANY NO	6503						
COMPANY NAME	PROFESSIONAL & LICENSING BOARDS						
1039000887	6503	4293070	PROMOTER LICENSE	.00	900.00		
ACCT:	4293		BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	.00	900.00	*	
1039000887	6503	4299080	EVENT FEE	37,537.20	44,691.70		
1039000887	6503	4299081	CONTESTANT REGIST FEE	.00	2,550.00		
1039000887	6503	4299082	JUDGE REGISTRATION FEE	.00	500.00		
1039000887	6503	4299083	REFEREE REGISTRATION FEE	.00	200.00		
1039000887	6503	4299084	SECOND REGISTRATION FEE	.00	2,725.00		
1039000887	6503	4299085	TIMEKEEPER REGIST FEE	.00	50.00		
1039000887	6503	4299086	FEDERAL BOXING ID FEE	.00	100.00		
ACCT:	4299		OTHER LIC, PRMTS, & FEES (NON-GOVERNMENTAL)	37,537.20	50,816.70	*	
ACCT:	42		LICENSES, PERMITS & FEES	37,537.20	51,716.70	**	
1039000887	6503	4920045	NONOPERATING REVENUES	.00	4,888.26		
ACCT:	4920		NONOPERATING REVENUE	.00	4,888.26	*	
ACCT:	49		OTHER REVENUE	.00	4,888.26	**	
CNTR:	1039000887			37,537.20	56,604.96	***	
COMP:	6503			37,537.20	56,604.96	****	
B UNIT:	1039			37,537.20	56,604.96	*****	

STATE OF SOUTH DAKOTA
MONTHLY REVENUE AND JOURNAL VOUCHER REPORT
FOR PERIOD ENDING: 06/30/2026AGENCY 10 LABOR & REGULATION
BUD UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION - INFO

COMP	CENTER	ACCOUNT	DOCUMENT ID	POST DATE	APPROVAL, VENDOR, OR PO #	EFFECT DATE	AMOUNT	DR CR
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COMPANY NO 6503
COMPANY NAME PROFESSIONAL & LICENSING BOARDS

6503	1039000887	4299080	C106AC012	06/18/2026	434073	06/17/2026	37,537.20	DR
6503	1039000887	4299080	C106AC012	06/18/2026	434073	06/17/2026	37,537.20	CR
6503	1039000887	4299080	C106AC012	06/18/2026	434073	06/17/2026	37,537.20	CR

TOTAL ACCOUNT GROUP NET CHANGE

37,537.20 CR *

6503	1039000887	52053500	MS605048	06/17/2026		06/11/2026	7.97	DR
6503	1039000887	52042000	PL605069	06/10/2026		06/04/2026	131.02	DR
6503	1039000887	5228000	T106-097	06/03/2026		06/03/2026	41.01	DR
6503	1039000887	5228000	T106-108	06/30/2026		06/26/2026	98.43	DR

TOTAL ACCOUNT GROUP NET CHANGE

278.43 DR *

6503	1039000887	82040900	CLSP0-26SC10005A	06/05/2026	26SC10005A	06/05/2026	1,252.01	CR
6503	1039000887	82040900	26-1000-004 2518	06/17/2026	26SC100004	06/16/2026	7,231.86	CR
6503	1039000887	82040900	26SC100004	06/18/2026	12199902	06/18/2026	21,353.31	CR

TOTAL ACCOUNT GROUP NET CHANGE

29,837.18 CR *

TOTAL COMPANY--NET CHANGE

67,095.95 CR **

AGENCY	10	LABOR & REGULATION	
BUDGET UNIT	1039	SOUTH DAKOTA ATHLETIC COMMISSION -	INFO
CENTER-5	10390	SD ATHLETIC COMMISSION	

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPL #, OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/ CR
COMPANY NO 6503										
COMPANY NAME PROFESSIONAL & LICENSING BOARDS										
6503	1039000887	51010300	CGEXX260611	06/16/2026					498.00	DR
OBJSUB: 5101030				BOARD & COMM MBRS FEES						
OBJECT: 5101				EMPLOYEE SALARIES						
6503	1039000887	51020100	CGEXX260611	06/16/2026					498.00	DR
OBJSUB: 5102010				OASI-EMPLOYER'S SHARE						
OBJECT: 5102				EMPLOYEE BENEFITS						
GROUP: 51				PERSONAL SERVICES						
6503	1039000887	52030300	CGEXX260603	06/03/2026	319122A				38.10	DR
6503	1039000887	52030300	CGEXX260603	06/03/2026	319122				38.10	DR
OBJSUB: 5203030				AUTO-PRIV (IN-ST.) H/RTE						
6503	1039000887	52031000	CGEXX260603	06/03/2026	319122A				368.01	DR
6503	1039000887	52031000	CGEXX260603	06/03/2026	319122				122.67	DR
OBJSUB: 5203100				LODGING/IN-STATE						
6503	1039000887	52031500	CGEXX260603	06/03/2026	319122A				490.68	DR
6503	1039000887	52031500	CGEXX260603	06/03/2026	319122				134.00	DR
OBJSUB: 5203150				NON-TAXABLE MEALS/IN-ST						
6503	1039000887	52040900	26-1000-004	2518	06/24/2026	01027181	MIDWESTSOL	12199902	160.00	DR
OBJECT: 5203				TRAVEL						
OBJSUB: 5204090				MANAGEMENT CONSULTANT						
6503	1039000887	52042000	PL605069	06/10/2026					7,231.86	DR
OBJSUB: 5204200				CENTRAL SERVICES						
6503	1039000887	52050200	CONTRACTUAL SERVICES	06/03/2026	01023649	STOUXSFALLS	12036365		131.02	DR
6503	1039000887	52050200	19366	06/17/2026	333955	STOUXSFALLS	12036365		7,362.88	DR
6503	1039000887	52050200	19489	06/17/2026					65.00	DR
OBJSUB: 5205020				OFFICE SUPPLIES						
6503	1039000887	52053500	MS605048	06/17/2026					32.00	DR
OBJSUB: 5205350				POSTAGE						
6503	1039000887	5228000	SUPPLIES & MATERIALS	06/03/2026					97.00	DR
6503	1039000887	5228000	T106-097	06/30/2026					7.97	DR
6503	1039000887	5228000	T106-108	06/30/2026					104.97	DR
OBJSUB: 5228000				OPER TRANS OUT -NON BUDGT						
6503	1039000887	5228000	NONOP EXP/NONBGTD OP TR	06/30/2026					41.01	DR
GROUP: 52				OPERATING EXPENSES						
COMP: 6503										
CNTR: 1039000887										
B. UNIT: 1039										

AGENCY BUDGET UNIT CENTER-5	10 1039 10390	LABOR & REGULATION SOUTH DAKOTA ATHLETIC COMMISSION - INFO SD ATHLETIC COMMISSION	CURRENT MONTH	YEAR-TO-DATE
COMPANY NO COMPANY NAME	6503 PROFESSIONAL & LICENSING BOARDS			
1039000887	6503 51010300	BOARD & COMM MBRS FEES	498.00	4,814.00
ACCT: 5101	EMPLOYEE SALARIES		498.00	4,814.00
1039000887	6503 51020100	OASI-EMPLOYER'S SHARE	38.10	368.30
ACCT: 5102	EMPLOYEE BENEFITS		38.10	368.30
ACCT: 51	PERSONAL SERVICES		536.10	5,182.30
1039000887	6503 52030300	AUTO-PRIV (IN-ST.) H/RTE	715.40	1,583.56
1039000887	6503 52031000	LODGING/IN-STATE	490.68	1,476.15
1039000887	6503 52031500	NON-TAXABLE MEALS/IN-ST	160.00	440.34
ACCT: 5203	TRAVEL		1,366.08	3,500.05
1039000887	6503 52040200	DUES & MEMBERSHIP FEES	7,231.86	205.00
1039000887	6503 52040900	MANAGEMENT CONSULTANT	131.02	35,607.89
1039000887	6503 52042000	CENTRAL SERVICES	.00	1,975.37
1039000887	6503 52045900	INS PREMIUMS & SURETY BDS	7,362.88	953.25
ACCT: 5204	CONTRACTUAL SERVICES		97.00	38,741.51
1039000887	6503 52050200	OFFICE SUPPLIES	7.97	158.36
1039000887	6503 52053500	POSTAGE	104.97	61.66
ACCT: 5205	SUPPLIES & MATERIALS		139.44	220.02
1039000887	6503 5228000	OPER TRANS OUT -NON BUDGT	139.44	237.87
ACCT: 5228	NONOP EXP/NONBGTD OP TR		8,973.37	237.87
ACCT: 52	OPERATING EXPENSES		9,509.47	42,699.45
COMP: 6503	PROFESSIONAL & LICENSING BOARDS		9,509.47	47,881.75
CENTER: 1039000887			9,509.47	47,881.75
B UNIT: 1039			9,509.47	47,881.75

BUDGET UNIT 1039

AVAILABLE FUNDS
AS OF: 06/30/2026
FY YEAR REMAINING: 0.0%
PAY DAYS REMAINING: 0

FINAL MONTHLY

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DATE 07/10/2026

CENTER NAME SOUTH DAKOTA ATHLETIC COMMISSION - INFO

COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	79,035.00	0.00	0.00	0.00	47,643.88	31,391.12	104,579.77
BUDGETED TOT	79,035.00	0.00	0.00	0.00	47,643.88	31,391.12	
ALL COMP TOT	79,035.00	0.00	0.00	0.00	47,643.88	31,391.12	

TOTAL BUDGETED:

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	BUDGET AVAILABLE	PCT AVL
5101 EMPLOYEE SALARIES	15,098.00	0.00	0.00	498.00	4,814.00	10,284.00	68.1
5102 EMPLOYEE BENEFITS	2,221.00	0.00	0.00	38.10	368.30	1,852.70	83.4
5203 TRAVEL	4,539.00	0.00	0.00	1,366.08	3,500.05	1,038.95	22.9
5204 CONTRACTUAL SVCS	56,077.00	0.00	0.00	7,362.88	38,741.51	17,335.49	30.9
5205 SUPPLIES & MATRLS	1,100.00	0.00	0.00	104.97	220.02	879.98	80.0
TOTALS	79,035.00	0.00	0.00	9,370.03	47,643.88	31,391.12	39.7

BREAKOUT BY COMPANY:

COMPANY 6503-I	PROFESSIONAL & LICENSING BOARDS	PS SUBTOTALS	OE SUBTOTALS	COMPANY 6503-I TOT
5101000 EMPLOYEE SALARIES	15,098.00	0.00	0.00	15,098.00
5102000 EMPLOYEE BENEFITS	2,221.00	0.00	0.00	2,221.00
5203000 TRAVEL	4,539.00	0.00	0.00	4,539.00
5204000 CONTRACTUAL SVCS	56,077.00	0.00	0.00	56,077.00
5205000 SUPPLIES & MATRLS	1,100.00	0.00	0.00	1,100.00
PS SUBTOTALS	17,319.00	0.00	0.00	17,319.00
OE SUBTOTALS	61,716.00	0.00	0.00	61,716.00
COMPANY 6503-I TOT	79,035.00	0.00	0.00	79,035.00

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 § 1-25-11 or 1-25-13 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

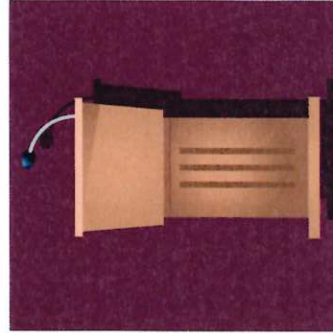
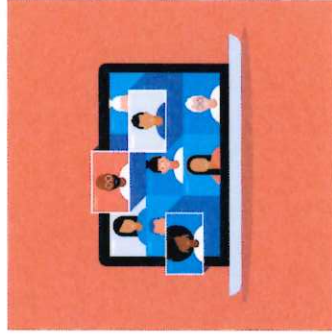
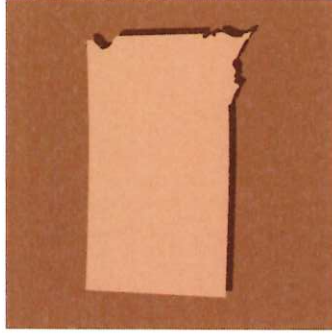
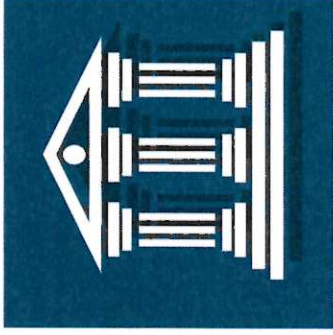
(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

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

1-27-116. 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.

1-27-117. 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.

1-27-118. 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.



Conducting the Public's Business in Public

An explanation of
South Dakota's
Open Meetings Laws
(Effective July 1, 2026)

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

Published by:
South Dakota NewsMedia Association
1125 32nd Ave. Brookings, SD 57006

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: WHAT MUST BE INCLUDED ON THE PROPOSED AGENDA?

A: A proposed agenda, as required by § 1-25-11 or 1-25-13, must list all items to be considered by a public body during any official meeting. The proposed agenda items must be described in sufficient detail to reasonably inform the public of any official business or public policy intended to be considered at the meeting.

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 1-25-15, 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 1-25-16. 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 1-25-11 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-13) 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 1-25-13 varies slightly from SDCL 1-25-11 and requires the State and its agencies, boards, commissions, or departments to post a proposed agenda both on <http://boardsandcommissions.gov>.

business or public policy intended to be considered at the meeting. A violation of this section is a Class 2 misdemeanor.

1-25-2. EXECUTIVE SESSION. An executive session or closed meetings may be held only for the purposes of:

(1) Discussing the character, competence, fitness, performance, or qualifications of any current or prospective public officer or employee, not including an independent contractor;

(2) Discussing a student's;

(a) Discipline, expulsion, or suspension;

(b) Assignment or educational program; or

(c) Eligibility 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 that is owned by the state or any of its political subdivisions, if public discussion may be harmful to the competitive position of the business; or

(6) Discussing the following information pertaining to the protection of public or private property and any person on or within the property:

(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) Communications network schema, computer systems, cyber security plans, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations; and

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility, which would expose or create vulnerability through disclosure of the configuration, location, or security of critical systems of the building or facility;

(7) Discussing any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; and

(8) Discussing the location of or listing any:

(a) Ammunition or weapons;

(b) Biological, chemical, or nuclear agents; or

(c) Other military or law enforcement equipment or personnel.

An executive session or closed meeting may be held only upon a majority vote of the members of the public body present and voting at an otherwise open official meeting.

In the absence of a unanimous vote, any vote to

enter executive session must be taken by roll call. A motion to enter executive session must state the applicable subdivision in this section, or any other applicable law, pursuant to which the executive session is to be held. The motion and vote to enter executive session must be reported in the minutes of the proceedings. Discussion during executive session is restricted to the purpose specified in the motion to enter executive session.

Any official action concerning the matters considered pursuant to this section must be taken at an open official meeting.

Nothing in § 1-25-1 or this section prevents an executive session or closed meeting if the federal or state Constitution or any federal or state statute permits or requires the session or meeting. A violation of this section is a Class 2 misdemeanor.

1-25-6. DUTY OF STATES' 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 STATES' 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

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 § 1-25-11 or 1-25-13 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 § 1-25-11 or 1-25-13 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.

1-25-11. 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.

1-25-13. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting, at least seventy-two hours before the meeting is scheduled to start, not including Saturday, Sunday, or any legal holiday, by posting a copy of the proposed agenda:

- (1) At the principal office of the board, commission, or department holding the meeting;
- (2) That includes the date, time, and location of the meeting;
- (3) That is visible, readable, and accessible to the public; and
- (4) 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 must be delivered in person, or by mail, email, or telephone, to members of the local news media who have requested notice. The state shall also comply with all other requirements of this section, for a special or rescheduled meeting, as circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-15. 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.

1-25-16. 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.

1-25-17. AGENDA DETAILS ARE REQUIRED. A proposed agenda, as required by § 1-25-11 or 1-25-13, must list all items to be considered by a public body during any official meeting. The proposed agenda items must be described in sufficient detail to reasonably inform the public of any official

sd.gov and at their principal place of business at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday).

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: A motion to enter executive session must be made and seconded, followed by a vote. If the motion does not receive a majority vote, a roll call vote is required. Both the motion and the resulting vote must be recorded in the minutes of the proceedings.

Q: WHAT MUST BE STATED IN A MOTION FOR EXECUTIVE SESSION?

A: Motions for executive sessions 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(f) 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 1-25-14 requires state boards, commissions, or departments to make public

meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-116 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 1-27-117 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 any audio and visual recording must be 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., 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 1-27-116 and 1-27-117 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(f). 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 1-27-118.

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.