



## Legislation Text

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Executive Session, pursuant to SDCL 1-25-2, for Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters, and 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.

SDCL 1-25-2. Executive or closed meetings--Purposes--Authorization--Violation as misdemeanor. 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 listed in subdivisions 1-27-1.5(8) and 1-27-1.5(17).

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

An executive or closed meeting shall 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.

**Source:** SL 1965, ch 269; SL 1980, ch 24, § 10; SL 1987, ch 22, § 1; SL 2014, ch 90, § 2; SL 2019, ch 2, § 1.