



2021 South Dakota Legislature

Senate Bill 128

Introduced by: **Senator Brock Greenfield**

- 1 **An Act to preclude the assignment of exclusive broadcast rights for certain high**
2 **school interscholastic activities by an association.**

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

4 **Section 1.** That § 13-36-4 be AMENDED:

- 5 **13-36-4. Delegation of control, supervision, and regulation of high school**
6 **interscholastic activities to association.**

7 The school board of a public school, approved and accredited by the secretary of
8 the Department of Education, may delegate, on a year to year basis, the control,
9 supervision, and regulation of any high school interscholastic activities to any association
10 which is voluntary and nonprofit if:

- 11 (1) Membership in the association is open to all high schools approved and accredited
12 pursuant to this section, including any school that allows participation by students
13 receiving alternative instruction as set forth in § 13-27-3, pursuant to the provisions
14 of this title;
- 15 (2) The constitution, bylaws, and rules of the association are subject to ratification by
16 the school boards of the member public school districts and the governing boards
17 of the member nonpublic schools and include a provision for a proper review
18 procedure and review board;
- 19 (3) The report of any audit required by § 13-26-5 is made public on the association's
20 website as well as the Department of Legislative Audit's website;
- 21 (4) The association complies with the provisions of chapter 1-25 and chapter 1-27.
22 However, the association, and its employees, meetings, and records, are afforded
23 the same exemptions and protections as a political subdivision or public body is
24 provided under chapter 1-25 and chapter 1-27; and
- 25 (5) The association shall report to the Government Operations and Audit Committee
26 annually, or at the call of the chair.

1 The governing body of a nonpublic school, approved and accredited by the secretary
2 of the Department of Education, or AdvancED, or the Association of Christian Schools
3 International (ACSI), or the Association of Classical and Christian Schools (ACCS), or
4 Christian Schools International (CSI), or National Lutheran School Accreditation (NLSA),
5 or Commission for Oceti Sakowin Accreditation (COSA), or Wisconsin Evangelical Lutheran
6 Synod School Accreditation, may also delegate, on a year to year basis, the control,
7 supervision, and regulation of any high school interscholastic activities to any association
8 which is voluntary and nonprofit if membership in such association is open to all high
9 schools approved and accredited pursuant to this section, including any school that allows
10 participation by students receiving alternative instruction as set forth in § 13-27-3,
11 pursuant to the provisions of this title, and if the constitution, bylaws, and rules of the
12 association are subject to ratification by the school boards of the member public school
13 districts and the governing boards of the member nonpublic schools and include a
14 provision for a proper review procedure and review board.

15 Any association ~~which~~that complies with this section may exercise the control,
16 supervision, and regulation of interscholastic activities, including interscholastic athletic
17 events of member schools, except as otherwise provided in § 13-36-4.1. The association
18 may promulgate reasonable uniform rules, to make decisions and to provide and enforce
19 reasonable penalties for the violation of the rules.

20 **Section 2.** That a NEW SECTION be added:

21 **13-36-4.1. Exclusive broadcast rights--Lack of authority.**

22 The authority to exercise control, supervision, and regulation of interscholastic
23 activities, including interscholastic athletic events, as set forth in § 13-36-4, does not
24 include the authority to grant or assign exclusive broadcast rights for state-level events
25 to a media contractor.