



2021 South Dakota Legislature

House Bill 1079

SENATE COMMERCE AND ENERGY ENGROSSED

Introduced by: The Committee on Judiciary at the request of the Office of the Governor

1 **An Act to limit certain actions that may be taken by the executive branch relative to**
 2 **nonprofit corporations or charitable trusts.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **47-24-18. Definitions.**

6 Terms as used in this Act mean:

7 (1) "Nonprofit corporation," as defined in § 47-22-1;

8 (2) "Charitable trust," as defined in section 4947(a)(1) of the United States Internal
 9 Revenue Code as amended and in effect on January 1, 2021.

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

11 **47-24-19. Protection--Nonprofit corporations--Charitable trusts.**

12 An executive branch agency, bureau, department, division, board, commission,
 13 officer, or official may not require any annual filing or reporting of a nonprofit corporation
 14 or charitable trust that is more stringent, restrictive, or expansive than that required by
 15 state or federal law.

16 **Section 3.** That a NEW SECTION be added:

17 **47-24-20. Exceptions.**

18 The provisions in § 47-24-19 do not apply to:

19 (1) Any information required to determine eligibility for or compliance with a state
 20 grant or contract; or

21 (2) Any information required for, or obtained in the course of, a state fraud
 22 investigation or an enforcement action by the state.

23 Any information obtained shall be confidential and its disclosure is restricted as
 24 provided by law.