

2021 South Dakota Legislature

House Bill 1079**AMENDMENT 1079A FOR THE INTRODUCED BILL**

1 **An Act to limit certain actions that may be taken by the executive branch relative to**
2 **~~charitable organizations~~ 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(4);

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 organizations.**

12 An executive branch agency, bureau, department, division, board, commission,
13 officer, or official may not ~~make any annual filing or reporting that is required of a~~
14 ~~charitable organization or charitable trust under state statute or federal law more~~
15 ~~stringent, restrictive, or expansive except to the extent the organization or trust has~~
16 ~~received a state grant or contract, or if the organization or trust is the subject of a state~~
17 ~~fraud investigation or an enforcement action by the state~~ require any annual filing or
18 reporting of a nonprofit corporation or charitable trust that is more stringent, restrictive,
19 or expansive than that required by state or federal law.

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

21 **47-24-20. Exceptions.**

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

- 1 (1) Any information required to determine eligibility for or compliance with a state
- 2 grant or contract; or
- 3 (2) Any information required for, or obtained in the course of, a state fraud
- 4 investigation or an enforcement action by the state.
- 5 Any information obtained shall be confidential and its disclosure is restricted as
- 6 provided by law.

AMENDED