



## 2026 South Dakota Legislature

# House Bill 1246

Introduced by: **Representative** Hughes

1 **An Act to prohibit nondisclosure of certain agreements related to data centers.**

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

3 **Section 1. That a NEW SECTION be added to chapter 1-27:**

4 A state agency or political subdivision may not enter into an agreement with a non-  
5 governmental entity, private person, or public-private business concerning the  
6 construction, development, or location of a data center, which requires confidentiality or  
7 nondisclosure. An agreement under this section is a public record as defined in § 1-27-  
8 1.1.

9 For purposes of this section, "data center" means any facility that is used as a  
10 centralized repository for the dissemination, management, processing, and storage of  
11 electronic data and information.