



2021 South Dakota Legislature
House Bill 1079
ENROLLED

AN ACT

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

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

Section 1. That a NEW SECTION be added:

47-24-18. Definitions.

Terms as used in this Act mean:

- (1) "Nonprofit corporation," as defined in § 47-22-1;
- (2) "Charitable trust," as defined in section 4947(a)(1) of the United States Internal Revenue Code as amended and in effect on January 1, 2021.

Section 2. That a NEW SECTION be added:

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

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

Section 3. That a NEW SECTION be added:

47-24-20. Exceptions.

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

- (1) Any information required to determine eligibility for or compliance with a state grant or contract; or
- (2) Any information required for, or obtained in the course of, a state fraud investigation or an enforcement action by the state.

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

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

I certify that the attached Act originated in the:
House as Bill No. 1079

Received at this Executive Office this ____ day of _____, 2021 at _____ M.

Chief Clerk

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this ____ day of _____, A.D., 2021

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2021 at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1079
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State