Chapter 86

(House Bill 1311)

An Act to require the reporting of funding given by certain persons and governments to institutions under the control of the Board of Regents and the South Dakota Board of Technical Education.

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

Section 1. That a NEW SECTION be added to chapter 13-39A:

Terms used in sections 1 and 2 of this Act mean:

(1) "Foreign entity," any organization that is:

(a) Registered outside of the United States or its territories;

(b) More than ten percent owned by a foreign government or foreign person; or

(c) Owned, to any extent, by a foreign government or foreign person from a country listed in subdivision (4);

(2) "Foreign government," a government or state-controlled enterprise of a government, other than the United States, its states, its territories, or its federally recognized Indian tribes;

(3) "Foreign person," an individual who is not a United States citizen or a resident;

(4) "Foreign source," a foreign entity from, foreign government from, or foreign person from:

(a) The People's Republic of China;

(b) The Republic of Cuba;

(c) The Islamic Republic of Iran;

(d) The Democratic People's Republic of Korea;

(e) The Russian Federation; or

(f) The Bolivarian Republic of Venezuela; and

(5) "Funding," any award, capital investment, compensation, contract, donation, endowment, fee, gift, grant, payment in exchange for services, salary, or wage, but does not include a payment for tuition or related fees made to support an individual enrolled as a student at an institution under the control of the South Dakota Board of Technical Education.

Section 2. That a NEW SECTION be added to chapter 13-39A:

The South Dakota Board of Technical Education must disclose, in an annual report, any funding given by a foreign source, as defined in section 1 of this Act, directly to the board or an institution under the board's control.

The report must identify, for each instance of funding received by an institution during the period beginning July first of the previous year and ending June thirtieth of the current year:

(1) The amount and source of the funding;

(2) A description of the type and purpose of the funding;

(3) Whether the funding is part of an ongoing relationship with the foreign source;

(4) A description of the foreign source providing the funding, including the name and address of the foreign entity or foreign person providing the funding, if applicable; and

(5) A copy of any document associated with the funding.

The report must be published on the South Dakota Board of Technical Education's website on or before August thirty-first of each year.

This section does not require the disclosure of information that is otherwise deemed confidential under state or federal law.

The requirements of this section apply only to funding received on or after July 1, 2026.

Section 3. That a NEW SECTION be added to chapter 13-49:

Terms used in sections 3 and 4 of this Act mean:

(1) "Foreign entity," any organization that is:

(a) Registered outside of the United States or its territories; or

(b) More than ten percent owned by a foreign government or foreign person; or

(c) Owned, to any extent, by a foreign government or foreign person from a country listed in subdivision (4);

(2) "Foreign government," a government or state-controlled enterprise of a government, other than the United States, its states, its territories, or its federally recognized Indian tribes;

(3) "Foreign person," an individual who is not a United States citizen or a resident;

(4) "Foreign source," a foreign entity from, foreign government from, or foreign person from:

(a) The People’s Republic of China;

(b) The Republic of Cuba;

(c) The Islamic Republic of Iran;

(d) The Democratic People's Republic of Korea;

(e) The Russian Federation; or

(f) The Bolivarian Republic of Venezuela; and

(5) "Funding," any award, capital investment, compensation, contract, donation, endowment, fee, gift, grant, payment in exchange for services, salary, or wage, but does not include a payment for tuition or related fees made to support an individual enrolled as a student at an institution under the control of the Board of Regents.

Section 4. That a NEW SECTION be added to chapter 13-49:

The Board of Regents must disclose, in an annual report, any funding given by a foreign source, as defined in section 3 of this Act, directly to the board or an institution under the board's control.

The report must identify, for each instance of funding received by an institution during the period beginning July first of the previous year and ending June thirtieth of the current year:

(1) The amount and source of the funding;

(2) A description of the type and purpose of the funding;

(3) Whether the funding is part of an ongoing relationship with the foreign source;

(4) A description of the foreign source providing the funding, including the name and address of the foreign entity or foreign person providing the funding, if applicable; and

(5) A copy of any agreement, contract, or memorandum of understanding associated with the funding.

The report must be published on the Board of Regent's website on or before August thirty-first of each year.

This section does not require the disclosure of information that is otherwise deemed confidential under state or federal law.

The requirements of this section apply only to funding received on or after July 1, 2026.

Signed March 11, 2026