



2026 South Dakota Legislature

Senate Bill 146

Introduced by: **Senator Pischke**

1 **An Act to clarify the effect of the resignation of certain gubernatorial appointees.**

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

3 **Section 1. That § 3-4-11 be AMENDED:**

4 **3-4-11.** If any position on a board or commission whose members are appointed
 5 by the Governor with the consent of the Senate becomes vacant pursuant to § 3-4-1, the
 6 Governor may make an interim appointment to fill the vacancy, ~~but any~~ and the Senate
 7 must act upon the appointment. The interim appointment expires when the Senate acts
 8 upon the appointee's nomination.

9 ~~If the vacancy is any position on a board or commission whose members are~~
 10 appointed by the Governor with the consent of the Senate becomes vacant as the result
 11 of a resignation, the person who has resigned ~~remains~~ must continue to serve on the
 12 board or commission until the earlier of:

13 (1) ~~The Governor appoints a~~ appointing another person with the consent of the Senate
 14 ~~or makes;~~

15 (2) ~~The Governor making~~ an interim appointment to fill the vacancy ~~or until,~~ which
 16 must be acted upon by the Senate; or

17 (3) ~~Until~~ a date set in writing by the person who resigned, ~~whichever is sooner.~~

18 If a person's term on the board or commission has expired, the person remains on
 19 the board or commission until the Governor appoints another person and the Senate
 20 consents to the appointment of the Governor's nominee or until the Governor reappoints
 21 the same person and the Senate acts upon consents to the renomination of the person
 22 ~~whose term has expired.~~

23 If a person's term on a board or commission has expired and the Governor does
 24 not nominate ~~a~~ another person for the new term by the tenth legislative day after the
 25 Legislature convenes, the person whose term has expired is deemed to be renominated
 26 for the new term and the Senate ~~may~~ shall act on the nomination accordingly. If a person

1 is unable to serve an additional term due to a term limit, the person is not deemed
2 renominated pursuant to this section and may not remain on the board or commission
3 pursuant to this section after the adjournment of the next legislative session after the
4 person's term expires.

5 This section applies to any board or commission whose members are appointed by
6 the Governor with the consent of the Senate, unless the board or commission is specifically
7 exempted from this section by law.