

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

348J0574

SENATE ENGROSSED NO. **HB 1183** - 02/20/2004

Introduced by: Representatives Novstrup, Kraus, LaRue, McCaulley, Rhoden, and Weems
and Senator Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to provide the temporary replacement of any elected official
2 incapacitated by illness or accident.

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

4 Section 1. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If any member of a governing body or any other elected officer of a county, municipality,
7 school district, township, or special purpose district, who is incapacitated by illness or an
8 accident which causes the member or officer to be unable to attend meetings of the governing
9 body or fulfill the duties of the office, the member may elect to temporarily resign from the
10 governing body or office. Notice of temporary resignation may be given in the same manner as
11 giving notice of resignation from the governing body or office. If the member or officer is
12 unable to give notice, the member's or officer's spouse or guardian or any person who has
13 durable power of attorney for the member or officer may give notice of resignation. A temporary
14 replacement may be made in accordance with the provisions of statute applying to the governing
15 body or office. The temporary member or officer shall serve until the member or officer is able



- 1 to fulfill the requirements of office or until the expiration of the member's or officer's term,
- 2 whichever comes first.