

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2026-02**

Whereas, Article IV, Section 8, of the Constitution of the State of South Dakota provides in relevant part that, "Except as to elected constitutional officers, the Governor may make such changes in the organization of offices, boards, commissions, agencies and instrumentalities, and in allocation of their functions, powers and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the Legislature within five legislative days after it convenes, and shall become effective, and shall have the force of law, within ninety days after submission, unless disapproved by a resolution concurred in by a majority of all the members of either house"; and,

Whereas, This Executive Order has been submitted to the regular session of the 101st Legislature on the 1st legislative day, the 13th day of January 2026:

IT IS, THEREFORE, BY EXECUTIVE ORDER, directed that the executive branch of state government be reorganized to comply with the following sections of this Order.

GENERAL PROVISIONS

Section 1. This Executive Order is to be known and may be cited as the "Executive Reorganization Order 2026-02".

Section 2. Any agency not enumerated in this Order but established by law within another agency which is transferred to a principal department under this Order, is also transferred in its current form to the same principal department and its functions are allocated between itself and the principal department as they are now allocated between itself and the agency within which it is established.

Section 3. "Agency" as used in this Order means any board, authority, commission, department, bureau, division, or any other unit or organization of state government.

Section 4. "Function" as used in this Order means any authority, power, responsibility, duty, or activity of an agency, whether or not provided for by law.

Section 5. It is the intent of this Order not to repeal or amend any laws relating to functions performed by an agency, unless the intent is specifically expressed in this Order or unless there is an irreconcilable conflict between this Order and those laws.

Section 6. It is hereby declared that the sections, clauses, sentences, and parts of this Order are severable, are not matters of mutual essential inducement, and any of them may be excised by any court of competent jurisdiction if any section, clause, sentence, or part of this Order would otherwise be unconstitutional or ineffective. If a part of this Order is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Order is invalid in one or more of its applications, the part remains in effect in all valid applications.

Section 7. Except when inconsistent with the other provisions of this Order, all rules, regulations,

and standards of the agencies reorganized by this Order, in effect on the effective date of this Order, shall continue with full force and effect until they are specifically altered, amended, or revoked in the manner provided by law, unless the statutory authority for the rules, regulations, and standards is superseded by this Order.

Section 8. The rights, privileges, and duties of, including but not limited to, the holders of bonds and other obligations issued, and of the parties to contracts, leases, indentures, loan agreements, and other transactions, entered into before the effective date of this Order by the state or by any agency, officer, or employee thereof, and covenants and agreements as set forth therein, remain in effect, and none of those rights, privileges, duties, covenants, or agreements are impaired or diminished by abolition of an agency in this Order. The agency to which functions of another agency are transferred is substituted for that agency and succeeds to its rights and leases, indentures, privileges, duties, covenants, agreements, and other transactions.

Section 9. No judicial or administrative suit, action, or other proceeding lawfully commenced before the effective date of this Order by or against any agency or any officer of the state, in their official capacity or in relation to the discharge of their official duties, may abate or be affected by reason of the taking effect of any reorganization under the provisions of this Order. The court may allow the suit, action, or other proceeding to be maintained by or against the successor of any agency or any officer affected by this Order.

Section 10. If any part of this Order is ruled to be in conflict with federal requirements which are a prescribed condition to the receipt of federal aid by the state, an agency, or a political subdivision, that part of this Order has no effect and the Governor may by executive order make necessary changes to this Order to receive federal aid, and the changes will remain in effect until the last legislative day of the next legislative session or until the Legislature completes legislation addressing the same question, whichever comes first.

Section 11. Pursuant to § 2-16-9, the Code Commission and code counsel of the Legislative Research Council are requested to make the name, and title changes necessary to correlate and integrate the organizational changes made by this Executive Reorganization Order into the South Dakota Codified Laws.

Section 12. Any provisions of law in conflict with this Order are superseded.

Section 13. Whenever a function is transferred by this Order, all personnel, records, property, unexpended balances of appropriations, allocations, or other funds utilized in performing the function are also transferred by this Order.

Section 14. The effective date of this Executive Reorganization Order 2026-02 is ninety days after its submission to the Legislature.

Section 15. The functions and programs of the former Bureau of Information and Telecommunications, along with the functions of the former Commissioner of Information and Telecommunications, are hereby transferred to the Bureau of Information and Technology and the Commissioner of Information and Technology, respectively.

Section 16. The administrative functions performed by Bureau of Information and

Telecommunications for its board and its functions are transferred to the Bureau of Information and Technology.

Section 17. Pursuant to § 2-16-9, the Code Commission and code counsel of the Legislative Research Council are requested to amend the following sections by striking "Bureau of Information and Telecommunications" and inserting "Bureau of Information and Technology"; and by striking "commissioner of information and telecommunications" and inserting "commissioner of the Bureau of Information and Technology":

Title 1:

1-11-16;
1-13-1; 1-13-1.1; 1-13-2; 1-13-3; 1-13-5; 1-13-6; 1-13-7;
1-27-45;
1-33-3; 1-33-26; 1-33-30; 1-33-31; 1-33-32; 1-33-33; 1-33-35; 1-33-36; 1-33-37; 1-33-38; 1-33-39; 1-33-40; 1-33-41; 1-33-43; 1-33-44; 1-33-45; 1-33-46; 1-33-47; 1-33-48; 1-33-49; 1-33-53; 1-33-54; 1-33-55; 1-33-57; 1-33-58; 1-33-59; 1-33-61; 1-33-63; 1-33-64; 1-33-65;
1-41-27; and
1-51-7.

Title 4:

4-8-18.

Title 13:

13-47-1; 13-47-1.1; 13-47-4; and 13-47-4.1.

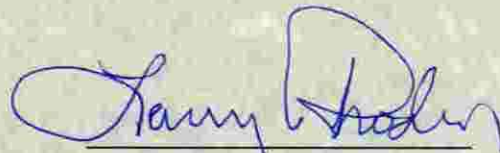
Title 53:

53-12-47; 53-12-48; and 53-12-50.

Section 18. Executive Order 1994-04 is hereby rescinded.

Dated in Pierre, South Dakota this 13th day of January, 2026.




Larry Rhoden
Governor of South Dakota

ATTEST:


Monae L. Johnson
Secretary of State