



2024 South Dakota Legislature

Senate Bill 177

SENATE COMMERCE AND ENERGY ENGROSSED

Introduced by: **Senator Schoenbeck**

1 **An Act to permit the appointment of a circuit court judge or Supreme Court justice**
 2 **as a member of the Public Utilities Commission in place of a disqualified or**
 3 **incapacitated commissioner.**

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

5 **Section 1. That § 49-1-9 be AMENDED:**

6 **49-1-9.** Such Public Utilities Commission may in all cases conduct its proceedings,
 7 when not otherwise particularly prescribed by law, in such manner and places as will best
 8 conduce to the proper dispatch of business and to the ends of justice.

9 A majority of the commissioners shall constitute a quorum for the transaction of
 10 business, but no commissioner shall participate in any hearing or proceeding in which he
 11 has any conflict of interest or if he is temporarily incapacitated. If a commissioner
 12 determines that he is incapacitated or disqualified from participating for any reason in any
 13 hearing or proceeding, he shall certify that determination to the Governor, or if the
 14 character of the incapacity of any commissioner is such that he is unable to certify his
 15 incapacity to the Governor, the commission may make such certification. In the event of
 16 any such certification, the Governor shall then appoint an elected constitutional officer,
 17 other than the attorney general, or a retired circuit judge or Supreme Court justice to act
 18 as a member of the commission in place of the disqualified or incapacitated commissioner
 19 for the purpose of such hearing or proceeding only.