



2024 South Dakota Legislature

Senate Bill 177

Introduced by: **Senator Schoenbeck**

1 **An Act to prohibit a circuit court judge or Supreme Court justice from being**
2 **appointed as a member of the Public Utilities Commission.**

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

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

5 **49-1-9.** Such Public Utilities Commission may in all cases conduct its proceedings,
6 when not otherwise particularly prescribed by law, in such manner and places as will best
7 conduce to the proper dispatch of business and to the ends of justice.

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