



2024 South Dakota Legislature  
**Senate Bill 177**  
**ENROLLED**

AN ACT

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

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

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

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

A majority of the commissioners shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any conflict of interest or if he is temporarily incapacitated. If a commissioner determines that he is incapacitated or disqualified from participating for any reason in any hearing or proceeding, he shall certify that determination to the Governor, or if the character of the incapacity of any commissioner is such that he is unable to certify his incapacity to the Governor, the commission may make such certification. In the event of any such certification, the Governor shall then appoint an elected constitutional officer, other than the attorney general, to act as a member of the commission in place of the disqualified or incapacitated commissioner for the purpose of such hearing or proceeding only. If all elected constitutional officers, other than the attorney general, have certified to the Governor that the elected constitutional officers are disqualified or otherwise decline the appointment, the Governor may appoint a retired South Dakota circuit judge or retired South Dakota Supreme Court justice to act. If a retired judge or retired supreme court justice is appointed, the judge or justice must be compensated at the rate paid by the Unified Judicial System for compensation of retired judges and justices sitting for a recused judge or justice.

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

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I certify that the attached Act originated in the:

Senate as Bill No. 177

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 177  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

\_\_\_\_\_

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_,  
2024 at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2024

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 2024  
at \_\_\_\_\_ o'clock \_\_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State