



## Legislative Research Council

# SOUTH DAKOTA CODE COMMISSION MINUTES

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**One hundred second Meeting**  
**Thursday, January 17, 2008**

**LRC Conference Room**  
**State Capitol**  
**Pierre, SD**

The one hundred second meeting of the South Dakota Code Commission was called to order by Chair Michael DeMersseman at 3:45 p.m., January 17, 2008, in the LRC Conference Room, on the Third Floor of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Commissioners Michael DeMersseman (Chair), Tom Lee, and Nancy Turbak Berry. Commissioners Thomas Deadrick and Lee McCahren (Vice Chair) were excused.

In attendance as interested parties were Mr. Dave Gerdes and Mr. Brian Kennedy, Lexis-Nexis; Mr. Lary Zastrow, State Bar of South Dakota; Ms. Lana Dahl, State Publishing and Printing; and Mr. Rick Brown, Thomson West. Staff members present were Doug Decker, Code Counsel, Carol Huber, Finance Officer, and Kris Schneider, Senior Legislative Secretary.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council. For the purpose of continuity, these minutes are not necessarily in chronological order.

### **Approval of Minutes**

*Commissioner Lee moved, seconded by Commissioner Turbak Berry, to approve the minutes of the June 22, 2007, meeting. Motion prevailed on a voice vote.*

### **Publishing Contract for Codified Laws**

#### Continuation – SDCL 2-16-7.1

The current contract with Thomson West to publish the Code expires on June 30, 2008. The Commission, under the authority of SDCL 2-16-7.1, has the authority to extend the current contract from year to year. Chair DeMersseman asked Mr. Decker to comment on any issues that have been presented to him concerning the current publisher of the Code. Mr. Decker related that he has received favorable comments and indicated he had solicited comments from the State Bar Association.

The Commission generally discussed whether the contract could be extended for a term of five years or was limited to a one year extension. Mr. Gerdes indicated that the extension

was controlled by statute and that the term for the extension was limited on one year. The Commission members agreed. Chair DeMersseman commented that he would only be interested in putting the Code publishing contract up for RFP if the state could gain a pricing advantage. Chair DeMersseman asked for comments from the publisher representatives.

Mr. Rick Brown, Thomson West, commented that they remained interested and committed to the current publishing arrangement and would be pleased with a one year extension of the current publishing contract.

Mr. Brian Kennedy, Lexis-Nexis, expressed his company's interest in publishing the Code. He reminded the Commission of the good relationship the state had with Lexis as the Code publisher prior to 2004. He commented that Lexis would be interested in participating in the RFP process if and when the Commission makes that decision.

As part of the discussion regarding the contract, Mr. Decker provided copies of an e-mail he received from Ms. Ellen Gillespie of Thomson West (**Document 1**). The e-mail provides information regarding annual cost adjustments for the pricing of the subscription available for the Code. The attachment showed the pricing to be adjusted up by 6.2% to reflect an increase in the Producer Price Index. Mr. Brown commented about the price increases relative to the term of the contract.

*Commissioner Lee moved, seconded by Commissioner Turbak Berry, to extend the contract with Thomson West for publication of the South Dakota Codified Laws for another year. The term of the contract extension shall begin on July 1, 2008, and continue until June 30, 2009, unless terminated earlier. Motion prevailed on a voice vote.*

Mr. Zastrow suggested that an addendum be attached to the current contract to ensure a paper trail for future reference.

#### Sets - SDCL 2-16-10.2

Mr. Decker explained that SDCL 2-16-10.2 currently provides for sets of the Code to be provided to Legislators, both CD-ROMs and a printed set. Because of the problems with keeping the printed sets current, he proposed that it be changed to one set, preferable a CD-ROM. The commission directed staff to draft legislation for the 2009 Legislative Session to change the statute to provide for one set.

#### Billing Issues with LRC

Ms. Carol Huber, Finance Officer, spoke regarding billings issues with Thomson West. She asked Mr. Brown for his assistance in cleaning up the following billings issues: LRC currently has four accounts instead of just one account; problems with accounts that show a credit balance for something that was never ordered by LRC; and Thomson West crediting payments to the wrong account. Mr. Brown stated that he will have someone contact Ms. Huber to work out the issues.

## **Session Laws**

### **Distribution – SDCL 2-13-7 & 2-13-12**

Mr. Decker explained the required distribution of the Session Laws (SL). The Bureau of Administration handles the distribution. Currently there are those that receive a free copy (as determined by the Code Commission), non-taxable entities that purchase it, and taxable entities that purchase it. Currently the distribution list is around 500; however only 350 copies have been printed the past few years. Mr. Decker stated that he has contacted the Unified Judicial System to see how many copies are actually necessary. He has not contacted any municipalities or counties. Chair DeMersseman asked staff to review the current free distribution list and make any recommendations to the Code Commission by the middle of February, prior to the end of the legislative session. Staff was also directed to draft an amendment to the current statute to remove the requirement that the SL be bound in leather for the 2009 session.

Currently State Publishing and Printing has the printing contract for the SL. Both representatives from Thomson West and Lexis-Nexis stated interest in providing a bid to print the SL.

## **Adjournment**

There being no other business, Commissioner Turbak Berry moved, seconded by Commissioner Lee, to adjourn. Motion prevailed on a voice vote.

The meeting adjourned at 4:37 p.m.



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