



SouthDakota

Legislative Research Council

Code Commission Minutes

One hundred fourteenth Meeting
Wednesday, June 18, 2014
1:00 p.m.

Meeting Room 1
Sioux Falls Convention Center/Sheraton Hotel
1211 N. West Ave., Sioux Falls, SD

The one hundred fourteenth meeting of the South Dakota Code Commission was called to order by Chair Michael DeMersseman at approximately 1:00 p.m. CDT, June 18, 2014, in Meeting Room 1 of the Sioux Falls Convention Center/Sheraton Hotel, 1211 N. West Ave., Sioux Falls, South Dakota. This is the annual meeting that occurs with the South Dakota Bar Convention.

A quorum was determined with the following members answering the roll call: Commissioners Michael DeMersseman (Chair) (via conference call), Margaret Gillespie (Vice Chair), Brian Gosch, and Tom Lee. Commissioner Shantel Krebs was excused.

Staff members present were Doug Decker, Code Counsel, and Roxanne Hammond, Legislative Attorney.

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

Approval of Minutes

Commissioner Lee moved, seconded by Commissioner Gillespie, to approve the minutes of the January 15, 2014, meeting. Motion prevailed on a voice vote.

Review of Replacement Volumes

West Publishing had previously provided to the Commission a "Pocketpart Growth Report" (**Document 1**). This report identifies the page count as a percentage for each pocketpart for each volume relative to the page count for the main volume. It is the practice of the Commission to consider volumes for reprinting when the pocketpart growth relative to the main volume equals or exceeds 25% of the main volume. Volumes 9, 10, 11, 17 and 22 were discussed for possible replacement. The Commission considers 1 to 3 volumes for replacement each year. After a discussion of the candidates for replacement the Commission reached a consensus to reprint volumes 10 and 11 with an adjustment to the chapters in each volume to create 3 volumes. **Ms. Lila Hambleton**, Editor at West Publishing, who prepared the growth report will provide suggestions to the Commission about the chapter arrangement for each volume before the reprinting is implemented.

Commissioner Gosch moved, seconded by Commissioner Lee to replace volumes 10 and 11. Motion prevailed on a roll call vote with 4 ayes, 1 excused. Commissioners voting aye: DeMersseman, Gillespie, Gosch, and Lee. Commissioner Krebs was excused.

Contract Renewal

The Commission discussed the renewal of the publishing contract. The contract renewal provided for a two year renewal period whereas the subscription pricing adjustment was for one year. The Commission wanted to coordinate the contract renewal term with the term for subscription pricing adjustment. The pricing for the products listed in the Addendum under paragraph 23 indicated a price increase of 2% over last year's contract (**Document 2**). The contract provides for an annual cost adjustment according to the Producer Price Index for Technical, Scientific and Professional Book Publishing. **Ms. Rachel Utter**, West Publishing, indicated that the Index could permit a pricing adjustment of 4% but the adjustment proposed by West Publishing was for 2%. After some discussion the Commission reached a consensus to renew the contract for one year and approve the 2% pricing adjustment for one year. Commission members and the Code Counsel will be attending the NCSL conference in Minneapolis August 19 – 22, 2014, and will meet with West Publishing to further discuss the contract term.

Commissioner Gosch moved, seconded by Commissioner Lee to renew the contract with West Publishing for one year and approve the 2% pricing adjustment for one year. Motion prevailed on a roll call vote with 4 ayes, 1 excused. Commissioners voting aye: DeMersseman, Gillespie, Gosch, and Lee. Commissioner Krebs was excused.

Code Counsel Copy

The current contract provides for West Publishing to supply the Code Commission with CD's that include the current Codified Laws, all South Dakota Supreme Court opinions, all of the Administrative Rules, Attorney General's opinions and Session Laws. The Legislature is updating its computer technology use and will be supplying the Legislature with tablets instead of laptop computers. The tablets will not include a CD function. Thus we need to develop an application to allow Legislator's to access the same information that was provided on the CD's but in a tablet compatible format. Ms. Utter demonstrated a web based method to access the information using the West Law Next format. The Commissioners expressed interest in substituting this method to access the information that does not require a CD. This change will also require a change to the current contract. The Code Commission members and West will discuss this option further in August.

Adjournment

There being no other business, Commissioner Gosch moved, seconded by Commissioner Lee, to adjourn. Motion prevailed on a roll call vote with 4 ayes, 1 excused. Commissioners voting aye: DeMersseman, Gillespie, Gosch, and Lee. Commissioner Krebs was excused.