

MINUTES

Code Commission



Michael DeMersseman, Chair
Margaret V. Gillespie, Vice Chair

One hundred seventeenth Meeting
Wednesday, June 22, 2016

Ramkota Hotel – Conference Room III
Sioux Falls, SD

The one hundred seventeenth meeting of the South Dakota Code Commission was called to order by Chair Michael DeMersseman at 2:00 p.m. CDT, June 22, 2016, in Conference Room III of the Ramkota Hotel, 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), Margaret Gillespie (Vice Chair), Tom Lee, and Arthur Rusch. Commissioner Brian Gosch was excused.

Staff member present was Doug Decker, Code Counsel.

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 Arthur Rusch moved, seconded by Commissioner Tom Lee, to approve the minutes of the June 17, 2015, meeting. Motion prevailed unanimously on a voice vote.

Opening Comments/Staff Report

Chair Michael DeMersseman welcomed everyone and asked for a staff report. **Mr. Doug Decker**, Code Counsel, reviewed the discussion the Commission had last year regarding an error that was published in the South Dakota Codified Laws (Code) in 2004. Mr. Decker reported on the correction to the Code, provided a review of the issues related to the error, the steps that were taken to correct the error, and any consequences that may have been the result of the error. Fortunately, the error was corrected and there was no adverse impact.

Mr. Tom Deadrick, representing the Secretary of State's office, provided additional details, that the error was reported to the interested parties and was resolved to everyone's satisfaction.

West Publishing Contract Renewal

The Commission discussed the contract for the publication of the Code with West, a Thomson Reuters Business. The contract addendum was reviewed. **Mr. Jim Scott**, representing Thomson Reuters, was present to discuss the addendum and answer any questions from the Commission. The contract included a 3% increase in the cost for a subscription to the Code as was contemplated in the original contract. The contract allowed for a cost adjustment according to the increase in the Producer Price Index for Technical, Scientific and Professional Book Publishing. This increase was in line with the Index.

Commissioner Lee moved, seconded by Commissioner Rusch, to approve the contract extension with West for one year. Motion prevailed unanimously on a voice vote. Chairman DeMersseman signed the contract extension.

SDCL 23A-27-13

The Commission discussed an issue related to the codification of SDCL 23A-27-13. **Mr. Paul Bachand**, a lawyer and lobbyist from Pierre, had worked on legislation for this particular law and was concerned that there needed to be references to other laws related to the procedure related to this statute. Mr. Bachand will work with the Code Counsel and the editors at West to add additional cross-references in the updated September Pamphlet.

Replacement Volumes

The next topic to be discussed was the annual review for replacement volumes. **Ms. Lila Hambleton**, an editor at West, had provided an informational table showing each volume of the Code and the number of pages in each volume's pocketpart (**Document 1**). The table was used to identify which volumes of the Code should be reprinted to include the amended statutes in its pocketpart in the main volume. After a discussion of the information, the Commission determined to reprint volumes 12, 15, and 17.

Commissioner Rusch moved, second by Commissioner Gillespie, that volumes 12, 15, and 17 be reprinted. Motion prevailed unanimously on a voice vote.

Digitization of the SD Codified Law

The Commission discussed the request from the State Library to digitize the historical volumes of the Code. **Ms. Brenda Hemmelman**, a librarian at the State Library, had provided the Commission with a brief description of the project (**Document 2**). The Commission approved the digitization project for the volumes of the code preceding 2004. The Commission directed the Code Counsel to prepare a letter for the Chair to sign authorizing the State Library to proceed. The Commission members also directed the Code Counsel to include a disclaimer for the archived copies of the Code. The disclaimer to be a statement identifying this as an archived copy of the law and not a current statement of the law.

Commissioner Rusch moved, second by Commissioner Lee, to authorize the digitization of the Code prior to 2004 and to include a disclaimer. Motion prevailed unanimously on a voice vote.

Adjournment

There being no further business, Commissioner Gillespie moved, seconded by Commissioner Lee, to adjourn. Motion prevailed unanimously on a voice vote.