

MINUTES

Code Commission



Margaret V. Gillespie, Chair
Doug Decker, Vice Chair

One hundred forty-second Meeting
Wednesday, June 18, 2025

Best Western Ramkota Hotel – Convention Center
Rapid City, South Dakota

The one hundred forty-second meeting of the South Dakota Code Commission was called to order by Chair Margaret Gillespie at 10:32 a.m. (MT) on June 18, 2025, in the Jefferson Room at the Best Western Ramkota Hotel and Convention Center, Rapid City, South Dakota.

A quorum was determined with the following members answering the roll call: Commissioners Margaret Gillespie (Chair), Doug Decker (Vice Chair), John Hughes (remote), and Lindsey Riter-Rapp (remote). Commissioner Glen Vilhauer was excused. The staff member present was Justin Goetz, Code Counsel.

Three guests were present in the room: **Mr. Mike DeMersseman**, **Mr. Joey Williams**, and **Mr. Chet Ellsworth**, all appearing in their individual capacities. Three guests participated remotely: **Ms. Lila Hambleton**, **Ms. Anne Barnard**, and **Ms. Bridget Traut**, all representing **Thomson Reuters**.

NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. All referenced documents distributed at the meeting are hyperlinked to the document on the Legislative Research Council website.

Approval of Minutes

Commissioner Decker moved, seconded by Commissioner Riter-Rapp, that the October 17, 2024, meeting minutes be approved. Motion prevailed on a roll call vote with 4 AYES and 1 Excused. Voting AYE: Riter-Rapp, Hughes, Decker, and Gillespie. Excused: Vilhauer.

Staff Update on Technical Revisions Made Per SDCL 2-16-9

Mr. Justin Goetz, Code Counsel, reported that nine different revisions, some comprising multiple sections, were listed in the spreadsheet of apparent errors that needed to be fixed. These edits were generally all associated with the codification process. Mr. Goetz noted that these fixes were the result of authority delegated by the Code Commission to Code Counsel pursuant to the delegated authority document, as was this report.

Mr. Goetz also noted a few items of importance in this staff report. The South Dakota Retirement System (SDRS) made its annual request to reproduce the statutes contained in SDCL chapters 3-12C, 3-13, 3-13A, and 3-13C, which are enforced by SDRS. Mr. Goetz's report of his approval of the request, on behalf of the Commission, was made pursuant to the delegated authority document. Commissioner Decker inquired as to the reason for the request. Mr. Goetz explained how the terms of the state's retirement program are contained in statute and therefore, to provide services to retirees, those terms need to be reproduced for those customers by SDRS in a more user-friendly manner.

Additionally, Mr. Goetz updated the Commission on a project for the LRC website's depiction of SDCL statutes. LRC IT is uploading session laws prior to 1997 onto the LRC website. This will not only make this resource more readily obtainable, but it will facilitate the hyperlinking of session laws cited in source notes of statutes on the LRC website. He indicated that these revisions are anticipated to be sent to production in another month.

Staff Notice on Blending of Two or More Acts Amending the Same Section of Code Per SDCL 2-14-16.1

Mr. Goetz explained to members that code counsel, pursuant to statutory authority, must blend revisions made by multiple enacted bills to the same section of Code in every annual codification. The goal of the statutory authority to blend is for the revisions of bills amending the same section to all be given substantive "effect." Some blends, according to Mr. Goetz, are more complex than others. The most complex are those that come closest to posing an irreconcilable conflict, as they involve language being added or removed in the same sentence or in such a way that it is not plain how full effect can be given to all revisions. With that introduction, the complex blending of [SB 91](#), [SB 106](#), and [HB 1184](#) from the 2025 session were profiled. Mr. Goetz indicated that he worked with Ms. Hambleton and obtained the review and approval of Chair Gillespie before signing off on them, as per the delegated authority document. When asked by the Chair for any further comment, **Ms. Lila Hambleton, Thomson Reuters**, indicated her support of the blending.

Review of the Publication Contract with Thomson Reuters (dba West Publishing Corporation) for the Publication of the South Dakota Codified Laws

Mr. Goetz presented the updated proposed contract for publication of the official Code. He began by noting the positive experience with Thomson Reuters over the last year, and how the many years of positive experiences contrasted with the challenges posed by prior publishers. Mr. Goetz described the two changes made to the prior annual publication contract with Thomson Reuters, as depicted in tracked changes in the copies presented to the Commission. The substantive changes were to section 19, on page 5, which saw price increases of 11% on each of the Code products published by Thomson Reuters, with those adjustments verified as in compliance with section 19, subsection (g) of the contract. The second edit was to section 20, on page 5, to account for the new annual term. **Ms. Anne Barnard, Thomson Reuters**, indicated her client's agreement-in-principle with the draft terms.

Commissioner Decker moved, seconded by Commissioner Riter-Rapp, to approve the Contract for the Publication of the South Dakota Codified Laws and authorize Chair Gillespie to execute the agreement on behalf of the Code Commission. Motion prevailed on a roll call vote with 4 AYES and 1 Excused. Voting AYE: Riter-Rapp, Hughes, Decker, and Gillespie. Excused: Vilhauer.

Determination of any Republished Volumes of the Official Code

Mr. Goetz summarized the historical background and statutory purpose of the Code Commission and with regard to its annual determination of republished volumes. He referred to the staff memo to note a number of volumes that, per Ms. Hambleton's spreadsheet of volume and pocket part page counts, appeared to be candidates for republication. Ms. Hambleton went into greater detail regarding the volumes with the most expansive pocket parts, noting that the Commission has for a while considered main volumes above 1,000 pages as candidates for splitting. She stated that, for the first time ever, there were three supplementary pamphlets published instead of three pocket parts, as the supplementary material became so voluminous for three volumes that it could not all fit in a pocket part. Ms. Hambleton indicated, accordingly, that Volumes 20, 30, and 31 were good candidates for republication. If Volume 20 were to be republished, it would necessitate a split, creating a new Volume 20A.

Chair Gillespie noted that one of the concerns associated with republication is the cost to the Bar that is associated with republishing new hardbound volumes. **Mr. Jay Williams, self, Hill City**, indicated his appreciation as to the sensitivity of this issue. Commissioner Decker noted that Volumes 30 and 31 were clearly in need of republication, but that republication of Volume 20, and its split, would mean that four volumes would be republished this year, a historical high.

Chair Gillespie further inquired with the Commissioners whether there was any legislation anticipated in the next session that would be expansive enough to factor into the Commission's decision here. The Commission was not aware of any such legislation.

Commissioner Hughes questioned whether there would likely be an increase in cost by waiting another year to republish some of these volumes. He indicated his general philosophy was to take care of these costs sooner rather than later. Chair Gillespie related that in the past, the price has generally gone up on these materials, but in 2023, no volumes were republished for the first time in a long time, and purchasers of the Official Code caught a break then. Commissioner Decker intoned that the Commission was now "behind the eight ball" to publish even more volumes than normal. He indicated that, on average, the Commission should have two to three republications a year.

Commissioner Riter-Rapp offered that it makes sense to republish Volumes 30 and 31, and republish Volume 20 with split volumes. Ms. Hambleton indicated that by creating a Volume 20 and Volume 20A, they will have plenty of room to grow with pocket parts before needing to be republished again.

On this point, Ms. Hambleton went into greater detail noting that Volume 20's large main volume page count is due in substantial part to the large amount of "amendment notes" therein. Some questions were raised by the Commission years ago as to whether those notes should continue to be contained in the Official Code. Bar comment was solicited then, and four members responded--all four of which were in support of retaining the amendment notes. Commissioner Hughes stated that he used and appreciated the amendment notes. Commissioner Decker responded that some of the updates to the LRC website might make amendment notes unnecessary. Chair Gillespie recommended that the Commission revisit this issue later, but that she had an initial concern about abandoning amendment notes.

Commissioner Decker moved, seconded by Commissioner Hughes, to republish volumes 30 and 31, and to republish volume 20 as split volumes 20 and 20A for the next iteration of the South Dakota Codified Laws. Motion prevailed on a roll call vote with 4 AYES and 1 Excused. Voting AYE: Riter-Rapp, Hughes, Decker, and Gillespie. Excused: Vilhauer.

Ms. Hambleton detailed that with a split volume, it might be helpful to simply delegate to Code Counsel the ability to precisely determine where the volume should be split. Mr. Goetz noted how title 34 does not have a natural point at which a split between chapters makes substantive sense. Therefore, he suggested that the split be one based on page count, trying to ensure as close to a 50-50 page split as possible. Chair Gillespie supported that concept--so long as like chapters or similar content is not being split between volumes, the split based on page count should be employed.

Commissioner Riter-Rapp moved, seconded by Commissioner Decker, to authorize Code Counsel, in consultation with the Commission Chair, to approve the volume split of republished Volume 20. Motion prevailed on a roll call vote with 4 AYES and 1 Excused. Voting AYE: Riter-Rapp, Hughes, Decker, and Gillespie. Excused: Vilhauer.

Staff Update on Codification Bill Draft Introduction

Mr. Goetz provided historical background on the codification bill, brought every year, and on what each of the three sections comprising the bill achieves. He detailed the specific revisions, in tracked changes, of the draft he provided to the Commission ([Document 1](#)), and clarified that the draft will need further tweaking considering the approved republication and split of Volume 20. He then briefly summarized what the additional tweak would look like on the face of section 1 of the draft. Mr. Goetz reminded the Commission of the clarification provided by the Legislature (on account of [the amendment of HB 1216, as introduced](#), in the 2025 session)--that bills recommended for introduction by the Code Commission will not be treated like other interim bills and introduced as committee bills

per SDCL 2-7-6.1. Instead, a legislator will need to introduce the legislation "at the request of the Code Commission." Chair Gillespie also indicated that the draft would be updated to reflect the "2026 South Dakota Legislature."

Commissioner Decker moved, seconded by Commissioner Riter-Rapp, that Draft 933, as revised to reflect the republication and split of volume 20, be referred to a legislator for introduction to the Legislature at the request of the Code Commission. Motion prevailed on a roll call vote with 4 AYES and 1 Excused. Voting AYE: Riter-Rapp, Hughes, Decker, and Gillespie. Excused: Vilhauer.

Depiction of Legislative Records on the LRC Website

Mr. Goetz requested Commission input on whether other legislative records retained by LRC but not currently on the website--House and Senate journals and indexes from prior to 1997, and all bills introduced before 1997--are worth including on the LRC website for the sake of the Bench, Bar, and public. He referred to the resources needed to convert these physical resources to clear electronic copy usable on the LRC website.

Commissioner Hughes suggested that legislation not passed (i.e., not captured in session laws currently) from pre-1997 sessions would not be as helpful relative to the logistical cost. Commissioner Decker joined in the concern by restating the Commission's purpose to make the Code useful to the Bar and noting that introduced bills and journals would be a low priority given that focus. Chair Gillespie agreed that scanning and electronically indexing all bills would be very burdensome.

At the Chair's questioning, Mr. Goetz recited what the State Archives had in terms of legislative records. Chair Gillespie inquired as to whether the Bar was aware of these resources with the State Archives. Mr. Goetz noted that there is a link on the LRC webpage to those earlier resources that are able to be viewed on the State Archives website. Commissioner Decker noted his appreciation for this question being posed but found it unnecessary to duplicate the work of the Archives. He further stated his appreciation for the issue papers and reference materials produced by LRC staff that are available on the LRC website.

Public Testimony

Mr. Chet Ellsworth, self, Rapid City, provided written testimony ([Document 2](#)) to the Commissioners expressing his concerns about legislation pertaining to the receipt of unclaimed property and associated appropriations, and asking that [SB 155](#) and [SB 220](#), as enacted in the 2025 regular session, not be codified. Mr. Ellsworth also voiced concern about the reappointment of former Senator David Wheeler to the Code Commission, effective July 1, 2025, when Mr. Wheeler will be serving on the Commission as a circuit court judge. Lastly, he noted the absence of Senator Vilhauer on the agenda produced for the meeting.

There was no other public testimony.

Closing Comments

Chair Gillespie thanked the Commissioners for their attendance and attention to the matters at hand. She also thanked the members of the public for their contributions to the meeting and their interest in the Commission.

Mr. Goetz asked for leave of the Chair to recognize Commissioner Decker for his years of service to the Legislature, with this being his last meeting as a Commissioner. Mr. Goetz described the importance of Mr. Decker's work for the Legislature comprising more than 25 years of service, and his willingness to be a mentor to so many LRC staffers. Chair Gillespie joined in congratulating Commissioner Decker and attested to him being a professional,

approachable resource for so many years. Ms. Hambleton also thanked Commissioner Decker for his years of service and for how much she enjoyed working with him as Code Counsel.

Adjournment

Commissioner Decker moved, seconded by Commissioner Hughes, to adjourn. Motion prevailed on a roll call vote with 4 AYES and 1 Excused. Voting AYE: Riter-Rapp, Hughes, Decker, and Gillespie. Excused: Vilhauer.

Chair Gillespie adjourned the meeting at 12:04 p.m. (MT).