Code Commission
Interim Committee 2026 Final Report

Study Assignment

Established under SDCL § 2-16-3, the Code Commission supervises the publication of the South Dakota Codified Laws (Code), corrects errors to the Code, assists the code counsel, makes recommendations to the Legislature on the general improvement of the state's laws, and contracts for replacement volumes of the Code. Enacted into law in its modern form in 1970 (SL 1970, ch 18), the Commission is an interim committee required by statute.

Summary of Meetings

The Code Commission met twice this interim—on June 24, 2026, at the State Bar Convention in Sioux Falls, and on November 5, 2026, remotely and in Room 412 of the State Capitol. The following matters were discussed at the meetings:

June 24, 2026:

Replacement Volumes

The Code Commission is required to provide for the supplements to and reprinted volumes of the official Code. SDCL 2-16-6(1). The official Code is comprised of hard-bound books (i.e., volumes), which have been published for the last 22 years by West Publishing, a Thomson Reuters Company. Despite new and amended statutes being incorporated into the Code each year on account of the preceding legislative session, new hard-bound volumes are not required to be republished and purchased for the entire Code, as that would be a great expense. Instead, more modest, softcover pocket parts are inserted into the back of the hard-bound volumes each year to show any changes to the law since the full volume was last republished. The pocket part grows over the years, as each successive year sees more statutes that modify--and more case law that interpret--that portion of the Code. At some point, however, the pocket part grows too big to be practical, triggering a republication of the more expensive hard-bound volume.

Annually, West Publishing provides to the Code Commission a "Pocketpart Growth Report." This report identifies the page count for each pocket part relative to the page count of its hard-bound volume. It is the practice of the Commission to consider volumes for reprinting when the paper pocket part equals or exceeds 25% of the main hard-cover volume, and to look at splitting volumes when the main hard-cover volume, after reprinting, would surpass 1,000 pages. The Commission considers, on average, one-to-three volumes for replacement each year.

After a discussion of the candidates for replacement, the Code Commission decided to republish volume 14 (SDCL titles 22 and 23) and split and republish volume 15 (SDCL title 23A)--the volumes having been last republished in 2017 and 2026, respectively. This republication and split will entail moving certain SDCL provisions, with title 23 moving to volume 15 and chapters 23A-1 to 23A-27 staying in volume 15. The remaining chapters of title 23A are to be located in new volume 15A.

Publishing Contract

The contract for the publication of the Code is subject to Code Commission review and renewal. SDCL 2-16-7.1. Staff facilitate the editing and final presentation of the contract to the Commission. At its June meeting, the Commission unanimously approved the publishing contract for another year, increasing the prices for the Code by 12% per the Producer Price Index for Technical, Scientific and Professional Book Publishing. The Commission also removed a requirement in the contract, at the request of West Publishing, that a "postage paid response card" be provided

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with all Code books shipped to users, on account of e-mail and telephone serving as alternative and more expedient means for user feedback on the Code publications. Commission staff also asked staff to pursue a longer-term publication agreement with West Publishing if it meant cost savings to users.

Staff Report on Complex Blending of Bills Amending the Same Section of Code

Staff reported on working with the publisher and Chair Gillespie on blending bills enacted in the 2026 legislative session which amended the same substance of the same section of Code in a complex manner-- SDCL 1-26-4, 1-26-6, 1-26-18, and 9-8-2.

Long-Term Code Review Project

As a result of a project discussed at the Code Commission's March 2023 meeting, staff have reviewed and made recommendations for technical corrections up to SDCL title 4.

Guidance in Recodifying Chapters of the Code

Staff inquired with Commissioners about whether the Commission had interest in developing standards for how and when provisions in the Code should be recodified. Staff provided examples of potential standards, or standards informally applied by staff in the past. Chair Gillespie and Vice Chair Wheeler agreed that the informal prohibition on reusing Code section numbers for new content should continue, given its impact on legislative history and the ability to analyze legislative intent. Vice Chair Wheeler supported the standard that sections should be added to the chapter based on which location best helps understanding (e.g., the section's placement makes sense from a chronological standpoint, or there is a general-to-specific progression of chapter contents). Vice Chair Wheeler indicated that this should be done even if the new section must be inserted in the middle of a chapter, using a decimal-point section number convention, and the new section has no relation to the repealed section with the same non-decimal-point section number above it in the chapter index. Vice Chair Wheeler also supported the convention of placing a "Reserved" notation in those recodified chapters where certain section numbers are intentionally skipped.

November 5, 2026:

Consent for West Publishing to Subcontract Printing and Print Distribution of the Code

On September 28, 2026, West Publishing staff reached out to the Code Commission seeking the written consent of the Commission to West Publishing's subcontracting of the printing and print distribution of the Code to a joint venture between Thomson Reuters and KKR. This request was made under item 26 of the publication agreement, which authorized assignment, sublicense, or other transfers of publication rights under the agreement with the prior written consent of the Code Commission. West Publishing clarified that it would remain fully responsible for performance under the publication agreement, and that the printing and print distribution of the Code would be merely subcontracted to this joint venture. At the Commission's November meeting, West Publishing staff and Westbridge Print (joint venture) staff confirmed that essentially the same personnel and same facilities are being used under the joint venture as have been used in the past to print and distribute the Code. Based upon these representations, the Commission unanimously authorized the written consent.

Committee Action

The Code Commission adopted a draft of a bill historically known as the codification bill that is annually introduced to codify the previous session's permanent acts by amending SDCL 2-16-13, 2-16-15, and 2-16-16.

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Committee Members

Maggie Gillespie, Chair; and Hon. David Wheeler, Vice Chair. Representative John Hughes. Senator Glen Vilhauer. Non-Legislator Lindsey Riter-Rapp.

Staff Members

Justin Goetz, Code Counsel; Kelly Thompson, Legislative Editor; Dilyn Tramp, IT Support Specialist; and Tammie Foley, IT Support Specialist.

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