



2020 South Dakota Legislature

House Bill 1107

Introduced by: **Representative Johns**

1 **An Act to define style and form and authorize the code counsel to make certain style**
 2 **and form edits to legislative acts.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That a NEW SECTION be added:

5 **2-16-20. Style and Form.**

6 For the purpose of the code and legislative acts, style and form means:

7 (1) The customary manner by which a legal language is drafted, formatted, organized,
 8 or enrolled;

9 (2) The nomenclature or established manner of expressing or conveying legal
 10 language; and

11 (3) Edits or corrections that are clerical, organizational, or grammatical in nature.

12 Style and form does not include any alteration of legislative intent or substantive
 13 policy.

14 **Section 2.** That § 2-9-11 be AMENDED:

15 **2-9-11. Powers and Duties--Code Counsel.**

16 In addition to other powers and duties conferred by law or authorized by the
 17 executive board or by the Code Commission, the code counsel shall:

18 (1) Provide staff assistance to and attend all meetings of the Code Commission and
 19 make such recommendations to the commission as he deems essential for the
 20 general improvement of the laws of the State of South Dakota;

21 (2) Submit to each regular session of the Legislature the approved recommendations
 22 of the Code Commission as to the laws of the state, draft bills for proposed
 23 legislation to carry out such recommendations, and present them to the appropriate
 24 legislative committees;

- 1 (3) Advise and otherwise assist the members of the Legislature in legal research and in
2 the preparation of bills;
- 3 (4) Prepare and index the session laws which shall include all rules of court adopted or
4 amended subsequent to the publication of the last preceding volume of session
5 laws;
- 6 (5) Protect the interest of the State of South Dakota in all material published under
7 chapters 2-13 and 2-16, whether printed or on computer retrieval systems; and
- 8 (6) Make necessary style and form edits to legislative acts, without altering legislative
9 meaning or effect, that are:
- 10 (a) Renumbering sections, subdivisions, and subsections;
11 (b) Rearranging sections, subdivisions, or subsections;
12 (c) Dividing sections, subdivisions, or subsections into other sections,
13 subdivisions, or subsections so as to give to distinct subject matters a
14 section, subdivision, or subsection identifier;
15 (d) Combining sections, subdivisions, or subsections into other sections,
16 subdivisions, subsections;
17 (e) Substituting the proper title, chapter, section, or subdivision numbers for
18 the terms "this act," "the preceding section," and the like;
19 (f) Substituting figures for written words and vice versa;
20 (g) Substituting the date on which the law becomes effective for the words "the
21 effective date of this act," and the like;
22 (h) Substituting terms or phraseology, and names of boards, commissions, and
23 agencies wherever the Legislature has expressly or by implication indicated
24 an intention to do so, so as to provide consistency in the law;
25 (i) Changing capitalization for the purpose of uniformity;
26 (j) Correcting obvious clerical, typographical, grammatical, or punctuation
27 errors;
28 (k) Correcting misspelled words;
29 (l) Changing reference numbers to agree with renumbered titles, chapters,
30 sections, subdivisions, or subsections;
31 (m) Replacing gender-specific words with gender-neutral words and, if
32 necessary, recast the sentences containing gender-specific words; and
33 (n) Making similar editorial changes to ensure the accuracy and utility of the
34 code.

1 Any style and form edits under subsections (a), (b), (c), and (d) by the code
2 counsel shall be submitted to the Code Commission for approval.

3 **Section 3.** That § 2-16-9 be AMENDED:

4 **2-16-9. Arrangement, correlation, and text changes in code.**

5 The South Dakota Code Commission is hereby authorized to make such changes
6 ~~as may be necessary to correct that:~~

7 (1) Correct apparent errors, ~~to correlate and;~~

8 (2) Correlate, integrate, and harmonize all the laws ~~to harmonize, to assign;~~

9 (3) Assign new title and other designations, ~~to eliminate; and~~

10 (4) Eliminate or clarify obviously obsolete or ambiguous sections that exist, ~~and to~~
11 ~~substitute terms or phraseology, and names of boards, commissions, and agencies,~~
12 ~~wherever the Legislature has expressly or by implication indicated an intention to~~
13 ~~do so, so as to provide consistency in the law.~~