

PRINTING LAWS

CHAPTER 547

SENATE BILL NO. 2276
(Committee on State and Federal Government)
(At the request of the Office of Management and Budget)

STATE PRINTING AND BINDING

AN ACT to amend and reenact sections 46-01-02, 46-02-01, 46-02-04, 46-02-05, 46-02-06, 46-02-07, 46-02-09, 46-02-10, 46-02-12, and 46-02-14 of the North Dakota Century Code, relating to printing and binding duties of the office of management and budget; and to repeal sections 46-02-03, 46-02-11, 46-02-13, and 46-02-18 of the North Dakota Century Code, relating to printing and binding.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 46-01-02 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-01-02. Printing duties of office of management and budget. The office of management and budget shall:

1. Draw up and examine all advertising Bid all printing requisitions as requested and let all contracts.
2. Examine all work and supplies to determine if they conform it conforms to the contract.
3. Examine all accounts ~~for state printing~~ let to contract to determine if the charges are correct.
4. Determine the price of any legal notice or publication when requested by any state agency or department, or by any political subdivision. Its decision on the proper fee for such publication shall be binding and final, subject to review by the courts.
- 5- Prepare a legal publications handbook containing samples of the legal advertising, legal notices, proceedings, and other such items, including sample voting machine and paper ballots, required of or published by any state governmental entity or political subdivision other than

the judicial or legislative branches of government. The handbook shall contain guidelines for form, style, and content. The office shall prepare the handbook with the advice of a committee composed of: the director of the office; the director of the office's purchasing and printing division; the secretary of state; the president of the printing industries of North Dakota; the president of the North Dakota newspaper association; and the president of the North Dakota county auditors association. The office shall distribute the handbook to all concerned parties. The office will determine if it shall approve payments for any state agency or department, other than the judicial or legislative branches of government; advertising or publishing material not conforming with the handbook.

SECTION 2. AMENDMENT. Section 46-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-02-01. Printing and binding - Duties of department of accounts and purchases the office of management and budget. The department of accounts and purchases office of management and budget shall-

- 1- Have have charge of all the printing and binding required to be done for the several departments of the state government except as otherwise provided by section 46-02-09.
- 2- Receive the proper orders for the same and have the same properly executed according to law.
- 3- Keep a record of all work ordered from the several contractors according to law and of all printing and binding for departments of the state government.
- 4- Examine and supervise the work of printing in progress and see that it is executed with due economy to the state.
- 5- Make or authorize to be made the necessary indexes for the volumes of all the executive documents and reports.
- 6- Examine all accounts for printing and binding that may be presented.
- 7- Adjust all accounts for printing and binding that are presented according to the terms of the contract and in accordance with law and such rulings as may be determined by the department.

No printing required by any state officer as provided in this chapter shall be paid for unless the same first shall have been it was authorized by the legislative assembly or by the department of accounts and purchases office of management and budget for three hundred dollars and over.

SECTION 3. AMENDMENT. Section 46-02-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-02-04. Classes of printing - Contracts. The printing of the state is hereby divided into classes as follows:

1. The printing of legislative documents for the use of the legislative assembly shall constitute the first class. For the purposes of this subsection, the words "legislative documents" shall mean bills and resolutions. However, certain bills and resolutions may be excepted from this class, as directed by officers of the legislative assembly or as provided for in the rules of the senate and the house of representatives.
2. The printing and binding of the journals of the senate and the house of representatives shall constitute the second class.
3. The printing and binding of the reports and other documents required by state law to be prepared and submitted to the governor and the office of management and budget, and which make up the governmental biennial reports as prescribed by sections 54-06-03 and 54-06-04, shall constitute the third class. This class does not include the official budget report.
4. The printing and binding of the volumes of laws, with such legislative resolutions as shall be included in said volumes, shall constitute the fourth class.
5. Repealed by S.L. 1979, ch. 187, § 108.
6. All printing not included in the foregoing classes shall constitute the sixth class.

Separate contracts for each of classes 3 and 4 shall be let by the office of management and budget under competitive bidding in accordance with the provisions of this title ~~and at a cost and price not in excess of the cost and price as provided for in the Franklin Printing Catalogue.~~ Contracts for classes 1 and 2 shall be let by competitive bidding by the office of management and budget in accordance with the rules of the senate and the house of representatives of the state of North Dakota of the previous legislative session; ~~but at a cost and price not in excess of the cost and price as provided for in the Franklin Printing Catalogue.~~

SECTION 4. AMENDMENT. Section 46-02-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-02-05. Proposals for printing - Classifications 1, 2, 3 and 4. The department of accounts and purchases office of management and budget, at least ~~six~~ two months immediately preceding each regular

session of the legislative assembly, shall advertise for four weeks successively in two daily papers in the state, one of which shall be published at the seat of government, inviting invite sealed preposals bids for doing all printing and binding constituting each of classifications 1, 2, 3 and 4, required by the legislative assembly and by the several state departments for the two succeeding years commencing with the first day of December next following the date of the contract. Such bids shall specify the price and cost for which the said work will be performed and the stock furnished.

SECTION 5. AMENDMENT. Section 46-02-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-02-06. Opening of bids - Awards. The department of accounts and purchases office of management and budget, within two fifteen days after the date for receiving proposals as aforesaid, and not later than the first Tuesday after the first Monday in August, shall proceed to open in public all such proposals received by it, and to shall award the contract for each class of printing to the lowest bidder therefor, subject to the provisions of this title. If two or more persons bid the same and the lowest price for any class of printing, the department of accounts and purchases office of management and budget shall award the contract to such one or more of them as in its opinion will best subserve the interests of the state.

SECTION 6. AMENDMENT. Section 46-02-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-02-07. Proposals - How made - Bond required. Each proposal for each class of state printing let under competitive bids shall be in writing, sealed and addressed to the director of the department of accounts and purchases, shall be accompanied by a bond executed in due form by the bidder, approved by the attorney general and satisfactory to the director of accounts and purchases, in the penal sum of four thousand dollars conditioned for the faithful performance according to law of the class of the state printing if awarded to him and for the payment, as liquidated damages, by such bidder to the state, of any excess of cost over the bid of such bidder which the state may be obligated to pay for such work by reason of the failure of such bidder to complete his contract. No bid unaccompanied by such bond shall be considered office of management and budget. The successful bidder will be required to submit a performance bond, as specified in the bid. The department of accounts and purchases office of management and budget may reject any bid made by anyone other than a regularly established and thoroughly competent printer and also may reject any or all bids if in its judgment the best interests of the state would be subserved thereby.

SECTION 7. AMENDMENT. Section 46-02-09 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-02-09. Sixth-class items - When bids or quotations required - Costs determined. All work on sixth-class items amounting to three hundred dollars or over as determined by the Franklin Printing Catalogue, not done by the central duplicating service of the office of management and budget or by departments, institutions, or state offices with authorized duplicating or printing centers, must be let by competitive bidding or by the solicitation of at least two quotations by the office of management and budget, or by the departments, institutions, or state offices authorized to bid their own printing needs. Printing items amounting to less than three hundred dollars may be given by the department head to the printer of his choice accompanied by a purchase order of which one copy must be sent to the office of management and budget. All departments, institutions, or state offices shall submit requisitions for all printing to the office of management and budget. Departments, institutions, or state offices authorized to do their own bidding must attach the bids or quotations to their requisition for printing. Where practical, all departments, institutions, or state offices authorized to do their own bidding shall take advantage of annual contracts established by the office of management and budget. The office of management and budget shall determine and fix the reasonable maximum cost or price for such printing work. The maximum cost of the work shall not exceed Franklin Printing Catalogue prices.

SECTION 8. AMENDMENT. Section 46-02-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-02-10. Printing and binding done without unnecessary delay - Time within which laws and public documents must be delivered - How extension granted.

1. Each contractor under the provisions of this chapter, promptly and without unnecessary delay, shall execute all orders issued to him by the legislative assembly, either branch thereof, or by the legislative council, or by the office of management and budget on behalf of the executive officers of the state.
2. Volumes of public documents shall be delivered to the secretary of state within seventy days after receipt of final copy, exclusive of index copy, and the journals of the two houses of the legislative assembly shall be delivered in accordance with the deadline provided in the contract for printing. The session laws shall be completed and delivered to the secretary of state within ninety days after the date of adjournment of the legislative assembly as recorded in the journals of that body in accordance with the deadline provided in the contract for printing.
3. The legislative council, with the assistance of the secretary of state, shall, with reasonable expedition,

furnish the printing contractor with true and correct copies of the laws and resolutions to be contained in the session laws and copy for the index to the session laws.

4. The office of management and budget, with the concurrence of the legislative council in the case of a contractor for the printing of the session laws or journals, may, for good cause shown, extend the time for the execution of any printing contract ~~for a period not to exceed twenty consecutive calendar days.~~

SECTION 9. AMENDMENT. Section 46-02-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-02-12. Department of accounts and purchases ~~The office of management and budget~~ may reject inferior printing and work. ~~The department of accounts and purchases office of management and budget~~ may reject any and all printing that is not done in a workmanlike manner or with good material and with ordinary promptness. It may require contractors to present specimen pages of type they propose to use, and may reject the same in its discretion and require new material. Its ruling and determination shall be final and conclusive on the contractor. Only good, clean, and satisfactory work shall be accepted, and it must be done within a reasonable time. ~~If by reason of the cancellation of any contract, as is provided in section 46-02-11, the cost of having any such work done is greater than the original contract price, the excess shall be charged to and collected from the original contractor or shall be made payable by and collected from the bondsmen of such original contractor.~~ The action of the department office in this matter shall be final and conclusive upon such contractor and his sureties.

SECTION 10. AMENDMENT. Section 46-02-14 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-02-14. Copies of documents to accompany bills for printing - Contents of bill. Every person doing public printing pursuant to the provisions of this chapter shall file and preserve one copy of each document or other matter printed by him for the state and for orders of three hundred dollars or over which he shall deliver to the office of management and budget at the time the completed work is delivered, together with a memorandum bill of the same.

SECTION 11. REPEAL. Sections 46-02-03, 46-02-13, and 46-02-18 of the North Dakota Century Code, and section 46-02-11 of the 1985 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 548

SENATE BILL NO. 2253
(Committee on State and Federal Government)
(At the request of the Office of Management and Budget)

STATE PRINTING

AN ACT to create and enact a new section to chapter 46-02 of the North Dakota Century Code, relating to in-plant printing.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 46-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

In-plant print shops. Central duplicating services of the office of management and budget or by departments, institutions, state offices, and printing services under the jurisdiction of the board of higher education, with the exception of the state school of science, the university of North Dakota, and the state university of North Dakota-Valley City, may not provide the following services: printing or duplicating of all coated stock, continuous forms, snap-out forms, envelopes over twenty thousand, process color, and print or duplicate paper larger than eleven inches [27.94 centimeters] by seventeen inches [43.18 centimeters].

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 549

HOUSE BILL NO. 1057
(Legislative Council)

(Interim Legislative Procedure and Arrangements Committee)

FILING LEGISLATIVE BILLS

AN ACT to create and enact a new section to chapter 54-07 and a new subsection to section 54-09-02 of the North Dakota Century Code, relating to the duties of the governor and the secretary of state to file and record the filing of bills passed by the legislative assembly; to amend and reenact section 46-03-15 of the North Dakota Century Code, relating to the publication of the laws; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 46-03-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-03-15. Authentication of session laws, memorials, and resolutions. All laws printed or published by authority of this state shall contained in the session laws must be printed or published without the requirement of any certificate or additions to the same, except with the word "approved" and the date of such approval and with the word "filed" and the date of filing. In each authenticated volume of the session laws published there shall be a general certificate made by the secretary of state and the legislative council to the effect that all laws, memorials, and resolutions contained therein have been compared with are correct copies of the originals thereof in the office of the secretary of state and that they are correct copies.

SECTION 2. A new section to chapter 54-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

Governor to file bills with secretary of state. The governor shall cause each bill passed by the legislative assembly and not vetoed by the governor to be filed with the secretary of state within three days, Sundays excepted, after the bill has been presented to the governor unless the legislative assembly by its adjournment prevents its return in which case the governor shall cause the bill to be filed within fifteen days after the adjournment.

SECTION 3. A new subsection to section 54-09-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Indicate on each bill passed by the legislative assembly the date of filing in the secretary of state's office.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act.

Approved February 17, 1987
Filed March 30, 1987

CHAPTER 550

SENATE BILL NO. 2122
 (Committee on State and Federal Government)
 (At the request of the Office of Management and Budget)

LEGAL NOTICE PUBLICATION FEES

AN ACT to amend and reenact section 46-05-03 of the North Dakota Century Code, relating to fees for publication of legal notices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 46-05-03 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-05-03. Legal notices - Fees. The fees to be paid to newspapers for the publication of any legal notice and legal publication of whatever kind or character required by law to be published shall be twenty-six cents per counted line of compugraphic six-point news type number nine for the first insertion, and sixteen cents per counted line for each subsequent insertion, based on a column width of eleven picas. Newspapers using a different column width or typeface shall submit a copy of their typeface and column to the office of management and budget which will determine the legal rate to be charged by that newspaper to create parity with the base rate. Regardless of column width or size of type, all lines containing one or more columns of figures shall be thirty-nine cents per counted line for first publication and sixteen cents per counted line for subsequent insertions. However, in no instance shall the line be less than nine picas nor the type size smaller than five-point nor larger than nine-point. Published ballots or publications which by their nature require open display shall be computed at thirty-nine cents per counted line for first publication and sixteen cents per counted line for subsequent insertions, based on the following ballot and open display line count chart:

Column Widths	Lines per Column Inch
9	14-6
9 1/2	13-9
10	13-2
10 1/2	12-6

11	12
11 1/2	11-5
12	11
12 1/2	10-6
13	10-2
13 1/2	9-8
14	9-4
14 1/2	9-1
15	8-8

To effect uniformity, the office of management and budget may compute a standard price on those legal notices which are widely published such as ballots, insurance statements, and official proclamations. In computing standard pricing, the office shall utilize the standard six-point type, eleven picas column rate. All newspapers must use the rates, type size, and column width as shown on its legal notice rate certification issued by the state printing agent of the office of management and budget. Certifications shall be issued within fifteen days after samples are submitted.

The office of management and budget shall annually review and adjust the above rates to reflect changes in economic conditions within the newspaper industry and the general economy, and those adjustments shall become effective on each July first following the review. These annual changes may be percentage increases or decreases in the base rates, and they may incorporate revisions in the base rate structure. Whenever the office of management and budget considers an adjustment in the legal publication rates contained herein, it shall consult with representatives of the daily and weekly newspaper industry of the state and with representatives of state and local units of government.

Approved March 26, 1987
 Filed March 30, 1987

CHAPTER 551

SENATE BILL NO. 2518
(Senators Freborg, Bakewell, Tallackson)
(Representatives Kretschmar, Knell)

OFFICIAL COUNTY NEWSPAPER BONDS

AN ACT to repeal section 46-06-07 of the North Dakota Century Code, relating to the bond required for the official county newspaper.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 46-06-07 of the North Dakota Century Code is hereby repealed.

Approved March 12, 1987
Filed March 16, 1987