

FISCAL NOTE
Requested by Legislative Council
01/10/2017

Revised
 Bill/Resolution No.: HB 1280

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This agency is not impacted by this proposed legislation. See 2B.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The agency is unable to provide fiscal information related to this bill. Under the current law being proposed for amendment by this legislation, it is the sole responsibility of county commissioners to secure and distribute the publications listed to the respective county offices. This agency has no access to those records as to the cost that might be incurred by the respective counties.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The agency is unable to provide fiscal information related to this bill. Under the current law being proposed for amendment by this legislation, it is the sole responsibility of county commissioners to secure and distribute the publications listed to the respective county offices. This agency has no access to those records as to the cost that might be incurred by the respective counties.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The agency is unable to provide fiscal information related to this bill. Under the current law being proposed for amendment by this legislation, it is the sole responsibility of county commissioners to secure and distribute the publications listed to the respective county offices. This agency has no access to those records as to the cost that might be incurred by the respective counties.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

None related to this agency.

Name: Al Jaeger

Agency: Secretary of State

Telephone: 701-328-2900

Date Prepared: 01/11/2017

2017 HOUSE POLITICAL SUBDIVISIONS

HB 1280

2017 HOUSE STANDING COMMITTEE MINUTES

Political Subdivision Committee Prairie Room, State Capitol

HB 1280
2/3/2017
Job # 27904

- ☐ Subcommittee
☐ Conference Committee

Carmen Hickley

Explanation or reason for introduction of bill/resolution:

Relating to distribution of session laws and codes

Minutes:

1,2

Chairman Klemin: Opened the hearing on HB 1280

Rep. Ertelt: (Testimony #1, Handout #2). (Time :25 to 4:16) Introduced the bill.

Chairman Klemin: I don't believe hard bound volumes are distributed every other year some of these have supplements which are out in the back of the hard bond volumes. They always get something but not necessarily hard bond volume unless there is a replacement.

Rep K. Koppelman: You talked about the fiscal note, you mentioned it might be a savings to the state if we don't charge as much as it costs. Normally we see fiscal notes which are very large and it takes staff time, who are already working for that office and getting paid. Might it actually be a saving to the state because if the staff time is captured in the charge that is made in terms of the publication of these books, perhaps it would be a savings?

Rep. Ertelt: I do not dig that deep because I didn't believe that the savings would be very substantial. Perhaps this is an example of the actual absorption of those full time employee's costs.

Rep. Beadle: Two years ago we had some legislation that would require counties to put up their minutes and publications and notices on their websites. We learned that 9 to 13 counties didn't have websites. Have you checked to see whether we have reliable internet in all of these counties?

Rep. Ertelt: I have not gone through that and contacted of all the counties.

Rep. Beadle: Are you confident about the internet capabilities that they can access this? I don't want them to be left behind.

Rep. Ertelt: This bill as written puts that on them. It allows them to obtain the hard copies by request. They can still get as many hard copies as they want, but this gives them the option of not to order.

Al Jaeger, Secretary of State: Public printing, which these publications come under my office. In state law in other parts of this chapter, there is prescribed who receives the Century Code and you as Legislators have an option you can receive the hard bond copy, you also get a DVD from the Legislative Counsel. We as a state agency if we want the DVD, the cost comes out of our pocket. I use the hard bound copy because it has footnotes and on line the footnotes are not available. The counties are not buying those books from us, they are buying them from the publisher. As I read the bill it says they don't have to provide a set from the publisher, my office is not involved. In a small county the offices could share a set. It's just an option.

Chairman Klemin: In addition to the DVD, there is subscriptions that are completely on line that covers the whole country. You can subscribe and choose the plan you want. These counties if they want the DVD or on line access can also do the same thing.

Donnell Presky, ND Association of Counties: This bill was brought forward at our request mainly by the auditors who could see they were mandated to get these books and they would rarely be used. This removes the mandate, and instead if it's requested those paper copies can be provided. This bill is a sensible tax paying measure and that information is available on line if they want to access it that way.

Chairman Klemin: If we go on line to the state source for the Century Code it is not annotated it is only the statutory language itself, unlike the printed version or the DVD or other subscription services are all annotated. Any county that wants to buy the DVD can do that, can't they?

Donnell Presky: Absolute, they will still budget for the cost because if that office wants those copies they can have them. A lot of the States Attorney's offices use the on the line version. This just makes it more flexible for them instead of requiring them to have the paper copy.

Chairman Klemin: Closed the hearing on HB 1280.

Rep. Hanson: Made a do pass motion.

Rep. Simons: Second the motion.

Carried 14 yes, 0 no, 1 absent.

Carrier Rep. Simons:

Date: 2-3-17
Roll Call Vote: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1280

House Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Hanson Seconded By Rep. Simons

Representatives	Yes	No	Representatives	Yes	No
Chairman Klemin	/		Rep. Guggisberg	/	
Vice Chairman Hatlestad	/		Rep. Hanson	/	
Rep. Beadle	/				
Rep. Becker	/				
Rep. Ertelt	/				
Rep. Johnson	/				
Rep. Koppelman	/				
Rep. Longmuir	/				
Rep. Maragos	/				
Rep. Pyle	/				
Rep. Simons	/				
Rep. Toman	/				
Rep. Zubke	/				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Simons

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1280: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1280 was placed on the Eleventh order on the calendar.

2017 SENATE POLITICAL SUBDIVISIONS

HB 1280

2017 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Red River Room, State Capitol

HB 1280
3/9/2017
Job # 28956

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to distribution of session laws and codes.

Minutes:

Written testimony #1 Rep. Sebastian Ertelt
Written testimony #2 Donnell Preskey

Chairman Burckhard opened the hearing on HB1280. All senators are present.

(:15-3:43) Rep. Sebastian Ertelt, District 26, introduced and explained the bill. In support of HB1280. Written testimony #1.

(4:22-6:03) Donnell Preskey North Dakota Association of Counties. In support of HB 1280. Written testimony #2.

Sen. Anderson: Do you know when this was originally made and unfunded mandate to the county commission, but it's interesting that the state required again the counties to furnish these things. Of course the counties have to pay the bill. Did you look up to see how long it's been in place?

Ms. Donnell Preskey: I have not. That is a good question. There are many requirements on the books that mandate having to numerous things and we are trying to get a few of those addressed, especially as we enter in a new age where a lot of the information is available on the computer screen.

Chairman Burckhard asked for those in opposition, or in neutral testimony.

Mr. Al Jaeger, Secretary of State: Sen. Anderson raised an interesting question. I would suggest you go to the hard copy and look at the footnotes and see how long it's been law. I would quite equate it to the fact that it's an unfunded mandate. You have to realize that under state law. I am kind of an interesting situation is that I am the distributor of the Century Code and session laws. The money for it is included in my budget. I have no control over the publishing contracts, that is all been through the Legislative Council. So far nobody's ever seen fit to transfer the funding from me to the Legislative Council because they probably don't want to mail the books out and stuff. But at one time I was required to give every legislator a hard bound set and more recently Sen. Carlisle was House member he made an

effort to make sure that we didn't have to do that and now there is a law in place that basically the beginning of each session, I distribute a letter and particularly to the freshman, and say you have a choice, either the hard bound copy or you can have the disk. We never had that part that this bill addresses, we were never involved in that. Those books and stuff are purchased separately. I would suspect this goes back historically, so I think this is something that happened over the years and I can see even in my office I usually first look at the internet, but when I start doing research I pull out the hard copy. Reason for that is you as legislators happen to get a DVD that has the footnotes. While I have to provide the Century Code hard bound to judges and courts and those type of things. If I want that DVD, it costs me several hundred dollars. I don't have the same access and I would suspect on the county level the way it was, is that, all three offices in a small building could walk from door to door and I wouldn't be surprised if the State's Attorney already has access through other means to that DVD that has the footnotes because the footnotes are really not a part of state law. As I understand the footnotes belong to the publisher. There the ones that really create that. That is my understanding. I have to pay for the DVD with the footnotes through my agency.

Chairman Burckhard: closed the hearing on HB1280.

Sen. Howard Anderson moved a do pass on HB1280

2nd Senator Diane Larson

Roll call vote: 6-0-0

Carrier: Senator Kannianen

Date: 3.9.2017
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. H.B. 1280

Senate Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. H. Anderson Seconded By Sen. D. Larson

Senators	Yes	No	Senators	Yes	No
Chairman Randy Burckhard	✓		Senator Jim Dotzenrod	✓	
Vice-Chairman Howard Anderson	✓				
Senator Jordan Kannianen	✓				
Senator Diane Larson	✓				
Senator Judy Lee	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Kannianen

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1280: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1280 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1280

H B1280

2-3-17

#1

Testimony in Support of House Bill 1280
Rep. Sebastian Ertelt
District 26

Chairman Klemin and members of the committee,

I am Representative Sebastian Ertelt, representing District 26, which includes all of Sargent County, the eastern half of Dickey County, the southern half of Ransom County, and the western half of Richland County. I am prime sponsor of House Bill 1280, relating to distribution of session laws and codes. With my testimony today I will explain to you the intent of House Bill 1280 and why you should support a DO PASS recommendation.

House Bill 1280 is a recognition of the digital age in which we live. Currently, as you can see in the bill, county commissioners are required by state law to distribute publications of session laws, codes, or compilations, all of which are available online, to 4 county officers in each county, including the auditor, state's attorney, ex officio clerk of court, and sheriff. There are some counties with combined offices and those offices may be supplied with singular copies of the publications.

The publications are generally distributed every other year as they follow the Regular Session schedule of the state legislature. If each of our 53 counties received publications to 4 offices, that would equate to 112 copies of each publication every other year. The number of hardbound volumes between session laws and century code is around 30. That brings the estimated total number of hardbound volumes to 3,360 every other year.

This bill does not prohibit the distribution of these publications, but rather makes their distribution an option at the request of the county officers. Those county officers who like to put their hands on a physical copy, as I do myself, will still be able to obtain such a copy.

In a survey of county auditors conducted by the North Dakota Association of Counties, only 1 of the 25 auditors that responded claimed that they used the hard

copies most often. Most of the auditors responded that they used the hard copies somewhat and most also responded that they preferred to use the internet to access the laws.

The attached fiscal note is indeterminate although there would be no impact to the state since the counties pay for the publication. The potential savings to the counties, although relatively small at less than \$2,000 per county based on last year's costs according to the survey, is still worth passing on to the taxpayers of those counties. It is also worth noting that the survey revealed that savings may more than double in odd numbered years.

Chairman Klemin and members of the committee, I thank you for your time today and urge you to acknowledge the digital age and the financial savings that it offers with a unanimous DO PASS recommendation on House Bill 1280.

HB 1280

2-3-17

#2

County	Copies	Cost	Use	Preference
Adams	3	1500	Somewhat	50/50
Barnes	2	600		
Benson	4	1000	Somewhat	Both
Billings				
Botineau	2	1600/1100	Rarely	Internet
Bowman	2	1000	Rarely	Internet
Burke				
Burleigh	13	5000	Rarely	Internet
Cass	7	2800		
Cavalier	4	1800	Somewhat	4 not nec.
Dickey	5	1000	Somewhat	Both
Divide	4	1500	Somewhat	Maybe
Dunn	1		Rarely	Internet
Eddy				
Emmons	0			
Foster				
Golden Valley				
Grand Forks				
Grant				
Griggs				
Hettinger	5	4800/2200	Never / Somewhat	Internet
Kidder	3	600	Somewhat	Internet
LaMoure	5	2600	Never	Internet
Logan				
McHenry	2	800	somewhat	
McIntosh	5	1300	Somewhat	
McKenzie				
McLean				
Mercer				
Morton				
Mountrail				
Nelson				
Oliver	5	1500		
Pembina				
Pierce	4	1500		use both
Ramsey				
Ransom	5	2000	Somewhat	
Renville	1		Rarely	Internet
Richland	4	2900	Mostly	Paper
Rolette				
Sargent	4	1500	Somewhat	Unsure
Sheridan	2	1000	Somewhat	Internet
Sioux	2	1000	Rarely	Internet
Slope	2	600	Somewhat	Internet
Stark				
Steele	1		Never	Internet
Stutsman				
Towner	1	500	Never	Internet
Trall				
Walsh				
Ward	9	5600/2400		
Wells	4			
Williams				

Testimony in Support of House Bill 1280
Rep. Sebastian Ertelt
District 26

H.B. 1280
3.9.2017
Written Testimony #1
P. 1/2

Chairman Burckhard and members of the committee,

I am Representative Sebastian Ertelt, representing District 26, which includes all of Sargent County, the eastern half of Dickey County, the southern half of Ransom County, and the western half of Richland County. I am prime sponsor of House Bill 1280, relating to distribution of session laws and codes. With my testimony today I will explain to you the intent of House Bill 1280 and why you should support a DO PASS recommendation.

House Bill 1280 is a recognition of the digital age in which we live. Currently, as you can see in the bill, county commissioners are required by state law to distribute publications of session laws, century code, or compilations, all of which are available online, to 4 county officers in each county, including the auditor, state's attorney, ex officio clerk of court, and sheriff. There are some counties with combined offices and those offices may be supplied with singular copies of the publications. Footnote references to trace the history of a section of law are not included in the online century code. However, a DVD version is available from the publisher that does include the footnotes if so desired.

The session laws, of which there are 2 hardbound volumes, are published every other year as they follow the Regular Session schedule of the state legislature. Pocket supplements are published to keep the century code books up to date. When the publisher deems the pocket supplement too large, that particular volume of the century code will be republished. The average life of these 24 volumes is 4-5 years. The general index and annotated court rules appear to be republished every biennium and are softbound volumes.

This bill does not prohibit the distribution of these publications to each county officer, but rather makes their distribution an option at the request of the county

N.B. 1280
3.9.2017
#1 P. 2/2

officers. Those county officers who like to put their hands on a physical copy, as I do myself, will still be able to obtain such a copy.

In a survey of county auditors conducted by the North Dakota Association of Counties, only 1 of the 25 auditors that responded claimed that they used the hard copies most often. Most of the auditors responded that they used the hard copies somewhat and most also responded that they preferred to use the internet to access the laws.

The fiscal note for HB 1280 is indeterminate although there would be no impact to the state since the counties pay for the publication. The potential savings to the counties, although relatively small at less than \$2,000 per county based on last year's costs according to the survey, is still worth passing on to the taxpayers of those counties. It is also worth noting that the survey revealed that savings may more than double in odd numbered years.

Chairman Burckhard and members of the committee, I thank you for your time today and urge you to acknowledge the digital age and the financial savings that it offers with a unanimous DO PASS recommendation on House Bill 1280.

*H.B. 1280
3.9.2017
Written Testimony #3
P.1*

Testimony for:
Senate Political Subdivisions
3/8/2017
Donnell Preskey, ND Association of Counties

HB 1280: Distribution of Session Laws to County Officials

Mr. Chairman and committee members, I'm Donnell Preskey with the North Dakota Association of Counties. I'm speaking to you today representing the ND Auditors Association. This bill is before you today at their request.

This is a pretty simple bill. Counties are required by law currently to purchase and provide physical copies of the North Dakota Century Code. What this bill does is remove the mandate that requires counties to purchase session law books for the Auditor, State's Attorney, Clerk of Court and Sheriff. Instead, this bill allows those copies to be provided to those offices if they are requested.

What our counties in many cases were finding is that the numerous physical copies of century code were unnecessary and not being used due to the fact that the century code is available online. When polled, many county officials said they prefer the internet option of accessing the century code and that they rarely use the paper copy.

Judging from my informal survey of the counties; I estimate that statewide counties spend a total of \$100,000 a year for copies of the century code. Mr. Chairman, this is a sensible tax saving measure.