

FISCAL NOTE
Requested by Legislative Council
12/21/2018

Revised
 Bill/Resolution No.: HB 1068

- 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.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 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 bill removes the requirement for a state law library.

- 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.*

This bill alone has no fiscal impact. The judicial branch is requesting funding within House Bill No. 1002 to remodel the Supreme Court law library, self-help and legal research space. The remodel would allow for the judicial branch information technology department, which is currently renting space in downtown Bismarck, to move into the law library space. Any future savings in library costs and rent would be contingent on the approval of the remodel project.

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.*

N/A

- 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.*

N/A

- 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.*

N/A

Name: Don Wolf

Agency: Court System

Telephone: 328-3509

Date Prepared: 01/03/2019

FISCAL NOTE
Requested by Legislative Council
12/21/2018

Bill/Resolution No.: HB 1068

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- 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 bill removes the requirement for a state law library.

- 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.*

There is no fiscal impact.

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.*

N/A

- 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.*

N/A

- 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.*

N/A

Name: Don Wolf

Agency: Court System

Telephone: 328-3509

Date Prepared: 12/26/2018

2019 HOUSE JUDICIARY

HB 1068

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1068
1/7/2019
30479

- Subcommittee
 Conference Committee

Committee Clerk: DeLores D. Shimek by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

A BILL relating to appointment of the supreme court reporter, the salary of the supreme court reporter, the location of the office of the supreme court reporter, duties of the supreme court reporter, and the sale and disposal of books and other library materials by the supreme court reporter.

Minutes:

Testimony 1

Chairman K. Koppelman: Opened the hearing on HB 1068.

Sara Behrens, Staff Attorney for the State Court Administrator's Office: (Testimony 1)
Went over the testimony.

Chairman K. Koppelman: No direct cost in this bill? Is part of the budget bill?

Sara Behrens: We estimate the costs of \$960,000 onetime cost.

Chairman K. Koppelman: What would the court do if this cost was not included in the budget?

Sara Behrens: Don't know what the contingency plan is.

Chairman Koppelman: Any further questions?

Representative McWilliams: What is our legal self help center?

Sara Behrens: Katie Paulsgraff, the Director of The North Dakota Legal Self Help is here so she can tell you what she does.

Katie Paulsgraff, Director of the Legal Self Help Center for the State of North Dakota and the acting Superior Court Law Librarian: The legal self help center is an informational report for self represented litigants who are representing themselves in civil matters in state court. I answer requests for information about civil court process. They are required to follow the same rules and procedures that an attorney does even if they don't know what the procedures are.

Chairman K. Koppelman: How do you serve them now?

Katie Paulsgraff: If they come there now I will try to help them in the right direction.

Representative Paur: Above the Senate chamber there is a reference library that legislature uses. How are those two tied together ?

Katie Paulsgraff: As I understand this bill only impacts the supreme court law library, which is a separate entity from the legislative library.

Sarah Behrens: The code has the Supreme Court reporter serving in all those roles. My understanding is nobody from the supreme court law library actually works in the legislative library at this time, so nothing should change at this time.

Chairman Koppelman: We will ask our intern to research that for us and see what the impact might be.

Representative Magrum: What will happen to the books then?

Katie Paulsgraff: I will check with the Supreme Court regarding that.

Chairman K. Koppelman: The State Library might be a repository for some of them. Are there other impacted branches of government ?

Katie Paulsgraff: The print collection will be drastically reduced to only the supreme Court and the self help center use on a daily basis.

Representative Jones: Is everyone comfortable with getting rid of this state law library?

Katie Paulsgraff: There has not been discussion on that.

Representative Jones: With todays technology I assume that the state law library is redundant in nature, but these copies can be found in multiple other places.

Katie Paulsgraff: Not part of the discussion but I can ask.

Chairman K. Koppelman: Is the Supreme Court Reporters position going away?
Is there someone else at the court that will do that?

Sarah Behrens: I will check if that role is taken up by someone else?

Chairman K. Koppelman: Check on that role and see if legislative council knows what the current interaction is there and how it could be replaced.

Representative Simons: How many people use this resource?

Katie Paulsgraff: I don't have that data.

Representative Simons: Do you see any concerns as not everyone is computer literate?

Katie Paulsgraff: Currently people contact me who have issues with these documents.

Chairman Koppelman: Any further testimony in support of HB1068? Any opposition to HB1068? Hearing on HB1068 closed until the information is received.

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1068
1/9/2019
30602

- Subcommittee
 Conference Committee

Committee Clerk: DeLores D. Shimek by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

A BILL, relating to appointment of the supreme court reporter, the salary of the supreme court reporter, the location of the office of the supreme court reporter, duties of the supreme court reporter, and the sale and disposal of books and other library materials by the supreme court reporter.

Minutes:

Chairman K. Koppelman: Would you like to comment on HB1068?

Beau Cummings, Intern: The court reporter will no longer help legislators research their concerns. Legislative Council has its own in house librarian that will help Legislators do legislative research.

Chairman Koppelman: What are wishes of committee?

Chairman Koppelman: Motion for Do Pass made by **Rep Becker**, seconded by **Rep. McWilliams**.

Roll call vote Yes 13 No 1 Absent 0

Carrier is **Rep. Becker**.

Chairman Koppelman : Hearing closed on HB1068.

Date: 1-9-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1068

House Judiciary 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 Becker Seconded By Rep McWilliams

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Rep. Buffalo	✓	
Vice Chairman Karls	✓		Rep. Karla Rose Hanson	✓	
Rep. Becker	✓				
Rep. Terry Jones	✓				
Rep. Magrum		✓			
Rep. McWilliams	✓				
Rep. B. Paulson	✓				
Rep. Paur	✓				
Rep. Roers Jones	✓				
Rep. Satrom	✓				
Rep. Simons	✓				
Rep. Vetter	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Rep. Becker

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

REPORT OF STANDING COMMITTEE

HB 1068: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS**
(13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1068 was placed on the
Eleventh order on the calendar.

2019 SENATE JUDICIARY

HB 1068

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1068
2/6/2019
Job #32255 (18:37)

- Subcommittee
 Conference Committee

Committee Clerk: Meghan Pegel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to repeal sections 27-04-01, 27-04-03, 27-04-04, 27-04-06, 27-04-07, and 27-04-08 of the North Dakota Century Code, relating to appointment of the supreme court reporter, the salary of the supreme court reporter, the location of the office of the supreme court reporter, duties of the supreme court reporter, and the sale and disposal of books and other library materials by the supreme court reporter.

Minutes:

2 Attachments

Chair Larson opens the hearing on HB 1068.

Sally Holewa, State Court Administrator, testifies in favor (see attachment #1)

Holewa: We are anticipating it may take 18 months or more to really sort through what we have, decide what needs to go to the Historical Center, what we need to archive ourselves, which books we need to keep for reference. It would be quite an undertaking, but we are prepared to do that.

Vice Chairman Dwyer: How far back do we have electronic cases?

Holewa: I don't have an exact number or date for that. It would vary by each individual collection of what we have. Most of what we use right now for our judges and justices is strictly what they get off of Westlaw or LexisNexis. They have a subscription to both.

Senator Luick: In the remodeling of this, are we looking at downsizing the square footage?

Holewa: We're not looking at downsizing, we're looking at taking what we rent downtown right now and moving those 11 people to that space. It would be a clearing out of all the spaces, a rewiring and all of that. The real savings would be in the difference between cost. As you know we pay rent for the State Capitol space we have too, but that is significantly lower than what we pay downtown.

Senator Myrdal: There's not going to be any lessening of access to the public, it's just going more digital, correct? It would still contain the same volume of information?

Holewa: It would not contain the same volume. We don't anticipate continuing to build a big library. What we would maintain is what we need for the judiciary and for the self-help center. The idea that we would maintain a full library that would be the equivalent of what's available through the UND law school is not where we're going. When I speak of the public I'm not talking about lawyers so much; I'm talking about or self-represented people. Those are the materials we would keep.

Senator Bakke: You're eliminating the supreme court reporter position? Will that person transfer over to work with these new materials?

Holewa: This is to eliminate the statutory requirement to have that position. That position is currently vacant and has been since June of last year. We would retain the FTE and classify it down from a law librarian to a paralegal. That person would work with the self-help center to take over the duties that the librarian was doing. The librarian was meeting with 5-6 people per day.

Vice Chairman Dwyer: You have 11 IT people who are downtown?

Holewa: That's correct. We have an IT director, 3 programmers who work on our specialized software and support 4,000 users of our public access websites, 4 network people who protect our network from threats and deal with our 103 audio video systems in the courtrooms and our 84 Ivan systems, and 3 people who work at the help desk.

Vice Chairman Dwyer: You're not part of the unification operation?

Holewa: No we are not.

(11:45) Andrew Varvel, District 47 citizen, testifies in opposition (see attachment #2)

Chair Larson closes the hearing on HB 1068.

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1068
2/6/2019
Job #32269 (00:53)

- Subcommittee
 Conference Committee

Committee Clerk: Meghan Pegel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to repeal sections 27-04-01, 27-04-03, 27-04-04, 27-04-06, 27-04-07, and 27-04-08 of the North Dakota Century Code, relating to appointment of the supreme court reporter, the salary of the supreme court reporter, the location of the office of the supreme court reporter, duties of the supreme court reporter, and the sale and disposal of books and other library materials by the supreme court reporter.

Minutes:

No Attachments

Chair Larson opens the discussion on HB 1068.

Senator Myrdal: Moves for a Do Pass.

Vice Chairman Dwyer: Seconds.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent. Motion carries.

Vice Chairman Dwyer will carry the bill.

REPORT OF STANDING COMMITTEE

HB 1068: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1068 was placed on the
Fourteenth order on the calendar.

2019 TESTIMONY

HB 1068

HB1068
1-7-19
#1

TESTIMONY IN FAVOR OF HOUSE BILL NO. 1068

Good morning Chairman Koppelman, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of House Bill 1068. I have provided copies of my written testimony with attachment and a copy of proposed amendments to the bill. House Bill 1068 repeals various statutes pertaining to supreme court reporter, state law librarian, legislative reference librarian and the state law library.

Currently, the supreme court maintains a large, formal law library in the judicial wing of the Capitol. As Chief Justice VandeWalle stated in his state of the judiciary address, we no longer need to maintain such a large, formal law library with so many resources being available electronically and through other methods. This bill would allow the law library to be downsized to a core set of books so the space can be remodeled and used in a more efficient, effective manner. The court's plan is to remodel the space to expand our legal self-help center, improve the workspace for the central legal department, and relocate our IT staff to the Capitol. Although this remodel will result in an initial one-time cost, it will also result in savings of approximately \$400,000 each biennium. The attachment to my testimony details the initial cost of the remodel and the projected savings.

The proposed amendments remove references to state law library and supreme court reporter.

SUPREME COURT LAW LIBRARY COSTS

HB 1068
1-7-19
Attachment
page 2

	Estimated Savings	Estimated Increases	Net Savings per Biennium
Professional supplies (to be determined)			\$ -
Law librarian salary	\$ 333,624.00	\$ -	\$ 333,624.00
JBIT rent	\$ 253,761.00	\$ -	\$ 253,761.00
Citizen access attorney salary	\$ -	\$ 18,196.00	\$ (18,196.00)
Paralegal	\$ -	\$ 175,200.00	\$ (175,200.00)
Total on-going savings	\$ 587,385.00	\$ 193,396.00	\$ 393,989.00

One-time costs:

Law library remodel costs estimate	\$ 960,000.00	\$ (960,000.00)
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Cost Estimate Detail

<u>Professional supplies:</u>	2015-17 Actual	2017-19 Budget	Estimated Cost Savings (Increase)
Audio Visual	\$ 7,225.29		
Books	\$ 969,360.81		
Periodicals	\$ 131,790.49		
Total	\$ 1,108,376.59	\$ 1,095,000.00	\$ -

<u>Law Librarian Salary:</u>	2017-19 Monthly	2017-19 Biennium	Estimated Cost Savings (Increase)
Salary	\$ 10,552.00	\$ 253,248.00	
Fringe	\$ 3,349.00	\$ 80,376.00	
Total	\$ 13,901.00	\$ 333,624.00	\$ 333,624.00

<u>JBIT Rent:</u>	2017-19 Rent	2019-21 Rent	Estimated Cost Savings (Increase)
Rent	\$ 234,463.00	\$ 245,481.00	
Janitorial Contract	\$ 8,280.00	\$ 8,280.00	
Total	\$ 242,743.00	\$ 253,761.00	\$ 253,761.00

<u>Citizen Access Attorney Salary:</u>	2017-19 Monthly	Proposed Monthly	Estimated Cost Savings (Increase)
Salary	\$ 7,313.00	\$ 7,946.00	
Fringe	\$ 1,457.85	\$ 1,583.00	
Total Monthly	\$ 8,770.85	\$ 9,529.00	
Biennium Salary	\$ 210,500.40	\$ 228,696.00	\$ (18,195.60)

*Paygrade 21 to Paygrade 22 (Minimum 5% increase)

<u>Paralegal position:</u>	<u>2017-19 Monthly</u>	<u>Proposed Monthly</u>	<u>Estimated Cost Savings (Increase)</u>
Salary	\$ -	\$ 5,037.00	
Fringe	\$ -	\$ 2,263.00	
Total Monthly	\$ -	\$ 7,300.00	
Biennium Salary	\$ -	\$ 175,200.00	\$ (175,200.00)

*Replaces Law Librarian

<u>Remodel Cost Estimate:</u>	<u>One-time Cost*</u>	<u>Estimated Cost Savings (Increase)</u>
Extraordinary repairs	\$ 860,000.00	
Operating costs	\$ 100,000.00	
Total	\$ 960,000.00	\$ (960,000.00)

* Based on actual cost to remodel former ITD space, excluding equipment costs)

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1068

HB1068
7-7-19
Attachment 1
page 4

Page 1, line 1, after "Act" insert "to amend and reenact sections 12-46-09, 12-47-12, 27-02-24, 27-04-11, 54-06-04, and 54-35-09, relating to the supreme court reporter and state law library; and"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 12-46-09 of the North Dakota Century Code is amended and reenacted as follows:

12-46-09. Administrator may make rules.

1. The administrator may make rules and regulations not in conflict with the laws of this state:
 - a. For the admission of visitors.
 - b. For the government of officers and employees of the North Dakota youth correctional center.
 - c. For the conduct of children committed to the North Dakota youth correctional center.
2. A printed copy of the rules and regulations to be furnished to each child committed to the North Dakota youth correctional center at the time the child is received and to each officer or employee at the time of hire. ~~Two copies of such rules must be furnished to the state law library for the use of the state officials and the public.~~

SECTION 2. AMENDMENT. Section 12-47-12 of the North Dakota Century Code is amended and reenacted as follows:

12-47-12. Warden to make rules.

The warden, subject to the approval of the director of the department of corrections and rehabilitation, shall make rules not in conflict with the laws of this state and shall prescribe penalties for violations of the rules:

1. For the admission of visitors.
2. For the government of officers and employees of the penitentiary.
3. For the conduct of offenders imprisoned in the penitentiary.

A printed copy of the rules must be furnished to each offender imprisoned in the penitentiary at the time of admission and to each official or employee of the penitentiary at the time of hire. ~~Two copies of the rules must be furnished to the state law library for the use of the state officials and the public.~~ The rules must be explained to an offender who cannot read English.

SECTION 3. AMENDMENT. Section 27-02-24 of the North Dakota Century Code is amended and reenacted as follows:

27-02-24. Regulations governing publication and distribution of official reports to be made by supreme court.

The supreme court, by rules and regulations, shall provide for the filing, printing, publication, and distribution of the official reports of the opinions of the court and for the making of a contract through the ~~supreme court reporter~~ clerk of the supreme court with any person, corporation, or limited liability company for the printing, publishing, or distributing of such reports, not in excess of the biennial appropriation made for that purpose by the legislative assembly.

SECTION 4. AMENDMENT. Section 27-04-11 of the North Dakota Century Code is amended and reenacted as follows:

27-04-11. Appointment and duties of bailiff of supreme court – Compensation of bailiff.

The judges of the supreme court may designate ~~the supreme court reporter, or any other~~ a person, to act as bailiff of such court and may prescribe the duties of such bailiff. ~~The supreme court reporter, if designated to act as bailiff, shall receive no additional compensation thereof, but any other~~ Any person so designated may be allowed by such court such compensation for that person's services as may be reasonable.

SECTION 5. AMENDMENT. Section 54-06-04 of the North Dakota Century Code is amended and reenacted as follows:

54-06-04. Form and number of reports to be submitted.

1. The following executive and administrative officers and departments shall submit to the governor and the secretary of state reports covering their operations for the two preceding fiscal years, except as otherwise provided by law, not later than the first day of December each year after the regular session of the legislative assembly:
 - a. Secretary of state.
 - b. State auditor.
 - c. Insurance commissioner.
 - d. Attorney general.
 - e. Agriculture commissioner.
 - f. Superintendent of public instruction.
 - g. State tax commissioner.
 - h. Public service commission.
 - i. Department of corrections and rehabilitation.
 - j. Department of transportation.
 - k. State department of health.
 - l. Department of human services.
 - m. Workforce safety and insurance.
 - n. Office of management and budget.
 - o. State treasurer.
 - p. Labor commissioner.
 - q. Department of financial institutions.

- r. Game and fish department.
 - s. Industrial commission.
 - t. Job service North Dakota.
 - u. Board of university and school lands.
2. A committee composed of the director of the state historical society, the state librarian, and the secretary of state or other persons designated to represent them, shall meet at the call of the secretary of state to set the requirements for form, style, materials, and content of biennial reports.
 3. This section does not prohibit the executive and administrative officers and departments enumerated in subsection 1 from receiving additional copies of their reports as may be available and printed.
 4. All officers, departments, boards, commissions, and state institutions that submit reports covering their operations for the two preceding fiscal years to the governor and the secretary of state shall submit copies of their reports in the form and style, using the materials, and having the content prescribed under subsection 2 on or before the first day of December in each year after the regular session of the legislative assembly. If submitted, one copy of each report must be also distributed to the following agencies:
 - a. Legislative council.
 - b. Office of management and budget.
 - c. ~~State law library.~~
 - d. The libraries of each state institution of higher education.
 - e.d. State archivist for official and public use.
 5. All executive and administrative officers and departments that submit reports under this section shall bear the costs of the preparation and any printing of the reports.
 6. All reports required under this section to be submitted to the secretary of state must be subsequently transmitted by the secretary of state to the state archivist for official and public use following their receipt and review by the secretary of state.

(Contingent effective date – See note) Form and number of reports to be submitted.

1. The following executive and administrative officers and departments shall submit to the governor and the secretary of state reports covering their operations for the two preceding fiscal years, except as otherwise provided by law, not later than the first day of December each year after the regular session of the legislative assembly:
 - a. Secretary of state.
 - b. State auditor.
 - c. Insurance commissioner.
 - d. Attorney general.
 - e. Agriculture commissioner.
 - f. Superintendent of public instruction.

- g. State tax commissioner.
 - h. Public service commission.
 - i. Department of corrections and rehabilitation.
 - j. Department of transportation.
 - k. State department of health.
 - l. Department of human services.
 - m. Workforce safety and insurance.
 - n. Office of management and budget.
 - o. State treasurer.
 - p. Labor commissioner.
 - q. Department of financial institutions.
 - r. Game and fish department.
 - s. Industrial commission.
 - t. Job service North Dakota.
 - u. Board of university and school lands.
 - v. Department of environmental quality.
2. A committee composed of the director of the state historical society, the state librarian, and the secretary of state or other persons designated to represent them, shall meet at the call of the secretary of state to set the requirements for form, style, materials, and content of biennial reports.
3. This section does not prohibit the executive and administrative officers and departments enumerated in subsection 1 from receiving additional copies of their reports as may be available and printed.
4. All officers, departments, boards, commissions, and state institutions that submit reports covering their operations for the two preceding fiscal years to the governor and the secretary of state shall submit copies of their reports in the form and style, using the materials, and having the content prescribed under subsection 2 on or before the first day of December in each year after the regular session of the legislative assembly. If submitted, one copy of each report must be also distributed to the following agencies:
- a. Legislative council.
 - b. Office of management and budget.
 - c. ~~State law library.~~
 - d. The libraries of each state institution of higher education.
 - e.d. State archivist for official and public use.
5. All executive and administrative officers and departments that submit reports under this section shall bear the costs of the preparation and any printing of the reports.
6. All reports required under this section to be submitted to the secretary of state must be subsequently transmitted by the secretary of state to the state archivist for official and public use following their receipt and review by the secretary of state.

SECTION 6. AMENDMENT. Section 54-35-09 of the North Dakota Century Code is amended and reenacted as follows:

54-35-09. Recommendations – When made public – Distribution.

The recommendation of the legislative management must be completed and made public prior to any session of the legislative assembly at which such recommendations are to be submitted; and a copy of the recommendations must be distributed to each member-elect of the legislative assembly, and to each elective state officer, ~~and to the state law library.~~”

Renumber accordingly

House Bill 1068
Senate Judiciary Committee

|
HB 1068
2-6-19

Testimony Presented by Sally Holewa
State Court Administrator
February 6, 2019

Good morning Chair Larson and members of the committee. For the record, my name is Sally Holewa and I am the North Dakota State Court Administrator.

HB 1068 was introduced as a pre-filed bill by the Judicial Branch. The purpose of the bill is to repeal the current statutory references to a state law library and the requirements related to the appointment and duties of a Supreme Court Reporter. The Supreme Court Reporter's duties consist of serving as the state law librarian, serving as the legislative reference librarian, having care and custody of law library materials, and maintenance and operation of the state law library.

The statutes relating to the appointment of a Supreme Court Reporter pre-date statehood and were first enacted in 1879. Their early inclusion in North Dakota's body of law is a recognition of the importance of documenting both case law and statutory law, and of having judicial officers who are fully versed in the laws of the nation. The need for a well-educated judiciary has not changed but what has changed is how information is obtained.

For over 25 years, publishers have been moving toward digital publication of legal resources. Many books and journals are now available only as electronic documents. Along with that trend, there has been a parallel trend over the past decade for many states, law schools and publishers to digitize past volumes. While there will always be a

need to keep some print materials, these two trends have drastically reduced our need for a large, formal library.

The responsibility of serving as the legislative reference librarian was added to the duties of the Supreme Court Reporter in 1919. That section of law has not been updated since 1925 but was renumbered in the 1943 revised code and is currently found at 27-04-07. I do not have the exact dates as to when it occurred, but sometime after 1943, the Legislative Council created, and currently maintains, its own library and employs its own librarian. The current legislative reference librarian is Kylah Aull (kauull@nd.gov). Since the legislature has its own librarian, the state law librarian has not had to perform the duties of legislative reference librarian for many years.

In addition to serving as the Supreme Court Law Library, the library also serves the public. In 2013, we started a self-help center that is housed within the law library that currently serves an average of 2,000 individuals per year. We anticipate that the self-help center will pick up the duties of assisting the public and providing assistance to the prison librarian as those needs arise.

The library also currently serves as a partial federal depository. We have already begun the process of determining how to end that relationship and how to dispose of the federal materials we are currently holding.

If HB 1068 is enacted, our plan is to remodel the existing law library space to accommodate an expanded self-help center, improve the workspace for our central legal department, and relocate our IT staff to the Capitol. The costs associated with the remodel are included in the Court's appropriation request (HB 1002). However, for your information, the initial outlay to remodel the space is estimated at \$960,000. We expect that these changes will result in ongoing savings of approximately \$400,000 per biennium. Because most of our publications budget is already dedicated to electronic

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resources, the lion's share of future savings will come from discontinuing the rent for commercial office space. Additional savings will come from reclassifying the law librarian position to a paralegal position who will be assigned to the self-help center. I have attached a chart that details the costs and anticipated savings for this project. Also for your information, I have also attached information regarding the services provided by our self-help center.

I respectfully request the committee recommend a Do Pass on HB 1068. If this bill is passed, you can expect a deliberate and thoughtful unwinding of the library holdings.

**CHAPTER 27-04
OTHER OFFICIALS OF SUPREME COURT**

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27-04-01. Supreme court reporter - Appointment, qualifications, term, titles.

The judges of the supreme court shall appoint a person who is experienced and learned in the law and of known integrity to act as supreme court reporter, state law librarian, and legislative reference librarian. Such person shall hold office during the pleasure of such judges and generally must be known as the supreme court reporter.

27-04-02. Bond of supreme court reporter.

Repealed by S.L. 1999, ch. 113, § 24.

27-04-03. Salary of supreme court reporter.

The salary of the supreme court reporter must be within the amount appropriated for salaries by the legislative assembly.

27-04-04. Location of office of supreme court reporter.

The supreme court reporter shall have an office in the state capitol.

27-04-05. Opinions and reports of supreme court printed and published by reporter.

Repealed by S.L. 1969, ch. 277, § 2.

27-04-06. Reporter's duties as to state law library.

The supreme court reporter, subject to the supervision and control of the supreme court, shall have the care and custody of the state law library and shall perform such duties in connection with the maintenance and operation of the same as the supreme court, by rule or regulation, may provide.

27-04-07. Reporter's duties as legislative reference librarian.

The supreme court reporter shall perform the duties of a legislative reference librarian and shall give information and assistance to the members of the legislative assembly in their legislative work.

27-04-08. Sale and disposal of books and other library materials by supreme court reporter.

The supreme court reporter, subject to the direction and control of the supreme court and under such rules and regulations as it may prescribe, may sell or otherwise dispose of such books, pamphlets, leaflets, periodicals, and other library materials as come within the reporter's care and custody as the state law librarian and as are determined by the supreme court to be obsolete or to be useful in trade for other books, pamphlets, leaflets, periodicals, and other library materials. All money received from the sale of such library materials must be paid to such reporter and must be deposited by the reporter monthly in the state treasury.

27-04-08.1. Secretary of state to purchase certain property and publication rights.

Repealed by omission from this code.

27-04-09. Court security.

The state highway patrol and other law enforcement agencies, at the request of the chief justice, shall provide security services to the supreme court when the court considers those services to be necessary.

27-04-10. Sheriff acting as marshal liable on official bond.

Repealed by S.L. 1983, ch. 347, § 2.

27-04-11. Appointment and duties of bailiff of supreme court - Compensation of bailiff.

The judges of the supreme court may designate the supreme court reporter, or any other person, to act as bailiff of such court and may prescribe the duties of such bailiff. The supreme court reporter, if designated to act as bailiff, shall receive no additional compensation therefor, but any other person so designated may be allowed by such court such compensation for that person's services as may be reasonable.

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SUPREME COURT LAW LIBRARY COSTS

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	Estimated Savings	Estimated Increases	Net Savings per Biennium
Professional supplies (to be determined)			\$ -
Law librarian salary	\$ 333,624.00	\$ -	\$ 333,624.00
JBIT rent	\$ 253,761.00	\$ -	\$ 253,761.00
Citizen access attorney salary	\$ -	\$ 18,196.00	\$ (18,196.00)
Paralegal	\$ -	\$ 175,200.00	\$ (175,200.00)
Total on-going savings	\$ 587,385.00	\$ 193,396.00	\$ 393,989.00

One-time costs:

Law library remodel costs estimate		\$ 960,000.00	\$ (960,000.00)
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Cost Estimate Detail

<u>Professional supplies:</u>	2015-17 Actual	2017-19 Budget	Estimated Cost Savings (Increase)
Audio Visual	\$ 7,225.29		
Books	\$ 969,360.81		
Periodicals	\$ 131,790.49		
Total	\$ 1,108,376.59	\$ 1,095,000.00	\$ -

<u>Law Librarian Salary:</u>	2017-19 Monthly	2017-19 Biennium	Estimated Cost Savings (Increase)
Salary	\$ 10,552.00	\$ 253,248.00	
Fringe	\$ 3,349.00	\$ 80,376.00	
Total	\$ 13,901.00	\$ 333,624.00	\$ 333,624.00

<u>JBIT Rent:</u>	2017-19 Rent	2019-21 Rent	Estimated Cost Savings (Increase)
Rent	\$ 234,463.00	\$ 245,481.00	
Janitorial Contract	\$ 8,280.00	\$ 8,280.00	
Total	\$ 242,743.00	\$ 253,761.00	\$ 253,761.00

<u>Citizen Access Attorney Salary:</u>	2017-19 Monthly	Proposed Monthly	Estimated Cost Savings (Increase)
Salary	\$ 7,313.00	\$ 7,946.00	
Fringe	\$ 1,457.85	\$ 1,583.00	
Total Monthly	\$ 8,770.85	\$ 9,529.00	
Biennium Salary	\$ 210,500.40	\$ 228,696.00	\$ (18,195.60)

*Paygrade 21 to Paygrade 22 (Minimum 5% increase)

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<u>Paralegal position:</u>	<u>2017-19 Monthly</u>	<u>Proposed Monthly</u>	<u>Estimated Cost Savings (Increase)</u>
Salary	\$ -	\$ 5,037.00	
Fringe	\$ -	\$ 2,263.00	
Total Monthly	\$ -	\$ 7,300.00	
Biennium Salary	\$ -	\$ 175,200.00	\$ (175,200.00)

*Replaces Law Librarian

<u>Remodel Cost Estimate:</u>	<u>One-time Cost*</u>	<u>Estimated Cost Savings (Increase)</u>
Extraordinary repairs	\$ 860,000.00	
Operating costs	\$ 100,000.00	
Total	\$ 960,000.00	\$ (960,000.00)

* Based on actual cost to remodel former ITD space, excluding equipment costs)

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Holewa, Sally

From: Palsgraaf, Catherine
Sent: Wednesday, December 19, 2018 8:13 AM
To: Holewa, Sally
Subject: FW: North Dakota Legal Self Help Center Contact Data 2015-2018
Attachments: NDLSHC Brochure.pdf

Catie Palsgraaf, J.D.
Acting Supreme Court Law Librarian
ND Supreme Court Law Library
(701) 328-4248
cpalsgraaf@ndcourts.gov

From: Palsgraaf, Catherine
Sent: Thursday, December 13, 2018 3:25 PM
To: 'jack.dura@bismarcktribune.com' <jack.dura@bismarcktribune.com>
Subject: North Dakota Legal Self Help Center Contact Data 2015-2018

Jack,

As promised, following is the contact data for the North Dakota Legal Self Help Center. I've also attached the general information brochure. The North Dakota Legal Self Help Center is a division of the North Dakota Supreme Court Law Library that is staffed solely by me, the Citizen Access Coordinator. As of August 1, 2018, I'm also the acting Supreme Court Law Librarian.

North Dakota Legal Self Help Center Contact Data:

	Q1 2015*	Q2 2015	Q3 2015	Q4 2015	Total 2015
Phone Calls	No Data	281	434	550	1265
Emails	No Data	68	82	78	228
Letters	No Data	4	3	2	9
In-Person	No Data	23	13	11	47
Total	No Data	376	532	641	1549

* The Center was unstaffed during the first quarter of 2015.

	Q1 2016*	Q2 2016	Q3 2016	Q4 2016	Total 2016
Phone Calls	510	502	593	496	2101
Emails	74	144	168	111	497
Letters	0	1	2	2	5
In-Person	8	7	12	11	38
Total	592	654	775	620	2641

The Center was staffed by both the Citizen Access Coordinator and the Citizen Access Paralegal during 2016. The Citizen Access Paralegal position was added to the Judicial Branch budget during the 2015 Legislative session.

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	Q1 2017*	Q2 2017	Q3 2017	Q4 2017	Total 2017
Phone Calls	477	379	415	388	1659
Emails	99	98	94	94	385
Letters	3	4	2	3	12
In-Person	10	13	10	8	41
Total	589	494	521	493	2097

* As of February 2017, the Center was staffed solely by the Citizen Access Coordinator. The Citizen Access Paralegal position was eliminated due to budget cuts.

	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Total 2018*
Phone Calls	346	369	334	226	1275
Emails	115	121	100	58	394
Letters	0	4	3	6	13
In-Person	6	9	7	3	25
Total	467	503	444	293	1707

* Contact data for 2018 is January 1, 2018 through December 12, 2018.

When a resource is added to www.ndcourts.gov/ndlshc, individual requests for information about that topic tend to decrease significantly.

In 2018, the most requested topics have been:

- 1) Family law – Contested matters
- 2) Family law - Modifications to existing orders
- 3) Probate
- 4) Small Claims
- 5) Guardianships of Minors
- 6) Creditor/Debtor

Please let me know if you have questions.

Catie Palsgraaf, J.D.
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Testimony to the Senate Judiciary Committee

HB 1068

Andrew Alexis Varvel

February 6, 2019

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Chairman Larson and Members of the Committee:

I am very concerned about House Bill 1068.

Books are important. Keeping physical copies of information is a good defense for cybersecurity. Doing otherwise leaves us open to censorship from totalitarian regimes that can delete our archives for their own reasons.

Within the legal profession, my mother was one of the earliest adopters of computer technology in the 1980's. Yet, once she became a hearing officer for the Highway Department (now the Department of Transportation), she became increasingly dismayed at information technology could force her to look at computers that caused her cutting edge eye strain instead of paper, and telling her to change her protocols year after year. Piano keys stay in the same place. They don't jump around, requiring her to learn how to play the piano every six months because her piano playing is now "outdated".

When computer formats change, information gets lost.

In the 1990's, she was told that engineers in the Grand Forks office were ordered to destroy all copies of their hand drawn engineering specifications for North Dakota's roads and bridges. They were told that once the specifications were scanned in, the information would be kept in computer files. A few years later, information technology informed people that there wasn't enough file space anymore, and files that weren't getting used would be deleted. We now have a better record of the federal government's Office of Indian Affairs during the 1830's than North Dakota's road and bridge designs from a previous era.

This should be a cautionary tale.

The Supreme Court Law Library's collection needs to be kept intact. If necessary, this collection should be sent to either the State Archives or the UND Law Library. Federal and territorial statutes from the 1800's, session law books, and previous versions of North Dakota's consolidated laws are important for researchers.

In conducting my research about the 1837 smallpox epidemic, the Supreme Court Law Library has been very useful. I found printed evidence of a federal law passed on May 5, 1832, appropriating money to vaccinate Indians, including Indians on the northern plains. The fact that the federal government didn't vaccinate Indians north of modern day Mobridge came from a Jackson administration directive, and not from any lack of congressional action. It is my opinion as an historian that the selective vaccination of Lakotas and not their enemies had the dramatic effect of shifting the balance of power on the northern plains. Given the nature of this topic, and how false information has masqueraded as history on this subject, I hope you understand why my research must be careful and slow.

At a very minimum, the collection of the Supreme Court Law Library needs to be scanned into the Internet Archive. The Internet Archive is a digital archive with at least nineteen million scanned books so far. This solution far from perfect, but it is better than nothing.

At a time when the accreditation of the UND School of Law is in question, we should consider whether abandoning the Supreme Court law Library's collection is wise. If the Supreme Court doesn't want this archive, we should ensure that this collection remains intact elsewhere within our state government. Unless some language is added to the effect of preserving this archive, it would be a better practice to reject this bill.

This concludes my testimony. I welcome your questions. If you have any questions about my mother's experiences at the Department of Transportation concerning records retention, she is open for questions as well.

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