

**OPINION**  
**65-152**

May 26, 1965 (OPINION)

Mr. Norton M. Hatlie

Legal Counsel

Public Service Commission

RE: Libraries - State Documents - Deposit

This is in reply to your letter of May 20, 1965, relative to Senate Bill 270 enacted by the recent Legislative Assembly. You state the following facts and question:

I have been directed by the Public Service Commission to inquire in regard to the above statute.

A literal reading of the statute has led the Commission to conclude that all publications emanating from this Commission must be sent to the State Library Commission. The only exception thereto is inter-office papers. The Commission assumes that previous rulings by your office on this point have been superseded by the new statute.

The application of this statute to the affairs of the Public Service Commission, if it is literally construed, would be of great impact. The several departments comprising this Commission are daily issuing Notices of Hearing, Notices of Adjourned Hearing, Notices of Pre-Hearing Conferences, Interim Orders and Final Orders. The sum total of the publications only going out of the Commission is great. In addition, there are numberless Certificates of Convenience and Necessity, Licenses, Permits (both temporary and permanent), etc.

With all respect, I therefore request from your office an opinion of the application of this statute to the Public Service Commission."

You apparently have reference to Section 1 of Senate Bill 270. This section provides:

DISTRIBUTION OF CERTAIN STATE PUBLICATIONS FOR CERTAIN LIBRARIES REQUIRED. All state departments, offices, and agencies shall deposit with the state library commission ten copies of all publications issued by them, whether printed, mimeographed or duplicated in any way, which are not issued solely for use within the issuing office. The state library commission shall transmit these copies to depository libraries distributed geographically over the state, which libraries shall be those of the state historical society, North Dakota State University, the University of North Dakota, Minot Public Library, and Dickinson State College, plus five others which

the state library commission shall determine."

It would appear necessary to determine the meaning of the term "publications issued by them, whether printed, mimeographed or duplicated in any way," as used in the above statute in order to answer the question presented.

Words used in any statute are to be understood in their ordinary sense, unless a contrary intention plainly appears, but any words explained in the code are to be understood as thus explained. See Section 1-02-02 of the North Dakota Century Code. The word "publication" is not explained in the code nor is the intent to construe such term contrary to its ordinary meaning expressed in the Bill. Therefore the term "publication" is to be given its ordinary meaning. Webster's New Collegiate Dictionary, second edition, defines "publication" as follows: "1. Act of publishing, or state of being published; public notification. 2. The issuing to the public of copies of a book, engraving, or the like; hence, the business of printing, etc., such copies. 3. That which is published; esp., any book, pamphlet, etc., offered for sale or to public notice." The term "publication" is defined in Webster's New Twentieth Century Dictionary (second edition) as:

1. a publishing or being published; public notification.
2. the printing and distribution, usually for sale, of books, magazines, newspapers, etc. offered for sale or to public notice."
3. something published, as a book, periodical, article, etc."

The term "publish" is defined by Webster's New Collegiate Dictionary, second edition, as follows: "1. To make public; to divulge; to proclaim. 2. To bring before the public, as for sale; esp.: (a) to print and issue from the press, as a book, newspaper, etc. (b) U.S. To put into circulation; as, to publish counterfeit paper."

We believe the Legislature in Senate Bill 270 used the term "publication" in its ordinary sense, i.e., the printing, etc. of any book, pamphlet, magazine, newspaper, etc. We do not believe the Legislature intended that ten copies of every document issued by a state department, office or agency in their normal day to day functions, such as the legal documents, etc., mentioned in your letter, should be filed with the State Library Commission. It would appear the law would apply to those pamphlets, books of rules and regulations, information publications, etc., which are published by the various departments and agencies but would not apply to the day to day work product of the department or agency.

It is therefore our opinion that Senate Bill 270 does not require the Public Service Commission to deposit copies of such papers as Notices of Hearings, Notices of Adjourned Hearing, Notices of Pre-Hearing Conferences, Interim Orders and Final Orders, Certificates of Convenience and Necessity, Licenses, Permits (both temporary and permanent), etc.

It is our further opinion that copies of all "publications" such as

pamphlets, rules and regulations, information booklets, etc., must be deposited with the State Library Commission as provided in Senate Bill 270, Section 1.

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Attorney General