

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,
one thousand nine hundred and ninety-nine**

SENATE BILL NO. 2128
(Senator Fischer)

AN ACT to amend and reenact section 11-13-02.1 and subsection 2 of section 44-04-18 of the North Dakota Century Code, relating to fees charged for compiling statistical information.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-13-02.1 of the North Dakota Century Code is amended and reenacted as follows:

11-13-02.1. Duties of county official in rendering services to private individuals, firms, or corporations - Fees to be charged - Disposition of fees - Records to be kept. ~~It shall not be the duty of any~~ A county official is not required to compile statistical information for, ~~or furnish copies of records to,~~ private individuals, firms, or corporations, other than that required of the county auditor by section 11-13-15. A county official may compile statistical information for, ~~or furnish copies of records to,~~ private individuals, firms, or corporations upon payment of a suitable charge which ~~shall~~ must be commensurate with costs to the county of providing ~~such~~ the services. ~~Such~~ If the service takes more than an hour to provide, the board of county commissioners shall determine the fee ~~shall be a minimum of twenty five cents and shall, which may not exceed the sum of one dollar~~ twenty-five dollars per hour, excluding the initial hour, for time consumed in compiling ~~such~~ the statistical information ~~or preparing such copies of records, to be remitted.~~ The county official shall remit the fees each month to the county treasurer for credit to the county general fund. The county official shall keep a complete record of fees collected under this section.

SECTION 2. AMENDMENT. Subsection 2 of section 44-04-18 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. Upon request for a copy of specific public records, any entity subject to subsection 1 shall furnish the requester one copy of the public records requested. A request need not be made in person or in writing, and the copy must be mailed upon request. The entity may charge a reasonable fee for making or mailing the copy, or both. An entity may require payment before making or mailing the copy, or both. If the entity is not authorized to use the fees to cover the cost of providing or mailing the copy, or both, or if a copy machine is not readily available, the entity may make arrangements for the copy to be provided or mailed, or both, by another entity, public or private, and the requester shall pay the fee to that other entity. As used in this subsection, "reasonable fee" means the actual cost to the public entity of making or mailing a copy of a record, or both, including labor, materials, postage, and equipment, but excluding any cost associated with ~~locating, reviewing, or providing access to the requested record, or any cost associated with~~ excising confidential or closed material under section 44-04-18.8. An entity may impose a fee not exceeding twenty-five dollars per hour per request, excluding the initial hour, for locating records if locating the records requires more than one hour. This subsection does not apply to copies of public records for which a different fee is specifically provided by law.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2128.

Senate Vote: Yeas 42 Nays 6 Absent 1

House Vote: Yeas 92 Nays 4 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State