

Fifty-fifth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1122

Introduced by

Representative Soukup

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact section 24-02-11 of the North Dakota Century Code,  
2 relating to access to the records of the department of transportation.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 24-02-11 of the 1995 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **24-02-11. Records of department open to public - Certain records not open to**  
7 **public - Certified copies.**

8 1. The director is custodian of, and shall preserve, the files and records of the  
9 department. The files and records of the department must be open to public  
10 inspection under reasonable regulations. However, records relating to the financial  
11 condition of any party ~~that has~~ are not open to public inspection if that party:

12 a. Has applied for prequalification as a bidder, ~~is~~;

13 b. Is designated as a prequalified bidder pursuant to this chapter, ~~or is~~;

14 c. Is an applicant under the disadvantaged business enterprise program ~~are not~~  
15 ~~open to public inspection~~;

16 d. Makes a submission in furtherance of being selected as a consultant;

17 e. Is selected as a consultant; or

18 f. Is subject to audit by the department.

19 2. Copies of files and records of the department, when certified by the director as  
20 being true copies, must be received in evidence in any court in the state with the  
21 same force and effect as the originals.

22 3. The books of account of the department must be kept accurately and completely  
23 as must be prescribed or approved by the state auditor, which must show among  
24 other things the following facts:

- 1           4-   a.   The cost of maintaining the department, including the salaries and expenses  
2                   of the individual members thereof.
- 3           ~~2-~~   b.   The amounts of money expended for the construction or maintenance of the  
4                   state highways, when and where, and upon what job or portion of the road  
5                   expended, so that the cost per mile [1.61 kilometers] of ~~such~~ the construction  
6                   or maintenance can be ascertained with ease.
- 7           ~~3-~~   c.   The amount of road equipment and materials purchased and when and where  
8                   and from whom purchased. ~~Such~~ The book also must show the price paid for  
9                   each item. The original invoice or a photographic copy thereof must form a  
10                  part of the permanent files and records in ~~said~~ the department.
- 11          4-   d.   The director shall charge a uniform fee, by type of record.