

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

HOUSE BILL NO. 1122  
(Representative Soukup)  
(At the request of the Department of Transportation)

AN ACT to amend and reenact section 24-02-11 of the North Dakota Century Code, relating to access to the records of the department of transportation.

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

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

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

1. The director is custodian of, and shall preserve, the files and records of the department. The files and records of the department must be open to public inspection under reasonable regulations. However, records relating to the financial condition of any party ~~that has~~ are not open to public inspection if that party:
  - a. Has applied for prequalification as a bidder;~~is;~~
  - b. Is designated as a prequalified bidder pursuant to this chapter;~~or is;~~
  - c. Is an applicant under the disadvantaged business enterprise program ~~are not open to public inspection;~~
  - d. Makes a submission in furtherance of being selected as a consultant;
  - e. Is selected as a consultant; or
  - f. Is subject to audit by the department.
2. Copies of files and records of the department, when certified by the director as being true copies, must be received in evidence in any court in the state with the same force and effect as the originals.
3. The books of account of the department must be kept accurately and completely as must be prescribed or approved by the state auditor, which must show among other things the following facts:
  - 1- a. The cost of maintaining the department, including the salaries and expenses of the individual members thereof.
  - 2- b. The amounts of money expended for the construction or maintenance of the state highways, when and where, and upon what job or portion of the road expended, so that the cost per mile [1.61 kilometers] of ~~such the~~ construction or maintenance can be ascertained with ease.
  - 3- c. The amount of road equipment and materials purchased and when and where and from whom purchased. ~~Such The~~ book also must show the price paid for each item. The original invoice or a photographic copy thereof must form a part of the permanent files and records in ~~said the~~ department.
  - 4- d. The director shall charge a uniform fee, by type of record.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1122.

House Vote:      Yeas    93      Nays    0      Absent    5

Senate Vote:    Yeas    47      Nays    0      Absent    2

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State