

FIRST ENGROSSMENT
with House amendments

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2128

Introduced by

Senator Fischer

1 A BILL for an Act to amend and reenact section 11-13-02.1 and subsection 2 of section
2 44-04-18 of the North Dakota Century Code, relating to fees charged for compiling statistical
3 information.

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

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

7 **11-13-02.1. Duties of county official in rendering services to private individuals,**
8 **firms, or corporations - Fees to be charged - Disposition of fees - Records to be kept.** ~~It~~
9 ~~shall not be the duty of any~~ A county official is not required to compile statistical information for,
10 ~~or furnish copies of records to,~~ private individuals, firms, or corporations, other than that
11 required of the county auditor by section 11-13-15. A county official may compile statistical
12 information for, ~~or furnish copies of records to,~~ private individuals, firms, or corporations upon
13 payment of a suitable charge which ~~shall~~ must be commensurate with costs to the county of
14 providing ~~such~~ the services. ~~Such~~ If the service takes more than an hour to provide, the board
15 of county commissioners shall determine the fee shall be a minimum of twenty five cents and
16 ~~shall, which may not exceed the sum of one dollar~~ twenty-five dollars per hour, excluding the
17 initial hour, for time consumed in compiling ~~such the~~ statistical information ~~or preparing such~~
18 ~~copies of records, to be remitted.~~ The county official shall remit the fees each month to the
19 county treasurer for credit to the county general fund. The county official shall keep a complete
20 record of fees collected under this section.

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

23 2. Upon request for a copy of specific public records, any entity subject to
24 subsection 1 shall furnish the requester one copy of the public records requested.

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