



Cass County Information Technology

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TESTIMONY ON HOUSE BILL NO. 1306

House Committee of Government and Veterans Affairs

Chairperson Schauer and members of the Committee:

Thank you for the opportunity to discuss the challenges local governments face in fulfilling public records requests, particularly considering the proposed expansion of free processing hours under NDCC 44-04-18(2).

As a local government, we are committed to transparency and ensuring the public has access to government records. However, responding to Open Records Requests in compliance with NDCC 44-04-18(2)—especially broad and complex ones—requires significant time, staff effort, and resources. Currently, requesters receive one hour of free processing time, with additional time billed at \$25 per hour. The proposal to expand this to **40 free hours per requestor once per year** would have significant financial and operational impacts on our agency.

1. Increased Financial and Operational Strain

Under the current system, agencies can recover some costs when processing large requests. However, increasing the free processing time to 40 hours would shift the burden entirely onto taxpayers and local government budgets. To illustrate:

- **40 hours per requestor per year at \$25 per hour equals \$1,000 in unrecoverable costs per requestor.**
- If even 50 requestors take advantage of this, our agency would absorb **\$50,000 in lost revenue**, diverting funds from essential services.
- Many open records requests require specialized searches across multiple systems, legal review, and redactions, which must be conducted by experienced staff. The current **\$25 per hour fee does not fully cover the costs** of fulfilling these requests, as the actual cost of staff time—including benefits and overhead—is often significantly higher.

2. Encouraging Broad and Abandoned Requests

One of the most significant issues we face is **overly broad requests that yield thousands of records, only for the requestor to abandon them after realizing the volume of data involved**. This creates a situation where:

- Staff spend dozens of hours collecting, reviewing, and redacting records, only for the requestor to drop the inquiry.
- There is no accountability for requestors who make large demands on government resources with no intention of following through.



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- The increased free processing hours could **encourage fishing expeditions**—sweeping, unfocused requests that require substantial government effort but provide little real value to the public.

Conclusion

Expanding the free open records processing time from 1 hour to 40 hours per requestor per year would place a significant burden on local government operations, resulting in **increased taxpayer costs, staff shortages, and an influx of broad, abandoned requests**. While transparency is critical, we must also ensure that open records laws serve the public without overextending limited government resources. We urge careful consideration of the financial and operational impacts before implementing this expansion.

Sincerely-

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