

North Dakota State's Attorneys' Association

February 4, 2025

To: House Government & Veterans Affairs
Hon. Chairman Schauer
Hon. Vice-Chair Satrom
Members of the Committee

RE: House Bill No. 1306

Chairman Schauer, Vice-Chair Satrom, and Members of the Government & Veterans Affairs Committee:

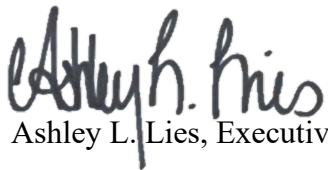
The North Dakota State's Attorneys' Association (NDSAA) is submitting this letter requesting a **DO NOT PASS** to House Bill 1306 to bring up several concerns with the Bill as currently presented.

First, this Bill does not have a fiscal note attached to it, but offers up to forty hours of free searching for open records to North Dakota citizens. Public offices are already understaffed and over-worked. Providing this work without a fiscal note to hire someone to handle the number of requests that will pour in isn't feasible. Additionally, what is to stop a husband and wife from making separate requests, thus obtaining up to 80 hours of free research, or worse a large company with a dozen employees each requesting up to 480 hours?

Next, a core concept of open records requests is that the entity cannot even ask the requester's name. This Bill states that this search is free for North Dakota citizens. How is an entity supposed to determine who is a resident without violating the provisions of the open records laws? If we can't ask if someone is a resident, then is there just a presumption that every requester is a North Dakota citizen?

If anything, the fees for open records requests need to be increased to cover actual costs incurred by public entities in finding and providing these records. Giving away free searches is not in the best interests of our State.

On behalf of the North Dakota State's Attorneys:



Ashley L. Lies, Executive Director