

Testimony Prepared for the  
House Government and Veterans Affairs Committee  
February 6, 2025  
By: Deborah A. Moeller, Cass County Recorder

RE: HB1306 Relating to fees  
assessed for open records  
requests

My name is Deb Moeller and I am the Cass County Recorder. Chairman Schauer and committee members, thank you for the opportunity to submit oral testimony opposing HB 1306 which would amend and reenact subsection 2 of N.D.C.C. 44-04-18 to allow one open records request per year, per ND citizen, free of charge up to 40 hours.

While I believe public access to government records is important, I oppose HB 1306 for the following reasons:

1. In addition to the one hour of free research currently available to the public, county recorder offices have already invested in self-help platforms to allow public access to county real estate records as follows:
  - a. The Cass County Recorder's Office and the 52 other North Dakota county recorders provide free public access to the real estate records filed and recorded in our offices. In Cass County, we offer public computer terminals and/or direct access to our books and microfilm.
  - b. Most counties also export all recorded documents to the North Dakota Recorders Information Network (NDRIN), or a similar platform, to allow for 24/7 online searching. The NDRIN search option is provided at a reasonable fee of \$7 for a 24-hour day pass or \$30 for a monthly subscription. This online resource also contains information on how to search our records.
  - c. County recorders are available during regular business hours to assist customers with their questions related to record searches in the recorder's office or online. We often provide customers with up to one free hour of research as currently provided by N.D.C.C. If more research is required, a customer will usually choose to complete the additional research themselves or decide they do not need additional records.
2. If passed, the proposed amendment to N.D.C.C. 44-04-18 would require *each* county office, according to the definition of "public entity", to provide up to 40 hours of free research and other services to produce the requested records. Our concerns are:
  - a. A North Dakota citizen could potentially receive more than 40 free hours related to open records request if records were requested from multiple county departments.

- b. Rather than use the self-help platforms in which county offices have already invested, requesters could now expect staff to provide the extended free research services. Using the current \$25 per hour rate as an example, this could cost up to \$1,000 per request. Further, the current \$25 per hour fee does not fully cover the actual staff time of fulfilling an open record request.
  - c. Additional staff would need to be hired to accommodate the expanded free services in a timely manner.
  - d. The county taxpayer would be further burdened with the increased costs associated with individual requests, many of which are associated with for-profit businesses such as realtors, appraisers, law firms, banks, and similar entities.
  - e. Additional administrative time would be needed to determine if a requester is a North Dakota citizen and whether the current request is the first in a calendar year. Complicating this task is the fact that under subsection 2.b. of N.D.C.C. 44-04-18, we may not ask the identity of the requester.
3. N.D.C.C. 44-04-18 is adequate as currently written in that it offers a free hour for a basic open record request and, while not covering the cost of the request, a reasonable fee of \$25 per hour is applied to more extensive requests to ensure that the open records laws serve the public without further burdening the taxpayer and limited government resources.

For these reasons I ask for a DO NOT PASS recommendation on HB 1306.

Thank you for your time and consideration.