



February 6, 2025

House Government and Veterans Affairs

HB 1306

Representative Austen Schauer, Chair

For the record, my name is Kory Peterson. I am appearing before you today on behalf of the North Dakota League of Cities, in opposition to HB 1306. Prior to working with the North Dakota League of Cities, I was the Mayor of Horace for 8 years, from June 2016 to July 2024.

The League of Cities has reviewed this proposed bill and is concerned about the additional time that will be allowed to process an open records request without compensation. The increase of an additional 39 hours could also lead to more staffing concerns.

You need staff to complete these tasks. There is nobody at a city facility that is dedicated full time to processing open records requests. This usually means that any normal city task currently assigned to the staff will need to be paused to take on this open records request.

There are times when these requests are substantial, and it will take time because of having to review the documents or video for any redactions that need to happen. This action could involve outside sources like an attorney, police staff, and engineer support, which adds to the expense of the request.

The world of records has changed drastically in the last 10 years, and while it is wonderful to have evolved into a technological world, it is not without its growing pains.

In talking with law enforcement, the body-worn camera (BWC) is an area that frequently gets overlooked in significance when making an open records request. When an officer interacts with the public, it is usually in response to a call for service. From the moment a call comes in, police activity begins. Suspects, victims, and witnesses are frequently identified during these exchanges. Officers are often on camera as they obtain information such as names, addresses, date of birth, social security numbers, driver's license numbers, and a multitude of other sensitive personal identification information. These interactions are very sensitive when it comes to open records and require great skill and diligence to ensure this sensitive information

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is not released. Transcripts need to be reviewed for accuracy and any redactions as well. There is a tremendous amount of data collected from a single call when discussing the positive aspects of the BWC. One open records request for a 911 call could easily consume 40 hours of work.

Having to give away 39 extra hours of time for an open records request would result in a loss of \$975 pre request at the current \$25/hour rate. When the number of requests become frequent as some cities have seen, this becomes a cost and staffing concern. The larger the volume of requests, it becomes even more impactful to city budgets and staffing.

There is concern of people abusing this system if this bill were to be approved. We have seen it in other cities where someone has issues with the city. They will make an open records request that is very broad in scope and will require multiple city resources (city staff, attorney, police, financial director and/or engineering). These types of requests put normal city functions on pause to facilitate the request. This could easily put the request at the 40-hour threshold or beyond. These types of requests are more burdensome for a city when trying to budget for these types of record requests. City's try to get the request done as soon as possible but significantly increasing the free amount of time could allow for frivolous requests that will consume a large amount of staff time to the detriment of normal activities.

Another concern with this bill revolves around the tracking of who has requested an open meetings request. The requestor does not have to identify themselves so being able to track who requests becomes impossible. This would add an additional burden to the city to create a list of who is making the request, assuming they identify themselves in the first place.

The current law today is a reasonable approach to handing open records requests. The League finds this language as an overreach on the amount of free work the city should be obligated to provide. The additional language opens up the possibility of more frivolous open records requests that can easily overwhelm city resources.

The League respectfully requests a Do Not Pass on this bill for all the reasons stated.

Thank you

Kory Peterson