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House Bill 1306 Testimony
House Government and Veterans Affairs Committee
Hon. Chairman Schauer

Chairman Schauer and committee members, thank you for the opportunity to discuss HB 1306. My name is Mikayla McWilliams, and I am the City Clerk for the City of Minot. I am offering testimony in opposition of HB 1306.

At the City of Minot, all staff is dedicated to providing the public with open records in accordance with the Attorney General's Open Records Laws for the State of North Dakota. Our process includes records request software, which allows the staff to track the request progress, communicate, and ensure the records are produced in a timely manner.

Section 1. Amendment. Subsection 2 (g) of section 44-04-18 of the North Dakota Century Code of HB 1306 is an amendment the City of Minot would oppose the change of. With public records software, the capability of the software to track a requester's ability to receive one free request per year would be difficult, if not impossible to track within the system. This would be a timely and manual process for staff of the government entity. The City of Minot also believes providing up to 40 hours free for the request would impose an undue burden on the entity for staff time and ability to provide the request.

In 2024, the City of Minot received 3,293 open records requests. At minimum if those requests only took the one free hour as outlined in the current policy, that would be equivalent to 1 ½ full-time employees for the City of Minot.

The City of Minot would advocate to remain with the current Open Records policy allowing the requester one free hour per request. The current Open Records policy states "Immediate access or copies are not always required, but the amount of time within which the public entity must respond to the request will usually be measured in hours or a few days rather than several days."

Furthermore, the City of Minot along with all other public entities of the state would need to develop a process on confirming the requester is a "citizen of the state". This bill provides no guidance to the public entities.

Thank you for your time. The City of Minot urges you to not pass HB 1306 as currently written.