



1 Testimony Opposing HB 1306

2 Chairman Schauer and Members of the Committee - I appreciate the opportunity to testify in
3 opposition to House Bill 1306. While transparency in government is a fundamental right, it
4 must be balanced against the responsible use of taxpayer dollars and the prevention of system
5 abuse. The proposed changes in this bill undermine those protections and open the door for
6 wasteful spending and circumvention of existing safeguards.

7 North Dakota has long been a champion of open government, but the current fee structures were
8 implemented to prevent excessive and frivolous requests that strain public resources. The
9 introduction of a free annual request of up to 40 hours per requester (Section g) creates an
10 unfunded mandate on state and local entities, shifting the burden onto taxpayers.

- 11 • A single request consuming up to 40 hours of labor at no charge is an unreasonable
- 12 demand on public entities that already face staffing and budget constraints.
- 13 • Public employees will be required to divert significant time from their primary
- 14 responsibilities to fulfill these requests without any cost recovery.
- 15 • Smaller government entities, such as rural school districts or county offices, will bear the
- 16 brunt of this mandate, potentially reducing their ability to provide other essential services.

17 Ultimately, public employees and taxpayers will be forced to subsidize the research efforts of a
18 select few individuals at the expense of the broader public.

19 The bill fails to address the risk of coordinated abuse, which was a primary reason why previous
20 legislatures implemented fees for high-volume requesters. Under HB 1306, a loophole exists that
21 allows individuals to bypass existing protections against excessive records requests.

22 **The current statute was amended to include fee protections in 2015 precisely to prevent the**
23 **kind of abuse that this bill would enable. This law would reverse that law that was enacted**
24 **at that time**

25 These provisions were carefully crafted to maintain public access while ensuring taxpayer dollars
26 are not wasted. Removing these safeguards reverses hard-won legislative progress and
27 reintroduces the very inefficiencies that prior legislatures sought to eliminate.

28 While public records access is a fundamental right, it must be exercised responsibly. HB 1306
29 opens the floodgates to excessive, taxpayer-funded requests, creates opportunities for
30 coordinated abuse, and places undue burdens on public employees. The existing law already
31 provides a balanced, transparent approach that ensures access while protecting public resources.

32 I respectfully urge the committee to reject HB 1306 in its current form. Let's maintain
33 responsible governance and protect taxpayers from unnecessary financial and administrative
34 strain. Thank you for your time and consideration.