

House Government & Veteran Affairs Committee
February 6, 2025
By: Carrie K. Krause, Wells County Recorder

RE: HB 1306 Relating to fees
assessed for open records
requests

Chairman Schauer and Committee Members.

I am Carrie Krause, Wells County Recorder. I am writing to you in opposition of HB 1306.

Currently we get open record requests quite regularly and we are always happy to help. We explain to them that we can search for 1 hour for free and after that it is \$25 an hour. When we explain this most of the time they can narrow the search down to exactly what they are looking for. 9 times out of 10 we can complete that open records search request in an hour, if not we let them know what we have found and explain we will now have to charge. They either tell us to go forward and keep searching for the fee or send them what records we have. Very rarely do we search more than the first hour.

If they want to search on their own they are more than welcome to come into the office to search. We show them how to use our books and how to search on the public computer. We also assist them if they have questions.

HB 1306 changes the amount of time for a search where an open records request is made by a North Dakota resident one time a year for free. This would change it to up to 40 hours of free searching for that North Dakota resident one time a year. How are we to know they are a North Dakota resident or that this would be their first open records request for the year as the part of NDCC **44-04-18.2** states

“A public entity may require written clarification of the request to determine what records are being requested, but may not ask for the motive or reason for requesting the records or for the identity of the person requesting public records.”

Many rural county offices only have 1 to 2 staff members, some are dual offices and I know of a couple of the counties that only have 1 staff member and hold a dual office. Having to do 40-hour searches will be detrimental to those offices that don't have the staff available to handle these kinds of searches and keep up with daily work. Larger counties with their work load and a large customer base will also have issues with not having enough staff.

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

Thank you again for your time and consideration.