

**FIRST ENGROSSMENT
with House amendments**

ENGROSSED SENATE BILL NO. 2128

Introduced by

Senator Fischer

1 A BILL for an Act to amend and reenact section 11-13-02.1 and subsection 2 of section
2 44-04-18 of the North Dakota Century Code, relating to fees charged for compiling statistical
3 information.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 11-13-02.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-13-02.1. Duties of county official in rendering services to private individuals,**
8 **firms, or corporations - Fees to be charged - Disposition of fees - Records to be kept.** ~~It~~
9 ~~shall not be the duty of any~~ A county official is not required to compile statistical information for,
10 ~~or furnish copies of records to,~~ private individuals, firms, or corporations, other than that
11 required of the county auditor by section 11-13-15. A county official may compile statistical
12 information for, ~~or furnish copies of records to,~~ private individuals, firms, or corporations upon
13 payment of a suitable charge which ~~shall~~ must be commensurate with costs to the county of
14 providing ~~such~~ the services. ~~Such~~ If the service takes more than an hour to provide, the board
15 of county commissioners shall determine the fee shall be a minimum of twenty five cents and
16 ~~shall, which may not exceed the sum of one dollar~~ twenty-five dollars per hour, excluding the
17 initial hour, for time consumed in compiling ~~such~~ the statistical information ~~or preparing such~~
18 ~~copies of records, to be remitted.~~ The county official shall remit the fees each month to the
19 county treasurer for credit to the county general fund. The county official shall keep a complete
20 record of fees collected under this section.

21 **SECTION 2. AMENDMENT.** Subsection 2 of section 44-04-18 of the 1997
22 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23 2. Upon request for a copy of specific public records, any entity subject to
24 subsection 1 shall furnish the requester one copy of the public records requested.

1 A request need not be made in person or in writing, and the copy must be mailed
2 upon request. The entity may charge a reasonable fee for making or mailing the
3 copy, or both. An entity may require payment before making or mailing the copy,
4 or both. If the entity is not authorized to use the fees to cover the cost of providing
5 or mailing the copy, or both, or if a copy machine is not readily available, the entity
6 may make arrangements for the copy to be provided or mailed, or both, by another
7 entity, public or private, and the requester shall pay the fee to that other entity. As
8 used in this subsection, "reasonable fee" means the actual cost to the public entity
9 of making or mailing a copy of a record, or both, including labor, materials,
10 postage, and equipment, but excluding any cost associated with ~~locating,~~
11 ~~reviewing, or providing access to the requested record, or any cost associated with~~
12 ~~excising confidential or closed material under section 44-04-18.8. An entity may~~
13 ~~impose a fee not exceeding twenty-five dollars per hour per request, excluding the~~
14 ~~initial hour, for locating records if locating the records requires more than one hour.~~
15 This subsection does not apply to copies of public records for which a different fee
16 is specifically provided by law.