

**FIRST ENGROSSMENT
with House Amendments**Fifty-sixth
Legislative Assembly
of North Dakota**ENGROSSED SENATE BILL NO. 2411**

Introduced by

Senator Kilzer

1 A BILL for an Act to amend and reenact section 54-46.1-01 of the North Dakota Century Code,
2 relating to the provision of microfilm services; and to provide for a legislative council study.

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

4 **SECTION 1. AMENDMENT.** Section 54-46.1-01 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **54-46.1-01. Central microfilm unit - Contracting for services.** The state records
7 administrator shall establish and maintain a central microfilm unit and microfilm any record of
8 any state office, agency, or department in either the executive, legislative, or judicial branch of
9 state government, if the administrator determines the cost of ~~such~~ the microfilming is
10 reasonable in relation to the record's historical significance or the frequency and type of use of
11 the record. If the administrator and the office of management and budget determine that the
12 services called for in this chapter can be provided more efficiently and economically through
13 contracting with private contractors, the administrator may enter into such contracts or require
14 an agency to use the services of a contractor as allowed by section 54-46.1-05. Release of
15 records to a contractor for microfilming under this section or section 54-46.1-05 is not a
16 violation of section 12.1-13-01, 54-46.1-07, or any other law that provides for any civil or
17 criminal penalty for the release of certain records. A contractor hired by the administrator under
18 this section or by an agency under section 54-46.1-05 may not disclose any information from
19 any record, disclose any record the contractor receives for microfilming services, or make or
20 retain a copy or other reproduction of a record not required by the contract to be made. Any
21 contractor hired by the administrator under this section or by an agency under section
22 54-46.1-05 is subject to the penalties provided by law for unauthorized release of public
23 records, and the contractor must agree to fully comply with all applicable state or federal laws
24 or rules prohibiting release of public records. Each office, agency, and department shall

1 reimburse the central microfilm unit for the actual costs incurred in microfilming its records. The
2 administrator shall deposit moneys received under this section in the information services
3 operating fund. The administrator shall employ professional, technical, and clerical personnel
4 as the administrator determines to be necessary to carry out the duties prescribed in this
5 chapter and, within the limits of the legislative appropriation, shall fix the salaries of all
6 employees within the central microfilm unit. All personnel within the central microfilm unit must
7 be allowed their actual and necessary travel expenses at the same rate as for other employees
8 of the state. The administrator may perform microfilm services for any state institution and for
9 any county, when the institution or county requests such services and the administrator agrees
10 that the request is consistent with good records management practices.

11 **SECTION 2. LEGISLATIVE COUNCIL STUDY OF PRIVATIZATION OF SERVICES**

12 **PROVIDED BY STATE AGENCIES.** During the 1999-2001 interim, the legislative council shall
13 conduct a study of privatizing and contracting for services provided by state agencies. In
14 conducting the study, the legislative council shall request information from representatives of
15 the executive branch, the judicial branch, higher education, public employee organizations,
16 entities that have contracted with state agencies for services, and businesses or other entities
17 that are interested in providing services for or in place of state agencies. The legislative council
18 shall report its findings and recommendations, together with any legislation required to
19 implement the recommendations, to the fifty-seventh legislative assembly.