

Representative Mike Lefor – Testimony

House Bill 1198

Good afternoon, chair Schauer, vice chair Satrom and members of the Government and Veterans Affairs committee, for the record my name is Mike Lefor and I represent District 37 – Dickinson in the House. I bring HB 1198 to you for your consideration.

I am bringing this bill forward on behalf of constituents. They include a few public entities in which I have had discussions. A university, county, and a state entity. When we look at potential laws, we must keep in mind the rights of the public, first and foremost and the rights of governmental agencies to provide great public service.

In the recent past, there have been numerous anonymous requests made to public entities for public records which has caused a strain on some of our public entities. The public sector is struggling for workforce just as the private sector is in our state. The amount of time these entities are putting into this access is growing.

The director of information technology at Dickinson State University estimates that his department has spent about 105 hours on anonymous requests from 2020 to 2022. The IT department has highly compensated individuals which results in a considerable expense to taxpayers, who pay their salaries. Additionally, this takes away from time they could better be putting to good use in growing the university.

After the IT department accumulates the records, it is their duty to determine whether any portion of the records need to be redacted to remain in compliance with various laws. According to the president of the university, “In the course of the past two years, these anonymous requests has required us to peruse thousands, if not tens of thousands of documents for most of this time DSU employees have done this work. Recently, we contracted with an outside firm who performs the redaction service, because employee time away from their regular duties was hindering DSU operations.”

The fee provided by statute does not cover the cost in all cases. I would also note that some may oppose this bill because they are under the mistaken impression the requester must give the reason for the request, they don't and shouldn't have to do so.

If you would go to page 1 lines 18-23, it states as follows: “A valid request for a copy of a specific public record must be made by an identified individual who provides the individual's name, address and contact information unless the individual is a victim of a crime related to the crime including an individual who self-identifies as a victim. A request made by an individual who does not supply the individual's name, address, and contact information is invalid and must be disregarded by the agency to whom the request was directed.”

There is a national group called the National Freedom of Information Coalition which is in 39 states and the District of Columbia, they have a standard form for requesting information which