

**1999 SENATE POLITICAL SUBDIVISIONS**

**SB 2128**

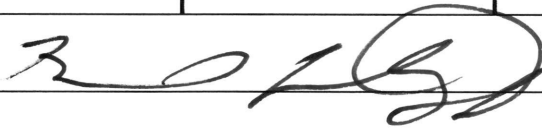
1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2128

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 8, 1999

Tape Number	Side A	Side B	Meter #
1	x		2732 to 3667
Committee Clerk Signature 			

Minutes:

**ROLL CALL AND OPENING OF SB2128**

**FISCAL NOTE ATTACHED TO 2128, NO FISCAL IMPACT**

**SENATOR FISCHER:** Introduction of 2128 and amendments - AMENDMENTS TO BILL 2128, everything on page 1 was deleted at the request of the Attorney General's office. Section 2 the amendment is, locating and reviewing is deleted, where to draw the line between what taxpayers are entitled to and what taxpayers should pay for. Attorney General was reluctant to recommend. 1st hour charge for record copying. Concern for bill only relating to county officials but if we cover the entire state, the bill would not work as it's worded now.

**SENATOR LEE:** Other sections of the Century Code that would relate to other political subdivisions.

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number: SB2128

Hearing Date JANUARY 08, 1999

SENATOR KELSH: 1st hour is free and anything over that would be \$25.00 an hour. Over the first hour, could the first hour be charged also.

SENATOR FISCHER: NO! The way that the bill reads now, I guess that they could?

SENATOR LEE: First hour should be free

SENATOR FISCHER: That is a good point

SENATOR WATNE: You have it here that the first hour would be free

SENATOR FISCHER: "BOARD OF COUNTY COMMISSIONERS WILL DETERMINE THE FEE" not a money making fee

SENATOR LEE: AN ENTITY MAY impose A FEE NOT EXCEEDING 25 DOLLARS AN HOUR FOR TIME BEYOND THE FIRST HOUR

SENATOR FISCHER: That should be made clear

SENATOR FLAKOLL: No charge for the first hour

SENATOR NELSON: Additional hours you can impose a fee for, or put it in before

SENATOR LEE: amend the amendment with no charge being established for the first hour.

SENATOR NELSON: Fee not to exceed 25 dollars per hour after the first hour

SENATOR WATNE: Why you want to remove, "by county officials on page 112

SENATOR FISCHER: I am not sure

SENATOR NELSON: Maybe they are appointed officials and not elected

SENATOR LEE: Attorney General ask for those tapes

SENATOR FISCHER: YES:

SENATOR FISCHER: working with furnished copies

SENATOR LEE: It says county official on line 8

SENATOR NELSON: Adding a separate section to make the bill more inclusive

SENATOR FISCHER: They are using the word public entity in section 2

SENATOR LEE: 44.04-18 is the section that discusses records, so that is what the Attorney General wanted to add.

SENATOR NELSON: making the wording more inclusive

SENATOR LEE: Deleted the part about furnished copies also

SENATOR FISCHER: I am just looking at one section

SENATOR LYSON: Are you looking at 11-13

SENATOR LEE: 11-13 Just relates to the county auditor

SENATOR LYSON: How can we change the county officials (strike out)

SENATOR NELSON: first lines are just title and don't relate to the bill

SENATOR LEE: 11-13 is only the county auditor

SENATOR FISCHER: Only those required by the county auditor under 11-13-15, this is amending 11-13.02

SENATOR LEE: .1 only the county official in rendering services can render the fee

SENATOR FISCHER: That is what we are amending but under 11-13-15 there are other requirements for the city auditor that will not be changed by this bill

SENATOR LEE: it's not just the Auditor, OK

SENATOR LEE: MOTION ON 2128 on first free hour

SENATOR LYSON: Motion to approve amendment, when they go past the first hour they should pay for the first hour and the second hour

SENATOR LEE: County commission has the right to decide on first hour free or not, correct



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Senate Political Subdivisions Committee

Bill/Resolution Number: SB2128

Hearing Date JANUARY 08, 1999

SENATOR NELSON: less than an hour, it's free, more than an hour you get charged

SENATOR LEE: County commission the latitude to decide on charge, any further discussion

MOTION: Senator Nelson Moves

MOTION: Senator Watne Seconds the motion, DO PASS ON THE AMENDMENT

AMENDMENT VOTE: 6 YEA, 0 NEA, 0 ABSENT

MOTION ON BILL AS AMENDED: SENATOR WATNE

SECONDED BY SENATOR FLAKOLL

ROLL: 6 YEAS, 0 NEAS, 0 ABSENT ON SENATE BILL 2128

SENATOR LEE: DO PASS AS AMENDED

SENATOR FLAKOLL TO CARRY TO FLOOR

COMMITTEE DISCUSSION ON FURTHER BILLS TO BE PASSED

PASS ON 2128

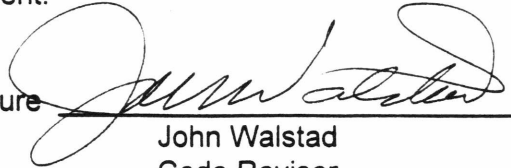
MOTION: DO PASS ON AMENDMENTS

## FISCAL NOTE STATEMENT

Senate Bill or Resolution No. 2128

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, or school districts. However, no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note regarding this bill or resolution. Pursuant to Joint Rule 502, this statement meets the fiscal note requirement.

Signature

A handwritten signature in black ink, appearing to read 'John Walstad', written over a horizontal line.

John Walstad  
Code Revisor

Date:  
Roll Call Vote #: SB 2128

**1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.**

Senate Political Subdivisions Committee Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass as Amend

Motion Made By Watne Seconded By Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh	/				
Senator Nelson	/				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Senator Flakoll

If the vote is on an amendment, briefly indicate intent:  
Do pass as Amend

Date:  
Roll Call Vote #: SB 2128 Amend.

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate Political Subdivisions Committee Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 90386.0101

Action Taken Do pass as Amend

Motion Made By Flakoll Seconded By Watne

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh	/				
Senator Nelson	/				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2128: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2128 was placed on the Sixth order on the calendar.

Page 1, line 1, after "11-13-02.1" insert "and subsection 2 of section 44-04-18"

Page 1, line 2, remove "by county officials"

Page 1, line 8, overstrike the comma

Page 1, line 9, overstrike "or furnish copies of records to,"

Page 1, line 11, overstrike ", or furnish copies of records to,"

Page 1, line 16, overstrike "or preparing", remove "the", and overstrike "copies of records"

Page 1, after line 18, insert:

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

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

Renumber accordingly

**1999 HOUSE POLITICAL SUBDIVISIONS**

**SB 2128**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2128

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-25-99

Tape Number	Side A	Side B	Meter #
1	x		4.7-46.9
Committee Clerk Signature <i>Pam Hever</i>			

Minutes: BILL SUMMARY: Relating to fees charged for compiling statistical information.

Chairman Froseth opened the hearing with all committee members present except Rep. Gunter.

Sen. Tom Fischer, Dist. 46, Fargo : testified in support of SB 2128. This bill would change the fee to be raised up to \$25.00. (See attached testimony)

Chairman Froseth : I received written testimony from Cass County Auditor, Michael Montplaisir, and the Cass County Treasurer, Charlotte Sandvik, in support of this bill. You all got a copy. (See attached testimony)

Terry Traynor, Asst. Director, N.D. Assoc. of Counties : 6.1 testified in support of bill. (See attached testimony) We feel if there is a request, of the county, to provide information that takes a longer than average time to compile, the county should be able to charge for the real costs. We feel this bill is fair and equitable.

Rep. Delmore : 7.3 How does often does this happen in most counties? The money stays with the counties.

Terry : 7.4 To answer the last question, yes, that's the way it is now. There is the ability to charge \$1.00 an hour. This does not cover the cost. That money goes into the general fund. It's rare, but we are looking for the exceptions, when you have to create a new record for an individual.

Rep. Koppelman : I have no objection to what the intent of the bill is. I think \$25.00 might be a little steep. Was this discussed on the senate side?

Terry : I don't recall if the dollar amount was debated in the senate side. The fact that the \$1.00 an hour for the last 50-60 years, we felt we won't have to deal with it again.

Sen. Fischer : The dollar amount was discussed when we drafted the bill. The commissioners don't have to use that amount if they feel it is too high. You have to trust them.

Chairman Froseth : There may be some concern this would set a minimum fee.

Sen. Fischer : The first hour is generally free.

Leon Samuel, Morton County : testified in support of this bill. I got interested in the bill when I received a request from a company from California, that wanted all of the tax information on parcel, name and ownership, valuation, amount of taxes, etc. I decided to talk to my county commissioner. They discussed what to charge. We came up with \$100 or \$200. What's happening is that we are getting more and more requests from different organization and companies and compiling the information can get very timely. As the statute was before, we could only charge \$1.00 per hour. The counties need this change that this bill brings, so they can recoup some of their costs.

Chairman Froseth : I assume a lot of this is just making copies of records on file. 12.9

Leon : I think it's \$.10 per copy. A lot of times they want information put on disc for computer.



Rep. Eckre : The Attorney General had a ruling 1 1/2 years ago, that you can't charge more than \$.25 per page for copying.

Rep. Delmore : 13.0 How often does it happen or is it mostly out of state requests?

Leon : I would say daily, but not huge requests. The large requests are two or three per year. We generally don't charge for the basic requests from the public.

Kevin Glatt, Burleigh County Auditor : 15.3 answered question of Rep. Delmore. We get big requests monthly. The last one was an insurance company who wanted all the property located within so many feet from the flood plain. Those kinds of records we really don't keep. We can compile, but it takes a great deal of time. Some times we have to go back to 1950 records to get assessment values for people who are selling now. Takes time.

Chairman Froseth : 16.6 How much time does it take.

Kevin : It varies from 1 hour to 6 hours. One job took 10 hours.

Chairman Froseth : Do you think this fee of \$25.00 would prohibit people from getting the records they need? They just can't afford it.

Kevin : The \$25 is the maximum limit for the county commission. I think the commission will be upfront with people right away, so they know the charge. I don't think it will stop people.

Vice Chair Maragos : If you would have charged the maximum for the flood plain information, what would it have cost the insurance company?

Kevin : It took about 4 hours so the fee would be \$100.00.

Rep. Koppelman : When you do get these requests, after you compile this information, do you retain this?

Kevin : 18.9 We would retain these records, because they have value. Along the Missouri River, the information changes quickly. A second request for like information would be charged less. Maybe only the updates need to be charged.

Chairman Froseth : Would you ever have to hire extra help?

Kevin : Could happen. We have a lot of information stored on the counties. We have had to keep data processing people overtime to compile information.

Rep. Disrud : 21.0 If I came in and asked you for help and get charged the \$25, would this be written as staff time; does one or two staff persons do the work.

Kevin : Depends on the request and how fast they want it. If you give us two months, we use our free time to do it, then we wouldn't have to charge. The staff member would not be making \$25/hr. You wouldn't be charged for under an hour.

Rep. Delmore : How does this piece of legislation fit in to your basic job description. How do you determine what is in excess of your job duties?

Kevin : 23.5 All the requests I get are my job. This change allows us to recoup some of the costs for doing out of the ordinary and lengthy jobs. We compile information for the tax preparer and he in turn charges the tax payer for the information we compiled at no cost to the tax preparer.

Rep. Glassheim : This is not a change in law, just the \$25. The word "locate" may change things as far as meaning. Should you be paid just to "locate" vs compile.

Kevin : I really can't comment on "locate" meaning.

Rep. Koppelman : 26.9 The language in existing law, it is not your duty to compile. Do you ever tell those out of state people this is public record and they can come in and look for themselves?

Kevin : 28.0 I turn down a number of requests, mainly out of state. Some lists are 500 pages long and I tell them to come down and look.

Chairman Froseth : On page 2, line 9, overstrikes the language "locate" in reference to Rep. Glasheim question.

Jack McDonald, N.D. Newspapers Assoc. : 28.9 We are asking you to consider an amendment. We are concerned with charging fees for a record. In the past, we have found this fee is used to punish people from getting the record; thus prohibiting the people from getting open records. These elected officials should be providing a service to the people. Under state law you don't have to compile records. You can be nice, but you can tell them they can come see. We suggest \$15.00 fee instead of \$25.00. I suggest a third amendment, which is not included in my testimony. I think you need to make it clear that this only applies to work that takes over one hour. You also need to change "record" to "request" in the language. (See attached testimony)

Vice Chair Maragos : Wouldn't it be better to let the counties charge what they feel and not mandate?

Jack : I agree there should not be more mandates, but this law is changing every public entity for what they can charge for public records. Some times there are abuses to these kinds of fees. The counties can still charge nothing.

Rep. Eckre : The Code is 1902 or 1903, and back then a \$1.00 per hour was a great deal of money. The \$25 in comparison is not that much.

Rep. Delmore : Jack, can you bring back two sets of amendments, one that keeps the \$25 and one that is \$15 with all the rest of the changes you want.

Jack : Yes I can.

Vice Chair Maragos : Why wouldn't it be appropriate for the entities to charge a reasonable fee for their services. Is that such an ambiguous term that would give someone a license to steal?

Jack : 42.6 That would create 52 different reasonable fees for all the counties plus all the state officials who have records. There still will be abuses. With the new technology, the requests will increase.

Rep. N. Johnson : Did the senate have your information and request for a lower fee.

Jack : No they did not. That was heard in the first week and we missed it.

Chairman Froseth : Any more testimony for; any against. Hearing none, hearing is closed.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2128-a

House Political Subdivisions Committee

Conference Committee

Hearing Date 3-5-99

Tape Number	Side A	Side B	Meter #
1		x	45.1--59.0
2	x		0.1--20.0
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: Chairman Froseth : Let's take up SB 2128 for discussion.

Rep. Koppelman : I would like to propose Mr. McDonald's second set of amendments. It is on the second page of his amendments. His change is from \$25.00 to \$15.00. It was discussed the \$25.00 might be too high at one time. My amendment would also change to say "excluding the initial hour". This would remove the temptation to bill a 45 minute task as an hour. The intent of the bill is to allow a charge for the extraordinary compiling requests that take a long time; not for the basic requests of local residence.

Rep. Delmore : 55.0 I think the \$25.00 is O.K. so the first amendment is the correct one.

Rep. Severson : 58.7 The other issue is, say you have two employees may be working on a request. It cost \$7.50 per hour times the two staff persons. I don't think it is unreasonable to charge \$25.00, which is a maximum, for large, time consuming requests.

Tape 2, side A.

Rep. Koppelman : I move that we use “exclude” instead of “include” and go with the \$25.00 as maximum, so we remove that initial hour from being double. Rep. Severson second.

Rep. Glassheim : Can’t we vote on \$15.00 vs \$25.00 first.

Chairman Froseth : I think the general feeling of the committee is that the first hour should be excluded. Maybe the taxpayers deserve a little work out of the county employees. We should not charge for the first hour. We are trying to decide on which set of amendments we want.

Let’s hear if Jack McDonald or Terry Traynor have any opinion.

Jack McDonald : I have no objection. Whatever the committee decides.

Terry Traynor: I thought we would exclude the first hour, when this first same forward, so I don’t have a problem with that.

Rep. Delmore moved to accept the second set of amendments and Rep. Ekstrom seconded the motion. This would leave the fee at \$25.00 maximum.

Rep. Glassheim : I want to delete the “delete and compiling”. It should be left in.

Chairman Froseth : We have a motion by Rep. Glassheim to amend the amendments. Rep. Koppelman seconded the motion. VOICE VOTE of Rep. Glassheim motion. All YES. Passed.

Chairman Froseth : We have Rep. Delmore amendment before us. VOICE VOTE: 13-YES and 1-NO. PASSED. Rep. Delmore will check with the Attorney General’s Office. We will hold the bill.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2128-a

House Political Subdivisions Committee

Conference Committee

Hearing Date 3-11-99

Tape Number	Side A	Side B	Meter #
1	x		5.4--10.0
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: Chairman Froseth : Let's take up SB 2128.

Rep. Delmore : 5.4 This is the bill you asked me to get an opinion from the attorney general's office. They do want the amendment with the word "compiling". It's already covered in section 44-04-18, section 3 of the code, that they are not required to compile. They want this amendment because we were looking at a different definition. To their way of thinking, "compiling" means coming up with a whole new document. The amendment is fine

Chairman Froseth : So amendment #2 from Jack McDonald is the one we are talking about.

Rep. Glassheim : What is the harm in having "compiling" here?

Rep. Delmore : It goes contrary to what they are told in the other part of the code. That they do not have to compile.

Rep. Koppelman : We need to reamend the bill.

Rep. Severson made a motion to reconsider the amendment and Vice Chair Maragos seconded the motion. Motion carried by voice vote.

Rep. Koppelman : If I'm understanding what Rep. Delmore has asked us to adopt, now, is the original language except for changing "including" to "excluding"; then it is amendment as written. Is this correct?

Rep. Delmore : Correct.

ACTION: Rep. Koppelman made a motion of DO PASS the amendment and Rep. Delmore seconded the motion. VOICE VOTE: 14 YES and 1 No.

Rep. Severson made a motion of DO PASS AS AMENDED and Rep. B. Thoreson seconded the motion. ROLL CALL VOTE: 15 YES and 0 NO and 0 ABSENT. PASSED.

Rep. Delmore will carry the bill.



Please type or use black pen to complete

Date 3-11-99

Roll call vote # 1

### 1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2128

House POLITICAL SUBDIVISIONS Committee \_\_\_\_\_

- Subcommittee on \_\_\_\_\_
- Conference Committee \_\_\_\_\_

} Identify or check where appropriate

Legislative Council Amendment Number 90386.0201

Action Taken DO PASS AS AMENDED

Motion Made By Rep. Severson Seconded By Rep. B. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser	/	
Vice Chair Maragos	/				
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre	/				
Rep. Ekstrom	/				
Rep. Glassheim	/				
Rep. Gunter	/				
Rep. Johnson, N.	/				
Rep. Koppelman	/				
Rep. Niemeier	/				
Rep. Rose	/				
Rep. Severson	/				
Rep. Thoreson, B.	/				

Total 15 0  
(Yes) (No)

Absent 0

Floor Assignment Rep. Delmore

If the vote is on an amendment, briefly indicate intent:

DO NOT USE HIGHLIGHTER ON ANY FORMS

**REPORT OF STANDING COMMITTEE**

SB 2128, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2128 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "The" with "If the service takes more than an hour to provide, the"

Page 1, line 15, remove ", which must", overstrike "be a minimum of twenty-five cents and", and after "~~shall~~" insert ", which"

Page 1, line 16, after "hour" insert ", excluding the initial hour,"

Page 2, line 12, after "hour" insert "per request, excluding the initial hour," and remove "and compiling"

Page 2, line 13, replace "a record" with "records", remove "or compiling", and replace the second "record" with "records"

Renumber accordingly

**1999 TESTIMONY**

**SB 2128**



January 5, 1999

Senator Judy Lee  
Chairman, Political Subdivisions Committee  
State Capitol  
Bismarck ND 58505

## Auditor

Michael Montplaisir, CPA  
701-241-5601

## Treasurer

Charlotte Sandvik  
701-241-5611

## Director of Equalization

Frank Klein  
701-241-5616

Dear Senator Lee:

Senate Bill 2128 updates the statute regarding fees allowed for doing research and compiling information at the request of county residents or businesses. We receive requests periodically for research on property taxes, board minutes and paid county bills. When appropriate, we make the records available for the customer to research but in other cases we need to assign staff to do the research. A typical request is as follows:

A landowner will request information regarding the taxes, including drain taxes, paid on his or her land from the time they owned the land to the present time; in some cases this spans a period of thirty years or more and can take hours to complete. With Cass County, the research would involve both microfilm and computer records. If the land owner has not kept their own records, the county is the only place to obtain this information.

This bill would allow the county to set a reasonable fee to cover costs for this type of research. I might note we are not considering any fees at this time for current information that can be readily obtained on computer; in fact, we are researching ways to make that information more readily available to the public through the Internet.

I urge you to support Senate Bill 2128.

Sincerely,

  
Michael Montplaisir, CPA  
Cass County Auditor

hmw

Box 2806  
211 Ninth Street South  
Fargo, North Dakota 58103

cc: Senator Tom Fischer  
Senate Political Subdivisions Committee members

FAX 701-241-5728

**TESTIMONY TO THE  
SENATE POLITICAL SUBDIVISIONS COMMITTEE**

**Prepared January 8, 1999, by the  
North Dakota Association of Counties  
Terry Traynor, Assistant Director**

**CONCERNING SENATE BILL NO. 2128**

Good morning, and thank you for the opportunity to express the support of counties and county elected officials for Senate Bill 2128. Our association has historically maintained the position that when very specific county services are provided for the sole benefit of specific individuals, groups, associations, and corporations; the taxpayers as a whole should not be burdened by the cost of delivering that service.

The Legislature has supported this position in many situations, establishing reasonable fees for filing, recording, and retrieving certain information; and allowing county boards the authority in other cases to establish rates within statutory limits. Senate Bill 2128 attempts to bring this sort of a change to a section of law that hasn't seen an update in 33 years.

This bill would give county boards the ability to establish fair, cost-based fees, for delivering these special services, within statutory guidelines. All counties are annually involved in an indirect cost assessment process and therefore they have excellent cost data upon which to base their fee schedules. Our Association is urging your Committee's support on Senate Bill 2128.

Senate Bill 2128  
Senator Tom Fischer

Mister Chairman, members of the House Political Subdivisions  
Committee.

For the record my name is Tom Fischer, state senator from district 46,  
south Fargo.

I come before you today to introduce and support Senate Bill 2128  
which allows counties to raise fees for researching archives to recoup  
costs incurred in searching files for information requested.

The main changes are on page 1, lines 14-16 and page two, line 11-13  
These changes allow the county commission to raise their fees for  
research up to twenty-five dollars/hr. The charge does not apply unless  
the research takes over one hour.

The commission may raise the fees but can determine at what rate is necessary to recoup costs.

This bill has been reviewed by the ND Newspaper Assn. and the ND Attorney Generals office and they have no objection to these changes.

Mister Chairman, I thank you for your consideration of this bill, ask for your support and will stand for any questions.

**TESTIMONY TO THE  
HOUSE POLITICAL SUBDIVISIONS COMMITTEE**  
Prepared February 25, 1999, by the  
North Dakota Association of Counties  
Terry Traynor, Assistant Director

**CONCERNING SENATE BILL NO. 2128**

Mr. Chairman and members of the House Political Subdivisions Committee, I am here on behalf of the North Dakota Association of Counties to express our support for Senate Bill 2128.

It has always been the position of this Association that if a county provides a specific individual or business with a specific service not generally available or requested by others, that specific individual or business should pay the cost of providing that service, not all of the taxpayers of the county. We believe that Senate Bill 2128 makes an appropriate change that will allow each county board to address the real costs of these special services.

Mr. Chairman and committee members, we urge you to give Senate Bill 2128 a favorable recommendation.



February 25, 1999

**HOUSE POLITICAL SUBDIVISIONS COMMITTEE**  
**SB 2128**

**CHAIRMAN FROSETH AND COMMITTEE MEMBERS:**

My name is Jack McDonald. I'm appearing today on behalf of The North Dakota Newspaper Association and The North Dakota Broadcasters Association. We urge you to consider an amendment to **SB 2128**.

We are always very cautious in dealing with fees charged for public records, since history has shown, on both the federal and state level, that fees are often used to either punish individuals for requesting certain records, or to discourage them from even making the request.

We are especially concerned when the fees are imposed by public officials whose job it is to take care of these records and to answer the publics requests for these records. This is the job they are already paid to do by the citizens of the state or county!

This bill raises allowed fees, which have been on the books for 44 years, from \$1/hour to \$25/hour, a 400% increase!! We would suggest a compromise figure of \$15/hour, which is roughly three times the minimum wage.

We respectfully request your **FAVORABLE CONSIDERATION** of this amendment. If you have any questions, I'll be happy to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

PROPOSED AMENDMENTS TO ENGROSSED SB 2128

On page 1, line 16, delete twenty-five and insert fifteen, and after the word "hour" insert , if more than an hour is needed,

Re-number accordingly

*pg. 2 line 12 - 15.<sup>00</sup>  
hour put per request*



February 23, 1999

Representative Glen Froseth, Chairman  
and Members of the Political Subdivisions Committee

Re: Senate Bill 2128

## Auditor

Michael Montplaisir, CPA  
701-241-5601

## Treasurer

Charlotte Sandvik  
701-241-5611

## Director of Equalization

Frank Klein  
701-241-5616

Dear Chairman Froseth and members of the Political Subdivisions Committee:

Senate Bill 2128 allows a county to establish a reasonable fee for doing research for private individuals, firms or corporations. Current law directs the county to charge a "suitable charge which shall be commensurate with costs to the county" and then goes on to say "shall be a minimum of twenty-five cents and shall not exceed the sum of one dollar per hour for time consumed in compiling such statistical information." obviously these two statements in the same sentence conflict with each other.

What Senate Bill 2128 does is direct the County Commission to establish a fee for this type of service and sets the upper limit at twenty-five dollars per hour. Since the fee is to cover costs, I would probably ask the County Commission to set a fee of ten to fifteen dollars an hour for this type of research being done by my staff. Lines eleven through thirteen on page two of the bill sets a time limit before the county could start charging for the service.

Most county customers would never be charged the fee since most research takes less than an hour, however we do run into those situations where we can spend up to four hours on research for one customer. The case where this usually occurs is where someone wants assessment records on their property for a long period of time, such as thirty years. This type of research takes a lot of time to locate the records on microfilm and make copies for the customer.

This is not a money making opportunity for the counties, however, one dollar an hour does not come close to covering the costs in today's economic climate. I urge you to support Senate Bill 2128.

Sincerely,

Michael Montplaisir, CPA  
County Auditor

Charlotte Sandvik  
County Treasurer

Box 2806  
211 Ninth Street South  
Fargo, North Dakota 58103

c: Senator Thomas Fischer

FAX 701-241-5728

February 25, 1999

*Brought  
back later  
in the day.*

**HOUSE POLITICAL SUBDIVISIONS COMMITTEE**  
**SB 2128**

**CHAIRMAN FROSETH AND COMMITTEE MEMBERS:**

My name is Jack McDonald. On behalf of The North Dakota Newspaper Association and The North Dakota Broadcasters Association, we are proposing the following amendments to **SB 2128**.

I'm submitting two sets of amendments. Number 1 changes the maximum fee to be charged from \$25/hr. to \$15/hr. and makes a number of changes to make the two sections conform with each other and to clarify that the first hour is to be billed also. I've deleted the minimum language, since this would prohibit them from doing this work at no cost, which they testified they do sometimes. Besides, I don't think they are ever going to charge 25 cents/hr. There is also some confusion between the two sections regarding compiling and locating. The county section deals with compiling, which is what they want. On the state level, the concern is with location, since compiling is covered elsewhere. So, I've deleted the confusing "compiling" references on page 2.

Number 2 makes the same cleanup changes, but leaves the maximum charge at \$25/hr.

We believe this bill still does what the sponsors intended. I have given copies to the sponsors and the county representatives.

We respectfully request your **FAVORABLE CONSIDERATION** of one or the other of the amendments and then give the bill a DO PASS. If you have any questions, I'll be happy to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

PROPOSED AMENDMENTS NO. 1 TO ENGROSSED SB 2128

On page 1, line 14, delete "The" and insert "If the service takes more than an hour to provide, then the"

On page 1, line 15, delete "must" and overstrike "be a minimum of twenty-five cents and"

On page 1, line 16, delete "twenty-five" and insert "fifteen"; and after the word "hour" insert ", including the initial hour,"

On page 2, line 12, delete "twenty-five" and insert "fifteen"; after the word "hour" insert "per request, including the initial hour,"; and delete "and compiling"

On page 2, line 13, delete "a record" and insert "records"; delete "or compiling"; and delete "record" and insert "records"

Renumber accordingly

[OVER]

PROPOSED AMENDMENTS NO. 2 TO ENGROSSED SB 2128

On page 1, line 14, delete "The" and insert "If the service takes more than an hour to provide, then the"

On page 1, line 15, delete "must" and overstrike "be a minimum of twenty-five cents and"

On page 1, line 16, after the word "hour" insert "including the initial hour,"

On page 2, line 12, after the word "hour" insert "per request, including the initial hour,"; and delete "and compiling"

On page 2, line 13, delete "a record" and insert "records"; delete "or compiling"; and delete "record" and insert "records"

Renumber accordingly