

OPINION
64-152

March 9, 1964 (OPINION)

HIGHWAY DEPARTMENT

RE: Records - Availability to Public

This will acknowledge receipt of your letter requesting an official opinion as to your authority and obligation to furnish copies of records and files maintained by your department, when requested to do so by individuals or Legislators.

Section 24-02-11 specifies that "The files and records of the department shall be open to public inspection under reasonable regulations. Copies of said files and records, when certified by the commissioner as being true copies, shall be received in evidence in any court in the state with the same force and effect as the originals."

Section 44-04-18 provides that "All records of public or governmental bodies, boards, bureaus, commissions or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be public records, open and accessible for inspection during reasonable office hours."

It is the opinion of this office that you must make Highway Department records available for inspection during reasonable office hours and you may prescribe reasonable regulations under which such inspection may be conducted. For the regulations to be effective, they must be properly promulgated and adopted. They would then apply to all alike, including the charges for making copies, etc.

It is observed and noted that under the existing practice and policy, members of the Legislature were furnished copies of official documents without charge on the basis that same served useful for contemplated legislative action or study. In the absence of legislation on this topic, the aforesaid policy should be given appreciable consideration.

HELGI JOHANNESON

Attorney General