

HB 164-FN - AS INTRODUCED

2025 SESSION

25-0128

02/08

HOUSE BILL ***164-FN***

AN ACT relative to local records retention.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. Lynn, Rock. 17; Rep. Kuttab, Rock. 17; Rep. Berch, Ches. 6; Sen. Innis, Dist 7; Sen. Murphy, Dist 16

COMMITTEE: Judiciary

ANALYSIS

This bill funds and equips the local government record manager with online storage of records that are available for public access.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to local records retention.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Local Records; Public Access. Amend RSA 5:35 to read as follows:

2 5:35 Local Records.

3 The director shall accept for storage in the state archives such local records as the municipal
4 records board established under RSA 33-A:4-a may require. ***The director shall designate, with***
5 ***the approval of the municipal records board, a publicly accessible website for the retention***
6 ***and public access to local electronic records.***

7 2 Local Government Records Manager; Website Development. Amend RSA 5:49, II to read as
8 follows:

9 II. It shall be the responsibility of the local government records manager to advise the
10 municipal records board concerning local government records policies and procedures, state services
11 and financial support needed to assist or advise local officials, ***and*** regulations pertaining to local
12 government ~~[records, and grants for local government records management improvement pursuant~~
13 ~~to RSA 5:51].~~

14 3 New Paragraph; Duties of Local Government Records Manager. Amend RSA 5:49 by inserting
15 after paragraph II the following new paragraph:

16 ***II-a. The local government records manager, or if the role is not filled, the state***
17 ***archivist, is authorized to employ specialists in records management, archives, and***
18 ***administration, consultants and or other specialists necessary to provide a publicly***
19 ***accessible website pursuant to RSA 5:35 and issue guidance for its proper use.***

20 4 New Paragraph; Electronic Records. Amend RSA 33-A:5-a by inserting after paragraph II the
21 following new paragraph:

22 ***III. Electronic municipal records, including paper municipal records transferred***
23 ***to electronic records in accordance with the provisions of paragraph I, may be stored on a***
24 ***publicly accessible website designated by, and in accordance with, guidance issued by the***
25 ***state archivist. If electronic municipal records are stored in this manner, no additional***
26 ***copy need be kept by the municipality if the municipality provides the public at least one***
27 ***cost-free method of accessing the website.***

28 5 Minutes and Records Available for Public Inspection. Amend RSA 91-A:4, IV(a) to read as
29 follows:

30 IV.(a) Each public body or agency shall, upon request for any governmental record
31 reasonably described, make available for inspection and copying any such governmental record

HB 164-FN - AS INTRODUCED

- Page 2 -

1 within its files when such records are immediately available for such release *or, if the record has*
2 *been uploaded to the website in accordance with RSA 33-A:5-a, III, provide the domain*
3 *name of the website.*

4 6 Appropriation. The sum of \$150,000 for the fiscal year ending June 30, 2026 is hereby
5 appropriated to the secretary of state, division of archives and records management for the local
6 government records manager position at LG 21, creation, and maintenance of a publicly accessible
7 website for the retention and public access to local electronic records, and implementation of
8 provisions of this act. To the extent the secretary of state is unable to hire the local government
9 records manager position, the funds allocated for the position may be used to employ an outside
10 consultant to perform the duties required. The governor is authorized to draw a warrant for said
11 sum out of any money in the treasury not otherwise appropriated.

12 7 Effective Date. This act shall take effect 60 days after its passage.

**HB 164-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to local records retention.

FISCAL IMPACT: This bill provides a one time appropriation and would need additional funding.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$116,000	\$121,000	\$125,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$150,000	\$0	\$0
<i>Funding Source(s)</i>	General Fund			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill requires the State Archivist, with the approval of the Municipal Records Board, to design a publicly available website for storing and allowing public access to local electronic records and guidelines. This bill appropriates \$150,000 from the General Fund, for fiscal year ending June 30, 2026, to the Division of Archives and Records Management, within the Secretary of State's office to fund the local government records manager position for the purpose of creating and maintaining the website for the retention and public access to local electronic records. The local government records manager position was established in 2002, however it has not been filled as it has not been funded. As a result, duties of the position have not been implemented or completed.

The Department of State indicates the cost to fund this position would be \$106,000 starting in FY 2026 and \$111,000 and \$115,000 for FY 2027 and FY 2028 respectively. The cost to meet the storage needs for the publicly available website is estimated to be \$50,000 for a five-year subscription (\$10,000 a year), renewable every five years. The Department states that although this bill appropriates \$150,000 in FY 2026, the appropriation will lapse at the end of FY 2026 leaving no funding for the \$121,000 General Fund expenditure in FY 2027.

It is assumed the local government records manager position and the storage costs for the website would be included in the Department's FY 2028 and FY 2029 budget request.

AGENCIES CONTACTED:

Department of State