HB 1069 - AS AMENDED BY THE HOUSE

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2024 SESSION

24-2322
05/08

HOUSE BILL ***1069***

AN ACT relative to material subject to disclosure under the right-to-know law.

SPONSORS: Rep. Edwards, Rock. 31; Rep. Ammon, Hills. 42

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill:

I. Clarifies a public body or agency's ability to accept record requests by electronic means and to provide such records electronically.

II. Replaces the word "citizen" with "person" throughout the chapter.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Four

AN ACT relative to material subject to disclosure under the right-to-know law.

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

1 Definition of Governmental Proceedings. Amend RSA 91-A:1-a, II to read as follows:

II. "Governmental proceedings" means the transaction of any functions affecting any [~~or all citizens of the state~~] ***person*** by a public body.

2 Minutes and Records Available for Public Inspection; Electronic Record Requests. Amend RSA 91-A:4, I to read as follows:

I. [~~Every citizen~~] ***Any person*** during the regular or business hours of all public bodies or agencies, and on the regular business premises of such public bodies or agencies, has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5. In this section, "to copy" means the reproduction of original records by whatever method, including, but not limited to photography, photostatic copy, printing, or electronic or tape recording. ***Any person also has the right, without physically appearing at the regular business premises of public bodies or agencies, to request governmental records electronically or by mail. At the election of the person requesting the records, the public body or agency shall provide such records electronically or by mail without requiring the physical appearance of the person at its business premises to receive delivery of the records, provided however, that the public body or agency shall not be required to provide records electronically in a format other than the format under which the public body or agency regularly maintains such records, or to provide records electronically if it lacks the technological capability to do so, if doing so would be unduly burdensome, or if doing so would compromise the security of its record-keeping system. If the person requests that the records be provided by mail, the public body or agency may charge the person the cost of postage. No charge shall be made for records delivered electronically.***

3 Access to Governmental Records and Meetings; Records Available for Public Inspection; Preliminary Drafts. Amend RSA 91-A:4, II to read as follows:

II. After the completion of a meeting of a public body, [~~every citizen~~] ***any person***, during the regular or business hours of such public body, and on the regular business premises of such public body, has the right to inspect all notes, materials, tapes, or other sources used for compiling the minutes of such meetings, and to make memoranda or abstracts or to copy such notes, materials, tapes, or sources inspected, except as otherwise prohibited by statute or RSA 91-A:5.

4 Appeals and Enforcement; Filing Fee or Surcharge. Amend RSA 91-A:7-c, I to read as follows:

I. Any party may appeal the ombudsman's final ruling to the superior court by filing a notice of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is issued. The ombudsman's ruling shall be attached to the document initiating the appeal, admitted as a full exhibit by the superior court, considered by the judge during deliberations, and specifically addressed in the court's written order. [~~Citizen-initiated~~] Appeals shall have no filing fee or surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a superior court from staying an ombudsman's decision pending appeal to the superior court.

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