HB 1696 - AS AMENDED BY THE HOUSE

15Feb2024... 0237h

2024 SESSION

24-2529
05/10

HOUSE BILL ***1696***

AN ACT relative to local records retention.

SPONSORS: Rep. Bickford, Straf. 3

COMMITTEE: Judiciary

AMENDED ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

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

5:35 Local Records.

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

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

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

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

III. The local government records manager, or if the role is not filled, the State Archivist, is authorized to employ specialists in records management, archives, and administration, consultants and or other specialists necessary to provide a publicly accessible website pursuant to RSA 5:35 and issue guidance for its proper use.

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

III. Electronic municipal records, including paper municipal records transferred to electronic records in accordance with the provisions of RSA 33-A:5-a, I, may be stored on a publicly accessible website designated by and, in accordance with, guidance issued by the state archivist. If electronic municipal records are stored in this manner, no additional copy need be kept by the municipality if the municipality provides the public at least one cost-free method of accessing the website.

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

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

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

6 Appropriation. The sum of $150,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the secretary of state, division of archives and records management for the local government records manager position at LG 21, creation, and maintenance of a publicly accessible website for the retention and public access to local electronic records, and implementation of provisions of this act. To the extent the secretary of state is unable to hire the local government records manager position, the funds allocated for the position may be used to employ an outside consultant to perform the duties required. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

LBA
24-2529
Amended 2/21/24

HB 1696- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENT #2024-0237h)

AN ACT relative to local records retention.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures	$0	Up to $150,000	$84,000 to $106,000	$87,000 to $106,000
Funding Source(s)	General Fund			
Appropriations	$0	$150,000	$0	$0
Funding Source(s)	General Fund			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] See Below
- Does this bill authorize new positions to implement this bill? [X] Yes

METHODOLOGY:

This bill appropriates $150,000 from the General Fund for fiscal year ending June 30, 2025 to the Secretary of State, Division of Archives and Records Management for the establishment of a local government records manager position at labor grade 21, as well as to create and maintain a publicly accessible website for the retention and public access to local electronic records and the implementation of provisions of this act.

The Department of State indicates to administer this bill, the State Archivists will need to purchase records management software at an estimated cost of $50,000 for a five-year subscription and renewable every five years after purchase date. Additionally, the Department anticipates the salary and benefits for the hiring of the local government management position to cost be between $82,000 and $106,000 depending on the step hired. Lastly, it is important to note the appropriations only funds the position for one year and any unspent funds at the end of fiscal year 2025 will lapse back into the General Fund. It is anticipated the Department would request funding for the position in the FY 2026-2027 operating budget. It is estimated the position cost will increase expenditures by an estimated $84,000 to $106,000 in FY 2026 and an estimated $87,000 to $106,000 in FY 2027.

AGENCIES CONTACTED:

Department of State