

Amendment to HB 1069

1 Amend the bill by replacing section 2 with the following:

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3 2 Minutes and Records Available for Public Inspection; Electronic Record Requests. Amend
4 RSA 91-A:4, I to read as follows:

5 I. ~~[Every citizen]~~ **Any person** during the regular or business hours of all public bodies or
6 agencies, and on the regular business premises of such public bodies or agencies, has the right to
7 inspect all governmental records in the possession, custody, or control of such public bodies or
8 agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or
9 abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA
10 91-A:5. In this section, "to copy" means the reproduction of original records by whatever method,
11 including, but not limited to photography, photostatic copy, printing, or electronic or tape recording.
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13 Amend the bill by inserting after section 3 the following and renumbering the original sections 4-5 to
14 read as 5-6, respectively:
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16 4 New Paragraph; Access to Governmental Records and Meetings; Minutes and Records
17 Available for Public Inspection. Amend RSA 91-A:4 by inserting after paragraph V the following
18 new paragraph:

19 V-a.(a) Any person may request governmental records electronically or by mail without
20 physically appearing at the regular business premises of public bodies or agencies to request
21 governmental records.

22 (b) At the election of the person requesting the records, the public body or agency shall
23 provide such records electronically or by mail without requiring the person's physical appearance at
24 its business premises to receive delivery of the records. If the person requests that the records be
25 provided by mail, the public body or agency may charge the person the cost of postage. No charge
26 shall be made for records delivered electronically.

27 (c) The public body or agency shall not be required to provide records electronically in a
28 format other than the format under which the public body or agency regularly maintains such
29 records, unless the application, program, or format in which the records are stored or accessed is
30 capable of producing the records into a standard or common file format, in which case the public
31 body or agency shall provide the records in the standard or common file format requested.

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1 (d) The public body or agency shall not be required to provide records electronically if it
2 lacks the technological capability to do so, if doing so would be unduly burdensome, or if doing so
3 would compromise the security of its record-keeping system.