

HB 1746-FN - AS INTRODUCED

2026 SESSION

26-3016

08/09

HOUSE BILL

1746-FN

AN ACT

subjecting taxpayer funded investigations to the right-to-know law.

SPONSORS:

Rep. Sabourin dit Choiniere, Rock. 30; Rep. Ammon, Hills. 42; Rep. Bailey, Straf. 2; Rep. Corcoran, Hills. 28; Rep. Granger, Straf. 2; Rep. Tim Mannion, Hills. 1; Rep. Tom Mannion, Hills. 1; Rep. Spillane, Rock. 2

COMMITTEE:

Judiciary

ANALYSIS

This bill requires certain information from investigations funded using public money to be subject to the right-to-know-law.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT subjecting taxpayer funded investigations to the right-to-know law.

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

1 1 Statement of Purpose and Findings. The general court finds that:

2 I. Investigations conducted or commissioned by public bodies are funded by taxpayers and
3 therefore belong to the public.

4 II. Secrecy in publicly funded investigations undermines accountability and public trust.

5 III. Narrow redactions are sufficient to protect genuine privacy interests while ensuring
6 public access to investigative findings.

7 2 Minutes and Records Available for Public Inspection. New Paragraph; Minutes and Records
8 Available for Public Inspection. Amend RSA 91-A:4 by inserting after paragraph IX the following
9 new paragraph:

10 X. Notwithstanding RSA 91-A:5, any record, report, or other material generated in the
11 course of an investigation funded in whole or in part with public funds shall be subject to disclosure
12 under this chapter, provided that:

13 (a) The public body or agency may redact only those portions necessary to comply with
14 federal or state law protecting personal privacy, including but not limited to the Family Educational
15 Rights and Privacy Act (FERPA), the Health Insurance Portability and Accountability Act (HIPAA),
16 or other applicable statutory privileges.

17 (b) Such redactions shall be narrowly tailored to remove only information strictly
18 required by law to be withheld.

19 (c) Findings, conclusions, recommendations, and factual summaries shall not be
20 withheld in their entirety on the basis of privacy exemptions.

21 (d) Public officials and employees acting in their official capacities shall have no right of
22 personal privacy in such investigations.

23 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1746-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT subjecting taxpayer funded investigations to the right-to-know law.

FISCAL IMPACT: This bill does not provide funding.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase \$130,000 to \$500,000	Indeterminable Increase \$130,000 to \$500,000	Indeterminable Increase \$130,000 to \$500,000
<i>Funding Source(s)</i>	General Fund and Highway Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase (\$10k to \$100k per municipality)	Indeterminable Increase (\$10k to \$100k per municipality)	Indeterminable Increase (\$10k to \$100k per municipality)

METHODOLOGY:

This bill amends RSA 91-A to require that any record, report, or other material generated during an investigation funded in whole or in part with public money be subject to disclosure under the right-to-know law, with only narrowly tailored redactions permitted. The bill applies to public bodies and agencies and alters which investigative materials must be made available for inspection under RSA 91-A:4.

The Office of State and Public Sector Labor Relations states this bill expands the categories of investigative records that must be disclosed under the right-to-know law. The Office, which includes the Office of the Right-to-Know Ombudsman, is involved in governmental records requests. The Office explains that its access to general governmental records request data is limited to the 91 complaints filed with the Ombudsman. The Office states the fiscal impact is unable to be quantified as the volume of requests resulting from this legislation is unknown.

The Department of Justice states this bill would make investigatory files subject to disclosure under RSA 91-A, requiring legal review and redaction to protect privacy and other confidential information. Because the Department conducts a wide range of investigations, the bill would increase the number of files requiring review prior to release, and this workload cannot be absorbed within existing staff resources. To implement the bill, the Department anticipates the need for one part time Assistant Attorney General and one part time investigative paralegal (23-2010 Paralegals Legal Assistants-5, SOC23-05). The cost for the Assistant Attorney General is estimated at \$76,000 in FY 2027, \$75,000 in FY 2028, and \$75,000 in FY 2029. The cost for the investigative paralegal is estimated at \$51,000 in FY 2027, \$49,000 in FY 2028, and \$51,000 in FY 2029. The total estimated cost for both positions is \$127,000 in FY 2027, \$124,000 in FY 2028, and \$126,000 in FY 2029, funded through the General Fund. However, The Department states the bill does not provide funding or position authorization and that these costs cannot be absorbed within its existing operating budget.

The Department of Safety, NH State Police states this bill expands the records required to be disclosed under RSA 91-A and anticipates a significant workload increase. The Department of Safety explains that it receives approximately 1,000 right-to-know requests each year, and each request requires DOS personnel to locate, review, and inspect records in addition to their normal duties. The Department states that current RSA 91-A requests already require substantial staff time and often require work outside of regular hours. If the bill increases the volume or types of records that must be collected, examined, and redacted, the Department anticipates a significant increase in personnel overtime. The Department states the fiscal impact is indeterminable, but based on current workload demands, it believes the impact will likely fall within the range of more than \$100,000 to \$500,000 per year. These increase in expenditures would be split with 75% coming from the General Fund and 25% coming from the Highway Fund. However, the Department states the bill does not provide funding or position authorization and that these costs cannot be absorbed within its existing operating budget.

The New Hampshire Municipal Association (NHMA) states this bill could increase local expenditures by an indeterminable amount depending on the number of requests for records related to personnel, school, police, fire marshal, or other investigations conducted in a given year. Local costs would be associated with legal review of investigative records to determine

appropriate redactions and with legal expenses incurred in responding to right to know lawsuits alleging improper withholding or over redaction of information. Depending on the volume and complexity of requests, these costs could range from \$10,000 to \$100,000 per municipality.

The New Hampshire Association of Counties states this bill will increase county expenditures by an indeterminable amount. They explain counties conduct or fund a wide range of investigations, and the bill would require disclosure of those materials with only narrow redactions. Because counties cannot predict the number or type of investigations that will require disclosure, nor the amount of time needed to review, redact, and release those records, the Association is unable to calculate the fiscal impact as the costs may vary significantly.

AGENCIES CONTACTED:

The Office of State and Public Sector Labor Relations, Department of Justice, Department of Safety, New Hampshire Municipal Association, and New Hampshire Association of Counties