

HB 111-FN - AS AMENDED BY THE HOUSE

20Feb2025... 0170h

2025 SESSION

25-0070

11/08

HOUSE BILL

111-FN

AN ACT extending the position of right-to-know ombudsman for 2 years and exempting individuals who assist in the preparation of a right-to-know complaint at no charge from the unauthorized practice of law.

SPONSORS: Rep. Lynn, Rock. 17; Rep. Kuttub, Rock. 17; Rep. Maggiore, Rock. 23; Rep. M. Smith, Straf. 10; Sen. Carson, Dist 14

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill extends the office of the right-to-know ombudsman, complaint process, appeal and enforcement, and rulemaking for 2 years, and exempts a person who assists a petitioner with a right-to-know complaint at no charge from the unauthorized practice of 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Five

AN ACT extending the position of right-to-know ombudsman for 2 years and exempting individuals who assist in the preparation of a right-to-know complaint at no charge from the unauthorized practice of law.

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

- 1 1 Office of Right-To-Know Ombudsman; Duration. Amend 2022, 250:7, II-III to read as follows:
- 2 II. Sections 5 and 6 of this act shall take effect July 1, [~~2025~~] **2027**.
- 3 III. The remainder of this act shall take effect July 1, 2022.
- 4 2 New Paragraph; Complaint Process; Assistance. Amend RSA 91-A:7-b by inserting after
- 5 paragraph I the following new paragraph:
- 6 I-a. A person who, for no compensation of any kind, assists a petitioner with the preparation
- 7 of a complaint shall not be acting in violation of RSA 311:7, and shall not be subject to a petition for
- 8 injunctive relief pursuant to RSA 311:7-a or an investigation pursuant to RSA 311:7-b.
- 9 3 Ombudsman; Fee Awards. Amend RSA 91-A:7-b, III(f) to read as follows:
- 10 (f) Make any finding and order any other remedy to the same extent as provided by the
- 11 court under RSA 91-A:8, ***except that the ombudsman is prohibited from awarding or ordering***
- 12 ***reimbursement for attorney's fees.***
- 13 4 Effective Date. This act shall take effect June 30, 2025.

HB 111-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0170h)

AN ACT extending the position of right-to-know ombudsman for 2 years and exempting individuals who assist in the preparation of a right-to-know complaint at no charge from the unauthorized practice of law.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	Indeterminable	Indeterminable	\$0
<i>Revenue Fund(s)</i>	General Fund, Judicial Branch Facility Improvement Fund (RSA 490:26-c) and Technology Fund (RSA 490:26-h)			
Expenditures*	\$0	\$170,706	\$175,948	\$0
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill extends the repeal date of the Right-to-Know Office of the Ombudsman, including its complaint process, appeals, enforcement, and rulemaking, from July 1, 2025, to July 1, 2027, granting it an additional two years. The estimated costs for FY 2026 and FY 2027 are \$170,706 and \$175,948, respectively. There will be no additional costs in FY 2025, as it is already covered by the current budget, and no costs in FY 2028, as the office would be repealed by then.

By extending the Right-to-Know Office of the Ombudsman, there could be an indeterminable revenue loss to the Superior Court. This is because the filing fee for a Superior Court complaint, which could be filed with the Right-to-Know Office of the Ombudsman for no fee, is \$280, with 30% going to the Judicial Branch Information Technology Fund and 6% to the Judicial Branch Facility Improvements Fund. For each complaint filed with the Office of the Ombudsman that would otherwise be filed with the Superior Court, no filing fee would be charged, resulting in a revenue loss to the court system.

Additionally, under the bill, a \$25 filing fee would apply for complaints filed with the Ombudsman's Office, but there would be no fee or surcharge if a citizen appeals the Ombudsman's decision to the Superior Court. The estimated annual decrease in fees is expected

to be under \$10,000. Appeals to the Superior Court would be de novo, meaning they would use the same resources as if originally filed with the Superior Court.

AGENCIES CONTACTED:

None