

Written Testimony in Support of HB 1746-FN

I am submitting this testimony to describe what has occurred in my community and why it demonstrates the need for HB 1746-FN.

HB 1746-FN addresses a structural gap in New Hampshire's Right-to-Know Law. Under current practice, a public body may spend taxpayer funds on an investigative report and then withhold that report from the public indefinitely. This outcome conflicts with the core purpose of RSA 91-A, which is to provide the greatest possible public access to the actions and records of government.

That gap is now on full display in Rochester.

The Rochester School District commissioned and paid for an outside investigation into its former superintendent, Annie Azarloza. The cost to taxpayers exceeded half a million dollars. When the investigation concluded, members of the public submitted Right-to-Know requests seeking the report.

What followed was a sequence that illustrates why legislative clarification is necessary.

- Right-to-Know requests were filed
- Five separate extensions were issued
- Ms. Azarloza formally waived any privacy interest in the report
- The district nonetheless denied release of the report
- Litigation is now pending over the denial

Despite waiver of privacy by the subject of the investigation and judicial expectations that the report would be released, the public still has not received the document it paid for.

HB 1746-FN establishes a clear rule: when a public body uses public funds to commission an investigation, the resulting final report must be available to the public, subject to lawful and narrow redactions to protect legitimate privacy and safety interests.

This is not a new or radical standard. New Hampshire has already applied it. In the publicly funded investigation involving Steve Tucker, the former superintendent of the Laconia School District, the investigative report was released with appropriate redactions. Sensitive information was protected, and the public was able to see the findings it funded. That process did not prevent investigations, harm employees, or disrupt governance. It provided clarity and accountability.

Rochester shows what happens when no clear statutory rule exists. A publicly funded report can be withheld in full even after privacy has been waived, even after court involvement, and even after prolonged delay. That outcome undermines public trust and invites continuing legal and financial cost.

Opponents argue that HB 1746-FN will increase costs. The opposite is true. The most expensive course is delay and secrecy. When reports are withheld, public bodies incur repeated legal review, extensions, appeals, and litigation. When a report is reviewed once, narrowly redacted, and released, the process ends.

Opponents argue that disclosure will chill whistleblowers. RSA 91-A already protects the identities of witnesses, confidential sources, and sensitive personal information. HB 1746-FN preserves those

protections. It does not require names, raw interview notes, or confidential sources to be released. It requires only that the publicly funded final work product not be withheld in its entirety.

Opponents argue that investigations will become politicized. In practice, secrecy produces speculation, selective leaks, and conflicting narratives. Public release of a single official record with lawful redactions creates one shared factual baseline. That reduces politicization rather than increasing it.

Opponents argue that the balancing test already exists. The Rochester case shows that the current framework allows indefinite withholding even when privacy has been waived and a court expects disclosure. HB 1746-FN provides the guardrails that the existing framework lacks.

HB 1746-FN restores the principle that taxpayer-funded investigations belong to the public. It does not eliminate privacy protections. It does not mandate reckless disclosure. It simply prevents public bodies from spending public money and then permanently hiding the results.

For these reasons, I respectfully urge the Committee to recommend HB 1746-FN as Ought to Pass.

Tracy Walbridge
Rochester, New Hampshire