

Amendment to HB 481-FN-A

1 Amend RSA 91-A:7-b, II and III as inserted by section 3 of the bill by replacing them with the
2 following:

3
4 II. Once a complaint has been filed and provided by the ombudsman to the public body or
5 public agency, the public body or public agency shall have 20 calendar days to submit an
6 acknowledgment of the complaint and an answer to the complaint, which shall include applicable
7 law and, if applicable, a justification for any refusal to or delay in producing the requested
8 governmental records, access to meetings open to the public, or otherwise comply with the provisions
9 of this chapter. This 20-day deadline may be reasonably extended by the ombudsman for good cause.

10 III. In reviewing complaints, the ombudsman shall be authorized to:

11 (a) Compel timely delivery of governmental records within a period not less than 14 days
12 or more than 30 days unless an expedited hearing is warranted, regardless of medium and format,
13 and conduct a confidential in-camera review of records where the ombudsman concludes that it is
14 necessary and appropriate under the law.

15 (b) Compel interviews with the parties.

16 (c) Order attendance at hearings within a reasonable time if the ombudsman determines
17 that a hearing is necessary. Such hearings shall be open subject to the provisions of RSA 91-A.

18 (d) Issue findings in writing to all parties.

19 (e) Order a public body or public agency to disclose requested governmental records
20 within a reasonable time, provide access to meetings open to the public, or otherwise comply with
21 the provisions of this chapter, subject to appeal.

22 (f) Make any finding and order any other remedy to the same extent as provided by the
23 court under RSA 91-A:8.

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25 Amend RSA 91-A:7-c, II as inserted by section 3 of the bill by replacing it with the following:

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27 II. On appeal, the superior court shall treat all factual findings of the ombudsman as prima
28 facie lawful and reasonable, and shall not set them aside, absent errors of law, unless it is persuaded
29 by a balance of probabilities on the evidence before it that the ombudsman's decision is
30 unreasonable.

31
32 Amend RSA 91-A:7-d as inserted by section 3 of the bill by replacing it with the following:

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2 91-A:7-d Rulemaking. The ombudsman shall adopt rules pursuant to RSA 541-A relative to:

3 I. Establishing procedures to streamline the process of resolving complaints under this
4 chapter.

5 II. Hearing procedures.

6 III. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-
7 A:7-c.

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9 Amend the bill by replacing section 7 with the following:

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11 7 Effective Date.

12 I. Section 4 of this act shall take effect upon its passage.

13 II. Sections 5 and 6 of this act shall take effect July 1, 2025.

14 III. The remainder of this act shall take effect July 1, 2022.

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2022-1554s

AMENDED ANALYSIS

This bill establishes the office of the right-to-know ombudsman and an alternative, administrative process to resolve right-to-know complaints. The bill includes a prospective repeal date of July 1, 2025.