

HB 1153-FN – AS INTRODUCED

2014 SESSION

14-2430
01/06

HOUSE BILL ***1153-FN***

AN ACT allowing public bodies or agencies to require a deposit for right-to-know requests.

SPONSORS: Rep. D. McGuire, Merr 21

COMMITTEE: Judiciary

ANALYSIS

This bill allows a public body or agency to require a deposit for right-to-know requests.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT allowing public bodies or agencies to require a deposit for right-to-know requests.

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

1 1 New Paragraph; Right-to-Know Requests; Deposit. Amend RSA 91-A:4 by inserting after
2 paragraph V the following new paragraph:

3 V-a. A body or agency who has received a request for copies of records under this section may
4 require a deposit which shall be based upon the estimated cost of the request.

5 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1153-FN - FISCAL NOTE

AN ACT allowing public bodies or agencies to require a deposit for right-to-know requests.

FISCAL IMPACT:

The Department of Justice, Department of Administrative Services, and New Hampshire Municipal Association state this bill, **as introduced**, may increase state and local revenue by an indeterminable amount, and have an indeterminable fiscal impact on state expenditures in FY 2014 and each year thereafter. There is no impact on county and local expenditures, or county revenue.

METHODOLOGY:

The Department of Justice states this bill allows public bodies to require a deposit for right-to-know requests. The Department regularly responds to right-to-know requests and depending on the amount of documents being produced may request payment prior to documents actually being delivered. The Department has experienced instances where the Department compiles and reviews the documents and the requestor fails to take possession of the documents and not reimbursing the Department for copying costs. The Department states this bill may increase revenue by an indeterminable amount if it is able to recoup at least a portion of the copying costs.

The Department of Administrative Services states bill will have an indeterminable fiscal impact. The requiring of a deposit may impact an individual's decision to pursue a right-to-know request which may decrease the agency time dedicated to fulfilling requests. If the deposit is refundable, an agency may incur costs associated with the processing of reimbursement payments. Therefore, the Department is not able to determine the fiscal impact on state expenditures.

The New Hampshire Municipal Association states this bill may result in increased revenue by enabling the municipalities to recover copying costs in situations where the requestor may refuse to pay the costs, or the requestor decides not to pursue the request once it has been initiated. The Association also states this bill may impact the expenses associated with providing copies because it may deter some people from making a request if they need to provide a deposit for the copying costs.

The New Hampshire Association of Counties states this bill will have no fiscal impact because this bill only changes the timing of when copying costs would be recovered.