

HB 1591-FN – AS INTRODUCED

2014 SESSION

14-2363
01/10

HOUSE BILL ***1591-FN***

AN ACT establishing the right-to-know grievance commission.

SPONSORS: Rep. Weyler, Rock 13; Rep. Sandblade, Hills 18

COMMITTEE: Judiciary

ANALYSIS

This bill establishes the right-to-know grievance commission. The commission shall hear appeals from citizens relating to RSA 91-A. Decisions of the grievance commission may be appealed to the superior court.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fourteen

AN ACT establishing the right-to-know grievance commission.

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

1 1 New Section; Right-to-Know Grievance Commission. Amend RSA 91-A by inserting after
2 section 8 the following new section:

3 91-A:8-a Right-to-Know Grievance Commission.

4 I. There is hereby established the right-to-know grievance commission. The commission
5 shall consist of 10 citizens who shall not be members of the New Hampshire general court, associated
6 with the Local Government Center or the New Hampshire Municipal Association, or attorneys. The
7 members shall be appointed as follows: One member appointed by the speaker of the house of
8 representatives, one member appointed by the president of the senate, one member appointed by the
9 house minority leader, one member appointed by the senate minority leader, 2 members appointed
10 by the governor, 2 members appointed by the Business and Industry Association of New Hampshire,
11 one member appointed by the chief justice of the superior court, and one member appointed by the
12 New Hampshire Association of Counties. The initial members of the commission shall serve
13 staggered terms. The term of office of each member shall be 3 years and until a successor is
14 appointed and qualified. Vacancies shall be filled in the same manner and for the unexpired terms.
15 Each member of the commission shall be reimbursed for necessary travel and other necessary
16 expenses. A chairperson shall be chosen from among the members at the initial organizational
17 meeting and shall serve at the pleasure of the members of the commission. A majority of the
18 commission shall constitute a quorum to conduct hearings.

19 II. The commission shall hear and determine matters of grievance under RSA 91-A. Any
20 citizen may petition the commission by filing a complaint with the commission and paying a \$25
21 filing fee which shall be used to defray the costs of the commission. Such filing fee may be waived by
22 the commission if the commission determines that such fee will cause an unfair financial burden on
23 the petitioner. After review of the claim and a decision by the commission that the matter has merit
24 and is not frivolous, the commission shall schedule a hearing within 60 days from the receipt of the
25 claim. If the commission finds the claim to be without merit or to be frivolous, it shall dismiss the
26 complaint and explain in writing to the complainant its reasons for dismissing the complaint. The
27 commission shall serve notice, in writing, of the time and place of the hearing upon all appropriate
28 parties at least 20 days prior to the date of the hearing. All hearings held by the board shall be held
29 pursuant to RSA 541-A:31-36 unless such proceedings are specifically inconsistent with the
30 provisions of this chapter.

31 III. When the commission makes its decision, an order shall be made in writing and shall

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1 include findings of facts. The findings of facts shall be accompanied by a concise and explicit
2 statement of the underlying facts supporting the findings. The party or parties shall be notified by
3 mail of any decision or order.

4 IV. A decision of the commission may be appealed, by either party, by applying for a
5 rehearing and appealing to the superior court for the county in which the party resides in accordance
6 with the procedures set forth in RSA 677:2-14, inclusive.

7 V. If no timely appeal is taken pursuant to paragraph IV, the decision of the commission
8 shall become final. The commission shall file a certified abstract of any final decision with the clerk
9 of the superior court in the county of residence of the complainant. The clerk of such court shall
10 enter judgment thereon, and such judgment may be enforced as with any final judgment of the
11 superior court.

12 2 Effective Date. This act shall take effect January 1, 2015.

HB 1591-FN - FISCAL NOTE

AN ACT establishing the right-to-know grievance commission.

FISCAL IMPACT:

The Judicial Branch states this bill, as introduced, may increase state expenditures by an indeterminable amount in FY 2015 and each year thereafter. There will be no impact on county and local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch states this bill establishes a right-to-know grievance commission, and would allow decisions of the commission to be appealed to the superior court in accordance with the provisions of RSA chapter 677. The Branch states that it has no information on how many appeals would be filed, but does have information on the cost of such appeals. According to the Branch, appeals are classified as complex equity cases, and are projected to cost \$668.25 per case in FY 2015, and \$683.30 per case in FY 2016. These numbers do not consider the cost of any appeals that may be undertaken following trial. All costs are estimated based on case weight information from the Branch's last needs assessment completed in 2005.

The Department of Justice assumes it will serve as legal counsel to the commission, which will entail attending commission meetings and hearings, drafting decisions, and providing legal advice throughout the year. In addition, to the extent that grievances are filed against state employees or agencies, the Department assumes it will be responsible for representing those individuals or entities before the commission, which will involve the services of an attorney. Because the Department cannot predict the number of grievances that will or be filed or go to a hearing, it is unable to estimate the fiscal impact of these added responsibilities.