

HB 646-FN-LOCAL - AS INTRODUCED

2015 SESSION

15-0624  
01/03

HOUSE BILL

***646-FN-LOCAL***

AN ACT            allowing public bodies or agencies to charge for the costs of retrieval of public records under the right-to-know law.

SPONSORS:       Rep. P. Long, Hills 10; Rep. Byron, Hills 20; Rep. Hess, Merr 24

COMMITTEE:     Judiciary

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ANALYSIS

      This bill allows public bodies or agencies to charge for the costs of retrieval of public records under the right-to-know law under certain circumstances.

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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    allowing public bodies or agencies to charge for the costs of retrieval of public records under the right-to-know law.

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

1            1 Right-to-Know; Minutes and Records Available for Public Inspection. Amend RSA 91-A:4, IV  
2 to read as follows:

3            IV. Each public body or agency shall, upon request for any governmental record reasonably  
4 described, make available for inspection and copying any such governmental record within its files  
5 when such records are immediately available for such release. If a public body or agency is unable to  
6 make a governmental record available for immediate inspection and copying, it shall, within 5  
7 business days of request, make such record available, deny the request in writing with reasons, or  
8 furnish written acknowledgment of the receipt of the request and a statement of the time reasonably  
9 necessary to determine whether the request shall be granted or denied. If a computer, photocopying  
10 machine, or other device maintained for use by a public body or agency is used by the public body or  
11 agency to copy the governmental record requested, the person requesting the copy may be charged  
12 the actual cost of providing the copy, which cost may be collected by the public body or agency. ***If the***  
13 ***time required to retrieve the requested records is estimated to exceed one hour, the public***  
14 ***body or agency may charge for the cost of labor after the first hour, at a rate not exceeding***  
15 ***the applicable minimum wage, and may require payment of the estimated cost before***  
16 ***retrieving the records. No charge shall be made for the cost of searching for or retrieving***  
17 ***minutes of any public body meeting that occurred less than one year before the date of the***  
18 ***request. Any labor charges may be waived for any individual who demonstrates an***  
19 ***inability to pay.*** Nothing in this section shall exempt any person from paying fees otherwise  
20 established by law for obtaining copies of governmental records or documents, but if such fee is  
21 established for the copy, no additional costs or fees shall be charged.

22            2 Effective Date. This act shall take effect January 1, 2016.

LBAO  
15-0624  
01/26/15

**HB 646-FN-LOCAL - FISCAL NOTE**

AN ACT                      allowing public bodies or agencies to charge for the costs of retrieval of public records under the right-to-know law.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as introduced**, as it is awaiting information from the Department of Justice and New Hampshire Association of Counties, who were contacted on 12/30/14. When completed, the fiscal note will be forwarded to the House Clerk's Office.