

HB 656-FN-LOCAL - AS INTRODUCED

2015 SESSION

15-0602
01/09

HOUSE BILL ***656-FN-LOCAL***

AN ACT relative to inspection of governmental records under the right-to-know law.

SPONSORS: Rep. Leeman, Straf 23; Rep. Burt, Hills 39; Rep. Beaudoin, Straf 9; Rep. Groen, Straf 10; Rep. Prudhomme-O'Brien, Rock 6; Rep. Webb, Rock 6; Rep. Schleien, Hills 37

COMMITTEE: Judiciary

ANALYSIS

This bill declares that a public body or agency shall not charge a fee to view a public record either in-house or online.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to inspection of governmental 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 Law; Public Inspection of Governmental Records. Amend RSA 91-A:4, IV to
2 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. ***No fee shall be charged to***
10 ***view public records either in-house or online.*** If a computer, photocopying machine, or other
11 device maintained for use by a public body or agency is used by the public body or agency to copy the
12 governmental record requested, the person requesting the copy may be charged the actual cost of
13 providing the copy, which cost may be collected by the public body or agency. Nothing in this section
14 shall exempt any person from paying fees otherwise established by law for obtaining copies of
15 governmental records or documents, but if such fee is established for the copy, no additional costs or
16 fees shall be charged.

17 2 Effective Date. This act shall take effect January 1, 2016.

HB 656-FN-LOCAL FISCAL NOTE

AN ACT relative to inspection of governmental records under the right-to-know law.

FISCAL IMPACT:

The New Hampshire Municipal Association, Department of Justice, New Hampshire Association of Counties, and Department of Administrative Services state this bill, **as introduced**, may reduce state and local revenue and increase county expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no impact on county revenue or state and local expenditures.

METHODOLOGY:

The New Hampshire Municipal Association states this bill amends RSA 91-A to prohibit public bodies from charging to produce governmental records for viewing in-house or online. Under current law governmental entities may charge the person making the right to know request the actual cost of providing the copy. To the extent a municipality interprets the existing law to allow it to charge a fee for making a record available for inspection, this bill would prohibit that practice and would reduce local revenue. However, the Association cannot estimate the fiscal impact because it does not know what municipalities are charging to persons making right to know requests.

The Department of Justice states it cannot estimate the number of right to know requests that will be required. The Department currently charges 20¢ per page for documents scanned in response to right to know requests. This bill would prohibit the Department from charging for such services. The Department anticipates the potential reduction to state revenue to be less than \$10,000.

The New Hampshire Association of Counties states this bill could significantly increase costs to the counties. The Association states there will be no fiscal impact on revenue.

The Department of Administrative Services states it does not know which governmental entities currently charge persons making right to know requests or, if they do, the amount of such charges or what funds might be impacted. The Department has not traditionally interpreted existing law as authorizing a charge to simply review an existing record. The Department is unable to estimate the fiscal impact this bill will have.