

# Bill as Introduced

HB 425-FN-A-LOCAL – AS INTRODUCED

2009 SESSION

09-0520  
01/03

HOUSE BILL

***425-FN-A-LOCAL***

AN ACT

relative to remedies under the right-to-know law and continually appropriating a special fund.

SPONSORS:

Rep. J. Garrity, Rock 6; Rep. Casey, Rock 11; Rep. Osborne, Merr 12;  
Rep. Watrous, Merr 12

COMMITTEE:

Judiciary

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ANALYSIS

This bill clarifies the remedies for violations of the right-to-know law. The bill establishes a civil penalty for violations of the law which are to be deposited in a special fund.

This bill is a request of the right-to-know oversight commission established in RSA 91-A:11.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to remedies under the right-to-know law and continually appropriating a special fund.

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

1 1 Right-to-Know Law; Remedies. RSA 91-A:8 is repealed and reenacted to read as follows:

2 91-A:8 Remedies.

3 I. If any public body or public agency or officer, employee, or other official thereof, violates  
4 any provisions of this chapter, such public body or public agency shall be liable for reasonable  
5 attorney's fees and costs incurred in a lawsuit under this chapter, provided that the court finds that  
6 such lawsuit was necessary in order to enforce compliance with the provisions of this chapter. Fees  
7 shall not be awarded unless the court finds that the public body, public agency, or person knew or  
8 should have known that the conduct engaged in was in violation of this chapter or the parties, by  
9 agreement, provide that no such fees shall be paid.

10 II. The court may award attorney's fees to a public body or public agency or employee or  
11 member thereof, for having to defend against a person's lawsuit under the provisions of this chapter,  
12 when the court finds that the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or  
13 oppressive.

14 III. The court may invalidate an action of a public body taken at a meeting held in violation  
15 of the provisions of this chapter, if the circumstances justify such invalidation.

16 IV. If the court finds that an officer, employee, or other official of a public body or public  
17 agency has violated this chapter in bad faith, the court shall impose against such person a civil  
18 penalty of not less than \$250 nor more than \$1,000. Upon such finding, such person or persons shall  
19 also be required to reimburse the public body or public agency for any attorney's fees or costs it paid  
20 pursuant to paragraph I.

21 V.(a) The court may enjoin future violations of this chapter, and may require any officer,  
22 employee, or other official of a public body or public agency found to have violated the provisions of  
23 this chapter to undergo appropriate remedial training. The sums obtained from the civil penalties  
24 imposed pursuant to paragraph IV shall be deposited in the right-to-know remedies fund established  
25 in subparagraph (b).

26 (b) There is established in the office of the state treasurer the right-to-know remedies  
27 fund which shall be nonlapsing and continually appropriated to the department of justice. The  
28 department of justice shall use such funds for state, local, or regional remedial training programs  
29 deemed appropriate by the attorney general to receive such funding.

30 2 Right-to-Know Remedies Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (276)

HB 425-FN-A-LOCAL - AS INTRODUCED

- Page 2 -

1 the following new subparagraph:

2 (277) Moneys deposited in the right-to-know remedies fund established under  
3 RSA 91-A:8, V(b).

4 3 Effective Date. This act shall take effect January 1, 2010.

LBAO  
09-0520  
01/14/09

**HB 425-FN-A-LOCAL - FISCAL NOTE**

AN ACT relative to remedies under the right-to-know law and continually appropriating a special fund.

**FISCAL IMPACT:**

The Department of Justice states this bill will increase state restricted revenues and expenditures by an indeterminable amount in FY 2010 and each year thereafter. This bill may increase state expenditures by an indeterminable amount in FY 2010 and each year thereafter. There will be no fiscal impact on county and local revenues or expenditures.

**METHODOLOGY:**

The Department of Justice states this bill authorizes a civil penalty against an officer, employee, or other official of a public body of not less than \$250 nor more than \$1,000 for violating the law in bad faith. The penalties would be paid into a non-lapsing right-to-know remedies fund to be used by the Department for state, local, or regional remedial training programs deemed appropriate to receive such funding. The program will begin on January 1, 2010. The Department anticipates to draft and create a statewide training program will require 500 hours of time (25 percent of full-time equivalent) for an assistant attorney general in the first year of the program. Thereafter the program will require approximately 50 hours of an assistant attorney general (2.5 percent of full-time equivalent) annually to update the training.

The Department states it is not possible to estimate the number of violations. Therefore, the Department cannot estimate whether the increase in state restricted revenues and expenditures from the right-to-know fund will offset all training costs. The Department assumes training costs not offset by the right-to-know fund will increase state general fund expenditures.

This bill does not include an appropriation or establish positions.

HB 425-FN-A-LOCAL - AS AMENDED BY THE HOUSE

06Jan2010...2009-2383h

03Mar2010... 0650h

2009 SESSION

09-0520

01/03

HOUSE BILL            ***425-FN-A-LOCAL***

AN ACT                relative to remedies under the right-to-know law.

SPONSORS:            Rep. J. Garrity, Rock 6; Rep. Casey, Rock 11; Rep. Osborne, Merr 12;  
                          Rep. Watrous, Merr 12

COMMITTEE:          Judiciary

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AMENDED ANALYSIS

This bill clarifies the remedies for violations of the right-to-know law.

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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.

HB 425-FN-A-LOCAL - AS AMENDED BY THE HOUSE

06Jan2010...2009-2383h

03Mar2010... 0650h

09-0520

01/03

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT relative to remedies 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; Remedies. RSA 91-A:8 is repealed and reenacted to read as follows:

2 91-A:8 Remedies.

3 I. If any public body or public agency or officer, employee, or other official thereof, violates  
4 any provisions of this chapter, such public body or public agency shall be liable for reasonable  
5 attorney's fees and costs incurred in a lawsuit under this chapter, provided that the court finds that  
6 such lawsuit was necessary in order to enforce compliance with the provisions of this chapter. Fees  
7 shall not be awarded unless the court finds that the public body, public agency, or person knew or  
8 should have known that the conduct engaged in was in violation of this chapter. Fees also shall not  
9 be awarded if the parties, by agreement, provide that no such fees shall be paid.

10 II. The court may award attorney's fees to a public body or public agency or employee or  
11 member thereof, for having to defend against a person's lawsuit under the provisions of this chapter,  
12 when the court finds that the lawsuit is frivolous or in bad faith.

13 III. The court shall invalidate an action of a public body taken at a meeting held in violation  
14 of the provisions of this chapter, unless the court makes a specific finding that the circumstances do  
15 not justify such invalidation.

16 IV. If the court finds that an officer, employee, or other official of a public body or public  
17 agency has violated this chapter in bad faith, the court may impose against such person a civil  
18 penalty of not more than \$1,000. Upon such finding, such person or persons may also be required to  
19 reimburse the public body or public agency for any attorney's fees or costs it paid pursuant to  
20 paragraph I unless the person or persons involved resign their office. For the purposes of this  
21 paragraph, a finding of bad faith shall mean that the officer, employee, or other official violated this  
22 chapter knowingly and without adequate justification.

23 V. The court may enjoin future violations of this chapter, and may require any officer,  
24 employee, or other official of a public body or public agency found to have violated the provisions of  
25 this chapter to undergo appropriate remedial training.

26 2 Effective Date. This act shall take effect January 1, 2011.

LBAO  
09-0520  
Amended 01/27/10

**HB 425 FISCAL NOTE**

AN ACT relative to remedies under the right-to-know law and continually appropriating a special fund.

**FISCAL IMPACT:**

The Department of Justice states this bill, as amended by the House (Amendment #2009-2383h), will increase state restricted revenues and expenditures by an indeterminable amount in FY 2011 and each year thereafter. This bill may increase state expenditures by an indeterminable amount in FY 2011 and each year thereafter. There will be no fiscal impact on county and local revenues or expenditures.

**METHODOLOGY:**

The Department of Justice states this bill authorizes a civil penalty against an officer, employee, or other official of a public body of not more than \$1,000 for violating the law in bad faith. The penalties would be paid into a non-lapsing right-to-know remedies fund to be used by the Department for state, local, or regional remedial training programs deemed appropriate to receive such funding. The Department anticipates to draft and create a statewide training program will require 500 hours of time (25 percent of full-time equivalent) for an assistant attorney general in the first year of the program. Thereafter the program will require approximately 50 hours of an assistant attorney general (2.5 percent of full-time equivalent) annually to update the training.

The Department states it is not possible to estimate the number of violations. Therefore, the Department cannot estimate whether the increase in state restricted revenues and expenditures from the right-to-know fund will offset all training costs. The Department assumes training costs not offset by the right-to-know fund will increase state general fund expenditures.



# Committee Minutes

**SENATE CALENDAR NOTICE  
JUDICIARY**

- ✓ Senator Deborah Reynolds Chairman
- ✓ Senator Bette Lasky V Chairman
- ✓ Senator Matthew Houde
- ✓ Senator Sheila Roberge
- ✓ Senator Robert Letourneau

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: March 19, 2010**

**HEARINGS**

**Tuesday**

**3/30/2010**

JUDICIARY

SH 103

2:00 PM

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

- |                         |              |   |
|-------------------------|--------------|---|
| 2:00 PM                 | HB1472-FN-L  | relative to testimony by video teleconference.  |
| 2:15 PM                 | HB1634-FN    | relative to assault by strangulation.   |
| <del>2:30</del> 2:30 PM | HB425-FN-A-L | (New Title) relative to remedies under the right-to-know law.   |
| 2:45 PM                 | HB1508-FN    | (New Title) relative to communications between offenders convicted of certain sexual assaults and the victims of the crime. |
| 3:00 PM                 | HB1515-FN    | relative to the crime of official oppression.   |

**Sponsors:**

- |   |                        |                      |                   |
|---|------------------------|----------------------|-------------------|
| <b>HB1472-FN-L</b><br>Rep. Karen Umberger   | Rep. Jordan Ulery      |                      |                   |
| <b>HB1634-FN</b><br>Rep. Stephen Shurtleff  | Rep. David Bettencourt | Rep. Beth Rodd       | Rep. Warren Groen |
| ✓ <b>HB425-FN-A-L</b><br>Rep. James Garrity | Rep. Kimberley Casey   | Rep. Jessie Osborne  | Rep. Rick Watrous |
| <b>HB1508-FN</b><br>Rep. Robert Cushing     | Rep. Shannon Chandley  | Rep. Suzanne Harvey  | Rep. Linda Foster |
| <b>HB1515-FN</b><br>Rep. Daniel Itse        | Rep. Dudley Dumaine    | Rep. Paul Ingbretson | Rep. Linda Foster |

3:10

# Judiciary Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Susan Duncan, *Senior Legislative Aide*

**RE:** Hearing report on **HB 425-FN-A-Local – AN ACT (New Title)**  
*relative to remedies under the right-to-know law.*

**HEARING DATE:** March 30, 2010

**MEMBERS OF THE COMMITTEE PRESENT:** Senators Reynolds,  
Lasky, Roberge, Letourneau and Houde

**MEMBERS OF THE COMMITTEE ABSENT:** No one

**Sponsor(s):** Representative J. Garrity with Representatives Casey,  
Osborne and Watrous

**What the bill does:** This bill clarifies the remedies for violations of the  
right-to-know law.

**Who supports the bill:** Representative Garrity; Representative  
Hatch; Representative Watrous; Bernie Folta of Claremont.

**Who opposes the bill:** No one

### Summary of testimony received:

- **Representative Garrity**, as Chairperson of the Right-to-Know Oversight Committee, presented the legislation. He said that the Committee is bringing the bill forward as a result of their work.
- He said that the action is taken because of illegal meetings that may take place and to give “teeth” to the right-to-know law against anyone who knowingly violates the statute.
- He said that under this legislation, if someone prevails at court, the Judge could order the official to pay the town back and could also award a civil penalty. The judge could also order remedial “right-to-know” training.
- The public official would be able to avoid the violations by resigning from office.
- In the bill as introduced, a dedicated fund was established, but the House removed it.
- **Representatives Hatch and Watrous** signed in support of the bill but did not testify.

- **Bernie Folta** of Claremont, the “sunshine person,” appeared also in support. He spoke how under 91-a, an individual must expend their own moneys in order to bring suit against a public official who acts inappropriately. The bill would enable the Judge to order the person to be reimbursed. He said that the bill adds some appropriate accountability and creates a bit of personal risk, but appropriate risk, to the elected official to act within the law. He said that the local official would have to “knowingly violate” the right-to-know statute – and if he or she does so, then it is appropriate to incur some risk.

**Fiscal Impact:** See fiscal note.

**Future Action:** The Committee took the bill under advisement.

sfd

[file: HB 425-FN-A-L]  
Date: March 31, 2010

RMB

Date: March 30, 2010  
Time: 3:10 p.m.  
Room: State House Room 103

The Senate Committee on Judiciary held a hearing on the following:

HB 425-FN-A-L (New Title) relative to remedies under the right-to-know law.

Members of Committee present: Senator Reynolds  
Senator Lasky  
Senator Houde  
Senator Roberge  
Senator Letourneau

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The Chair, Senator Deborah R. Reynolds, opened the hearing on HB 425-FN-A-L and invited the prime sponsor, Representative James Garrity, to introduce the legislation.

Representative Garrity: Thank you very much, Madam Chair and members of the Committee. My name is Representative Jim Garrity. I'm from Atkinson and I am the Chairman of the State's Right-to-Know Oversight Commission.

HB 425 was born in the Right-to-Know Oversight Commission and introduced into the House. It went through a few changes. In House Judiciary, it was merged with another bill that basically is paragraph III, which talks about the validation of an action taken in an illegal meeting. But, the main intent behind this bill is to give some teeth to the right-to-know law in that, when a public official knowingly and without respect for the law violates the right-to-know law, it would have some personal impact on them.

One of the things it would do would be, let's say I was a selectman and I was a real knucklehead and violated the right-to-know law and did it on purpose and I didn't care and my town was sued and the judge found the town guilty, the town. The judge could then order me to pay the town back for its expenses. So, that would be a good thing. The judge could also make me pay a civil penalty of up to \$1,000. The judge could also sentence me to remedial

RMB

right-to-know training, which would be done through the Attorney General's Office. I could avoid having to pay that to the town by resigning my office. So, that's basically the gist of this bill. To put some teeth into the right-to-know law so that on the very rare occasion that a public official violates it knowingly and without care, they may have to be personally responsible for those violations.

There was originally a dedicated fund, the right-to-know penalties fund into which these fines would be placed, but the House Ways & Means Committee removed that fund. They generally don't like dedicated funds. So, that's the deal.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Representative. Any questions for Representative Garrity? Seeing none, thank you very much for your testimony.

Representative Garrity: Thank you.

Senator Deborah R. Reynolds, D. 2: I will note that Representative Bill Hatch who is, I don't believe, here, but is signed in in support, but does not wish to speak. And, Representative Rick Watrous, Merrimack 12, is also signed in in support, but does not wish to speak. The next person we have is Bernie Folta. Is Bernie here? Bernie, welcome. Come forward, sir.

Bernie Folta: Thank you.

Senator Deborah R. Reynolds, D. 2: Welcome. State your name for the record, sir, if you would.

Mr. Folta: My name is Bernie Folta, a Claremont citizen. I am one of those "sunshine" people and I'm here to testify for HB 425 that is before you.

When a citizen pursues a right-to-know violation under RSA 91-A, he or she has to use their own dollars to bring the matter before a court unless they are representing themselves, meaning pro se. But, a public or quasi-public body or agency or any entity subordinate to it uses taxpayer money to defend or oppose the violation situation through their legal counsel and it is taxpayer money that pays for any penalties incurred.

This bill adds some appropriate personal responsibility to a public official or employee who might possibly have gotten, for example, an inappropriate "power complex". This does happen occasionally in New Hampshire. And, that official or employee is shown to have knowingly violated RSA 91-A, the

right-to-know law. Yes, that creates a little bit of personal risk in the doing of public service, paid or not paid, but that is appropriate, I maintain.

Public officials and employees who knowingly violate the right-to-know law, which is undergird by New Hampshire's strong cultural and legal tradition of transparency in government and this is based on Article 8 in the Bill of Rights of New Hampshire's Constitution, such people who knowingly violate ought to incur some risk.

Therefore, I respectfully urge you to move this bill to the full New Hampshire Senate where I hope it will receive speedy passage. Thank you very much.

Senator Deborah R. Reynolds, D. 2: Thank you very much, sir, for your testimony. Any questions? Seeing none, thank you for coming today.

Is there anyone else here who has signed in and would like to testify relative to HB 425? Seeing none, I am going to close the hearing on HB 425.

Hearing concluded at 3:20 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "L. Gail Brown". The signature is written in a cursive, flowing style.

L. Gail Brown

Senate Secretarial Supervisor

8/13/10

# Speakers





# Testimony



## New Hampshire Municipal Association

April 5, 2010

Hon. Deborah R. Reynolds, Chair  
Senate Judiciary Committee  
State House Room 302  
Concord, New Hampshire 03301

*Re: HB 425, relative to remedies under the Right-to-Know Law*

Dear Sen. Reynolds:

Because of the lengthy hearing that preceded it, I was not able to stay for the Judiciary Committee's hearing last week on HB 425, but the Municipal Association does have a concern about the bill.

The bill would make three significant changes to the law. First, it would authorize a civil penalty of up to \$1,000 when a court finds that a public official or employee has violated the law in bad faith. Second, it would allow a court to order remedial training for someone who violates the law. We do not oppose either of these provisions.

The third change, however, is cause for concern. Under the current law, "[t]he court *may* invalidate an action of a public body or agency taken at a meeting held in violation of [the Right-to-Know Law], *if the circumstances justify such invalidation.*" (Emphasis added.) Under HB 425, "[t]he court *shall* invalidate an action of a public body taken at a meeting held in violation of [the Right-to-Know Law], *unless* the court makes a specific finding that the circumstances *do not* justify such invalidation." (Emphasis added.)

We believe most violations of the Right-to-Know Law's open meeting requirements are unintentional and relatively minor: technical errors in posting notice, good-faith errors in the manner of entering non-public session, etc. Under HB 425, if a court finds even a harmless and unintentional violation of the open-meeting provisions, all actions taken at the meeting would automatically be invalidated, unless the court makes a specific finding that the circumstances do not justify it. As a result, the validity of decisions having profound importance, and which may be virtually impossible to undo—approval of a bond, hiring of a police chief—could be left to hinge on a judge's diligence in making findings of fact.

Hon. Deborah R. Reynolds, Chair

April 5, 2010

Page 2 of 2

This strikes us as too much of a risk. We think the current law, allowing the court to invalidate action *if* the circumstances warrant it, gives the court the necessary ability to order the appropriate remedy for a serious violation, while not creating an undue risk of overly severe punishment for minor violations. Although the judge has discretion in either case, we believe the presumption should remain in favor of not invalidating action that has already been taken.

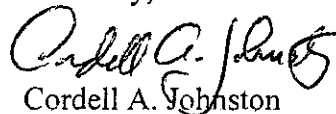
I hope the committee will consider making that change to the bill.

There is another issue with the bill, which is not so much an objection by the Municipal Association as an observation of a possible mistake in the drafting. When the bill was in a subcommittee of the House Judiciary Committee, my recollection is that the subcommittee wanted to be able to afford some relief from the new provision that authorizes the civil penalty of up to \$1,000. The suggestion was made that a public official might be allowed to avoid the penalty if he or she resigns from office. As I recall, the subcommittee agreed to that idea, and so did the full Judiciary Committee.

As drafted, however, the bill provides that resigning from office would enable the public official to avoid the obligation to pay attorney fees, but not the civil penalty. To carry out the Judiciary Committee's intent, I think the clause "unless the person or persons involved resign their office" would need to be moved from the second sentence in RSA 91-A:8, IV, as amended by the bill, and placed in the first sentence of that paragraph. Again, this is not a statement of opposition, just an effort to make sure the bill reflects the intent of the drafters. You may want to check with members of the House Judiciary Committee—in particular, the members of the subcommittee who worked on the bill—to confirm my recollection of their intent.

Thank you very much for considering these comments.

Sincerely,



Cordell A. Johnston

Acting Government Affairs Counsel

## HB 425-FN

### Changes to RSA 91-A:8, Right-to-Know Law Remedies:

I. Change in description of person covered – adds “other official.” Omits the provision in this paragraph for courts to award attorneys fees and costs personally against an officer employee or other official where bad faith is shown. (A similar provision reappears in Paragraph IV.)

II. Changes existing language in RSA RSA 91-A:8, I-a to omit references to certain characterization of lawsuits under RSA 91-A. Currently, courts may award attorneys fees to a public body, agency or employee for having to defend a suit that is in “bad faith, frivolous, unjust, vexatious, wanton or oppressive.” Under the language of HB 425, the court may award such fees only when the lawsuit is frivolous or in bad faith.

III. Changes existing provision for invalidating the action of a body taken at a meeting held in violation of RSA 91-A. Currently, the statute states that a court “may” invalidate an action, if the circumstances justify it. NH 425 provides that the court “shall” invalidate an action of a public body “unless” the court makes a specific finding that the circumstances do not justify such invalidation.

IV. At Paragraph IV, HB 425 adds a provision for award of a civil penalty of up to \$1,000.00 against an officer, employee, or other official of a public body or agency who has committed a bad faith violation. It goes on to add that if there is a finding of bad faith, an individual may be required to reimburse the public body or agency any attorneys’ fees or costs that it paid *unless the individual resigns*. (!)

V. In addition to the current ability to enjoin violations, under HB 425, courts could also require bad actors to undergo appropriate remedial training.

# Voting Sheets

# Senate Judiciary Committee

## EXECUTIVE SESSION

Bill # HB 425

Hearing date: 3/30/10

Executive session date: 4/13/10

Motion of: WFP ITL

VOTE: 6-0

**Made by** Reynolds   
**Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

**Seconded** Reynolds   
**by Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

**Reported** Reynolds   
**by Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

Motion of: \_\_\_\_\_

VOTE: \_\_\_\_\_

**Made by** Reynolds   
**Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

**Seconded** Reynolds   
**by Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

**Reported** Reynolds   
**by Senator:** Lasky   
 Houde   
 Letourneau   
 Roberge

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Reynolds, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_  
 \_\_\_\_\_

Notes: \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report



STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: April 13, 2010

THE COMMITTEE ON Judiciary

to which was referred House Bill 425-FN-A-L

AN ACT (New Title) relative to remedies under the right-to-know law.

Having considered the same, the committee recommends that the Bill:

**IS INEXPEDIENT TO LEGISLATE**

BY A VOTE OF: 5-0

AMENDMENT # s

Senator Matthew Houde  
For the Committee

L. Gail Brown 271-3076

## New Hampshire General Court - Bill Status System

**Docket of HB425**

Docket Abbreviations

**Bill Title:** (New Title) relative to remedies under the right-to-know law.*Official Docket of HB425:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
01/08/2009	H	Introduced and Referred to Judiciary; <b>HJ 12</b> , PG.227
01/21/2009	H	Public Hearing: 1/27/2009 1:00 PM LOB 208
02/09/2009	H	Subcommittee Work Session: 2/11/2009 12:00 PM LOB 208
02/12/2009	H	Subcommittee Work Session: 2/17/2009 9:55 AM LOB 208
02/13/2009	H	Executive Session: 2/17/2009 10:00 AM LOB 208
02/26/2009	H	Retained in Committee
07/27/2009	H	Retained Bill - Subcommittee Work Session 9/15/2009 11:00 AM LOB 208
09/15/2009	H	Retained Bill - Subcommittee Work Session: 9/22/2009 10:00 AM LOB 208
10/20/2009	H	Retained Bill - Subcommittee Work Session: 11/17/2009 9:45 AM LOB 208
10/21/2009	H	Retained Bill - Executive Session: 11/17/2009 10:00 AM LOB 208
11/20/2009	H	Committee Report: Ought to Pass with Amendment #2383h for Jan 6 CC (vote 19-0); <b>HC 2</b> , PG.84
11/20/2009	H	Proposed Committee Amendment #2383h; <b>HC 1</b> , PG.18-19
01/06/2010	H	Amendment #2383h Adopted, VV; <b>HJ 6</b> , PG.265-266
01/06/2010	H	Ought to Pass with Amendment #2383h: MA VV; <b>HJ 6</b> , PG.265-266
01/06/2010	H	Referred to Ways and Means
01/12/2010	H	Public Hearing: 1/20/2010 10:15 AM LOB 202
02/02/2010	H	Executive Session: 2/11/2010 9:30 AM LOB 202
02/12/2010	H	Committee Report: Ought to Pass with AM #0650h (NT) for Mar 3 CC (Vote 17-0); <b>HC 17</b> , PG.816
02/12/2010	H	Proposed Committee Amendment #0650h (New Title); <b>HC 17</b> , PG.834
03/03/2010	H	Amendment #0650h (New Title) Adopted, VV; <b>HJ 20</b> , PG.1164
03/03/2010	H	Ought to Pass with Amendment #0650h (New Title): MA VV; <b>HJ 20</b> , PG.1164
03/10/2010	S	Introduced and Referred to Judiciary
03/22/2010	S	Hearing: March 30, 2010, Room 103, State House, 2:30 p.m.; <b>SC13</b>
04/14/2010	S	Committee Report: Inexpedient to Legislate 4/21/10; <b>SC16</b>
04/21/2010	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; <b>SJ 15</b> , Pg.319

NH House

NH Senate

Contact Us

*New Hampshire General Court Information Systems*  
 107 North Main Street - State House Room 31, Concord NH 03301

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

HB 425 ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)  
List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: \_\_\_\_\_

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED       AS AMENDED BY THE HOUSE  
\_\_\_\_ FINAL VERSION      \_\_\_\_ AS AMENDED BY THE SENATE

\_\_\_\_ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [ a thru g or a, b, c, d] here: \_\_\_\_\_

EXECUTIVE SESSION REPORT

\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):  
\_\_\_\_\_

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

9/20/10

[Signature]

COMMITTEE SECRETARY