

CONSENT CALENDAR

February 3, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Judiciary to which was referred HB
1147,**

**AN ACT relative to governmental records available
upon request. Having considered the same, report the
same with the following resolution: RESOLVED, that it
is INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 1147
Title:	relative to governmental records available upon request.
Date:	February 3, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill explicitly requires public bodies or agencies to make available for inspection or copying; school curricula, reading lists, and student survey dates and questions. The sponsor felt that there was a need for this legislation because requests for this type of information are often denied, and that making the requirement explicit would address the issue. However, transparency watchdogs including New Hampshire Right to Know, were opposed to the bill because it takes the broad language in the existing statute and markedly narrows it down. The concern, therefore, is that the bill may have the unintended consequence of reducing transparency in other areas in the future.

Vote 21-0.

Rep. Mark McLean
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 1147, relative to governmental records available upon request. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean for Judiciary. This bill explicitly requires public bodies or agencies to make available for inspection or copying; school curricula, reading lists, and student survey dates and questions. The sponsor felt that there was a need for this legislation because requests for this type of information are often denied, and that making the requirement explicit would address the issue. However, transparency watchdogs including New Hampshire Right to Know, were opposed to the bill because it takes the broad language in the existing statute and markedly narrows it down. The concern, therefore, is that the bill may have the unintended consequence of reducing transparency in other areas in the future. **Vote 21-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1147

BILL TITLE: relative to governmental records available upon request.

DATE: February 3, 2022

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. McLean

Seconded by Rep. Gordon

Vote: 21-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Kurt Wuelper, Clerk



2021 SESSION

Judiciary

Bill #: HB1149 Motion: ITL AM #: _____ Exec Session Date: 2-3-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	✓		
McLean, Mark Vice Chairman	✓		
Sylvia, Michael J.	✓		
Wuelper, Kurt F. Clerk	✓		
Alexander, Joe H.	✓		
Rice, Kimberly A. EDWARDS	✓		
Silber, Norman J. MERNER	✓		
Greene, Bob J.	✓		
Kelley, Diane E.	✓		
Tausch, Lindsay ANDRUS	✓		
Trottier, Douglas R.	✓		
Smith, Marjorie K.	✓		
Berch, Paul S. woods	✓		
Horrigan, Timothy O.	✓		
DiLorenzo, Charlotte I.	✓		
Chase, Wendy	✓		
Kenney, Cam E.	✓		
Langley, Diane M.	✓		
McBeath, Rebecca Susan	✓		
Paige, Mark	✓		
Simpson, Alexis	✓		

Kurt Schaefer

21 0

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 117

BILL TITLE: relative to governmental records available upon request

DATE: 1-20-22

LOB ROOM: 206/8

Time Public Hearing Called to Order: 9:00 AM

Time Adjourned: 9:17 AM

Committee Members: ~~Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., Nottter, Merner, Greene, D. Kelley, Andrus, Trottier, M. Smith, Berch, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson~~

Bill Sponsors:

Rep. Dolan, Rock. 5

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep Greene introduced the bill

Barrett Christina NHSBA Opposed We agree the items listed in this bill are already public records, so the bill is unnecessary. Right to Know law applies to all public bodies and I know of no other provision specific to particular organizations. Other law requires curricula materials and gthe other items listed be made available to parents and they could be available to everyone.

Q Wuelper: do you know of times/places where requests for these items have been problematic?

Ans: Yes. Since the anti-discrimination law last year there have been many requests for these types of materials and more related like teacher training.

Q Horrigan: Would this apply also to Charter schools?

Ans: Yes, charter schools are included both in the definitions of public schools and the one of public body.

Laurie Ortolano RTKNH Support/Oppose We don't think specific lists of documents should be part of RSA 91-A. I have attached a couple of RSAs which delineate the records that are public along with other record requirements. With the broad definitions in 91-A, schools are already included and creating a complete list would be impossible. I don't think curricula are as widely available as they should be. Sometimes the curricula are approved without being physically present at the approving meeting so I do think we could be clearer, but not in 91-A.

Margaret Burns NHMA Opposed We are opposed for the reasons already delineated.

Brian Hawkins NEA-NH Opposed These records are already broadly available and the bill is unnecessary.



Rep Kurt Wuelper

House Remote Testify

Judiciary Committee Testify List for Bill HB1147 on 2022-01-20

Support: 12 Oppose: 52 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Hamer, Gary	Manchester, NH ghamer@mansd.org	An Elected Official	Myself	Oppose	No	No	1/16/2022 1:42 PM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	1/16/2022 5:59 PM
LeBlanc, Jennifer	Lebanon, NH workrelated.leblanc@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 8:45 AM
Pennington, Jill	Manchester, NH msjillpennington@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 8:54 AM
Iwaskiewicz, Joel	Epping, NH joel.iwaskiewicz@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 9:34 AM
Bleier, Kimberly	Concord, NH bleier21@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 10:03 AM
Frostholm, Margaret	Concord, NH pfrostholm@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 10:29 AM
Downing, Christine	Goshen, NH cdowning@goshenschooldistrictnh.org	An Elected Official	Myself	Oppose	No	No	1/17/2022 10:48 AM
Crumrine, Heidi	Concord, NH heidicrumrine@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 10:58 AM
Rainey, Deborah	Harrisville, NH songrain.rainey@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 1:00 PM
Potucek, John	Derry, NH potucek1@comcast.net	An Elected Official	Myself	Support	No	No	1/17/2022 1:49 PM
Bryant, Marlise	Hollis, NH marlisehome@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 4:58 PM
Bryant, Michael	Hollis, NH bryantmike322@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 4:59 PM

Dalton, Lee Ann	Brentwood, NH dalton.leeann@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 8:10 PM
MCNAMEE, BRIGID	Concord, NH brigidmcnamee@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 8:38 PM
Istel, Claudia	Acworth, NH cistel79@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 9:19 PM
Frye, Kim	Nashua, NH kimfrye@hotmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 11:03 PM
Boyle, Cynthia	Exeter, NH owlboyle@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 9:08 AM
Brown, Stacy	Newmarket, NH stay1time@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 9:15 AM
Merlone, Lynn	Rindge, NH prulone@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 9:37 AM
VALIHURA, CHRISTIE	HOLLIS, NH cvalihura@verizon.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 10:05 AM
Peterson, Kristina	Brentwood, NH kristinapeterson1010@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 10:12 AM
Waterhouse, Joyce	Derry, NH Jgw8490@msn.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 10:34 AM
Reed, Sarah	Concord, NH stubbs.saraha@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:42 AM
Reed, William	Concord, NH willie.b.reed@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:43 AM
Boulanger, Ann	MILTON, NH annieb115sj@metrocast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 11:05 AM
Martel, Zoe	Manchester, NH zmartel9@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 11:11 AM
Glos, Maya	barrington, NH mayaglos1@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 11:17 AM
Anderson, Violet	Manchester, NH vimanderson@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 12:33 PM
Barber, Tory	New Boston, NH peaceinelevation@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 12:44 PM
COFFIN, MEREDITH	CANDIA, NH meredithleavitt@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 1:04 PM

Saba, Robin	CANDIA, NH rbrooks230@hotmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 2:33 PM
Bracy, Sue	Dunbarton, NH marysuebracy@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 3:28 PM
Johnson, Kristin	Wolfeboro, NH kristinandpatjohnson@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 3:45 PM
Fernandes, Abigail	WEARE, NH abby.fernandes@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 9:03 PM
Rushford, Amy	Amherst, NH aerushford@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 9:24 PM
Brooks, Jill	Dover, NH jillannbrooks@hotmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 7:55 AM
Dulac, Michelle	Dover, NH mommydulac@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 8:17 AM
Corbin, Alexis	Barrington, NH athorner22@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:23 AM
Bregani, Olivia	Marlborough, NH oliviabregani@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:35 AM
Cutting, Sarah	Alexandria, NH mrscutting211@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:49 AM
O'Rourke, Moira	Nottingham, NH m.or@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:57 AM
Derhammer, Michael	Portsmouth, NH hagusmd@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 10:31 AM
Schuman, Diana	Dover, NH deeschu@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/19/2022 10:41 AM
Hurley, Rory	Marlborough, NH rory.d.hurley@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 11:07 AM
Beauregard, Amy	Dover, NH amyloving@hotmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 11:07 AM
Shultz, Rebecca	Dover, NH abcbecca99@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 11:29 AM
Drysdale, Roseanna	Durham, NH rmdrysdale@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 11:46 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2022 12:53 PM

Wendorf, Holly	Somersworth, NH Hollylwendorf@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 2:59 PM
Cote, Kelly	Rochester, NH Kgennett@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 4:15 PM
Crompton, Misty	New Boston, NH m.crompton.snhu@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 4:58 PM
Nevins, Kelly	Dover, NH nevinsk@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/19/2022 5:56 PM
Sanborn, Alisa	South berwick, NH tuckersanborn@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 6:43 PM
Calhoun, Mary	Portsmouth, NH mcalhounnh@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 7:03 PM
Brough, J	New Hampton, NH mmiw@live.com	A Member of the Public	Myself	Support	No	No	1/19/2022 7:19 PM
Simko, Lisa	Stratham, NH Llsimko@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 7:51 PM
Maroni, Margaret	DOVER, NH meggy@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2022 7:55 PM
Maroni, William	DOVER, NH bmaroni@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2022 7:56 PM
McDermid, Alex	Newmarket, NH mcdermid.alex@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 8:34 PM
Brodeur-Fossa, Eliza	Newport, NH eliza.brodeur.fossa@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:07 PM
Hassell, Courtney	Lee, NH courtneyhassell217@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:42 PM
Loveless, Eric	bedford, NH nassur34@protonmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 12:15 AM
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	1/20/2022 7:03 PM

**ALEX
McDERMID**

1/19/2022

To whom it may concern,

My name is Alex McDermid. I live in Newmarket and I am a School Psychologist working in the Dover School District. I am writing to voice my opposition to HB 1147. Enabling members of the public, special interest groups, and malicious actors to inspect the data suggested by this bill would provide no real benefit to students, and it would open up educators to criticism and harassment for political gains. Please do not pass this bill. Our teachers and school staff are working extremely hard and doing their best to meet students' needs in these very difficult times.

Sincerely,

Alex McDermid, Ed. S.

School Psychologist

HB1147 ORTOLANO

Dear Honorable Members of the Judiciary Committee;

My name is Laurie Ortolano. I live in Nashua. I am the Vice President of Right to Know New Hampshire (RTKNH) and we are opposed to HB 1147, amending the RSA to list specific school records as governmental records under the right to know law. HB 1603 FN is a similar bill that was heard at 9:00 am by this committee.

The RSA 91-A definition of a governmental record encompasses, in broad terms, the specific language that has been added with this bill. The broad language defining records should not be juxtaposed with a list of specific school records as called out in this amendment for curricula, reading lists and student survey dates and questions. If the legislature starts adding specific records, RSA 91-A could become pages of listed public documents.

While school records are listed in this amendment, every other municipal office could request the list of their records be included. RSA 33-a, is the municipal disposition and retention schedule. This document provides a list of specific documents and document types to be maintained for a specific time period.

Relative to school documents, RSA 189:29-a delineates records retention and disposition as it applies to School Boards, superintendents, teachers and truant officers. Boards are responsible for setting policy directing Superintendents to establish retention schedules for all official school records. It is unclear why a state level record retention document does not exist for school records.

A governmental record is defined by RSA 91-A as:

"Governmental records" means any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term "governmental records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term "governmental records" shall also include the term "public records."

and public bodies include, by definition, any school district or SAU.

Specific exemptions defined in RSA 91-A:5 provide the restrictions that apply to records for non-disclosure.

Please keep the language for public documents in the broadest possible terms and oppose HB1147.

Sincerely,
Laurie Ortolano
41 Berkeley St.
Nashua, NH 03064

HB 1147 - AS INTRODUCED

2022 SESSION

22-2387

07/04

HOUSE BILL **1147**

AN ACT relative to governmental records available upon request.

SPONSORS: Rep. Dolan, Rock. 5

COMMITTEE: Judiciary

ANALYSIS

This bill establishes the right to inspect and make copies of school curricula, reading lists, and student survey dates and questions.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to governmental records available upon request.

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

1 1 Access to Governmental Records and Meetings; Minutes and Records Available for Public
2 Inspection; Inclusion of School Curricula, Reading Lists, and Student Survey Dates and Questions.
3 Amend RSA 91-A:4, IV(a) to read as follows:

4 IV.(a) Each public body or agency shall, upon request for any governmental record
5 reasonably described, ***including school curricula, reading lists, and student survey dates and***
6 ***questions***, make available for inspection and copying any such governmental record within its files
7 when such records are immediately available for such release.

8 2 Effective Date. This act shall take effect 60 days after its passage.