

**REQUEST FOR ADVANCE PUBLIC COMMENT ON SUBJECT
MATTER OF POSSIBLE RULEMAKING**

	Rule Number	Rko 100, 200, 500 and potentially others <small>(If applicable)</small>
<p>1. Agency Name & Address:</p> <p>Office of the Right-to-Know Ombudsman Room 313, State House Annex 25 Capitol Street Concord, NH 03301</p>	<p>2. RSA Authority:</p> <p>3. Federal Authority:</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption <u> X </u></p> <p style="padding-left: 20px;">Amendment <u> </u></p> <p style="padding-left: 20px;">Repeal <u> </u></p> <p style="padding-left: 20px;">Readoption <u> </u></p> <p style="padding-left: 20px;">Readoption w/amendment <u> </u></p>	<p style="text-align: center;">RSA 91-A: 7-d; RSA 541-A: 16, I</p>
<p>5. Short Title: NH Right-to-Know Ombudsman Rules</p>		

IN ACCORDANCE WITH RSA 541-A:11, VIII THIS AGENCY IS SOLICITING PUBLIC COMMENT ON A SUBJECT MATTER OF POSSIBLE RULEMAKING UNDER ACTIVE CONSIDERATION PRIOR TO FORMALLY PROPOSING RULES IN THE RULEMAKING PROCESS. WHERE, WHEN, AND HOW PERSONS MAY PROVIDE COMMENT ARE INDICATED BELOW.

6. (a) Summary of the subject matter, or summary of the rule if drafted, and the effect on those regulated:

RSA 91-A:7-d requires rulemaking by the Office of the Right-to-Know Ombudsman, an agency created in 2022 and first staffed on January 27, 2023. The Office is in part intended to be an alternative to the judicial system in cases involving disputes under RSA 91-A. The new office is charged with reviewing complaints made to it regarding alleged violations of the “Right-to-Know” Law and, accordingly, must establish procedures for carrying out its functions, including but not limited to “procedures to streamline the process of resolving complaints,” and “hearing procedures.” See RSA 91-A: 7-d. Pursuant to RSA 541-A: 16, I, the office is also required to adopt organizational and procedural rules. In light of the duties with which the new office is charged, the Ombudsman wishes to obtain public input regarding how it is believed the new office might most effectively perform its functions. The Ombudsman wishes to afford this opportunity for public input before proposing its first set of rules. Additional public input will be solicited when the rulemaking process itself begins. The rules initially proposed after the pre-process hearing noticed here will include, at least, rules relating to agency organization and procedures relating to hearings. Public comment may suggest the need for additional rule topics. The anticipated rules would impact parties who may appear before the Ombudsman, including private citizens and public entities, as well as the Office of the Ombudsman itself. This notice is intended to request input by any interested person or entity.

In view of the foregoing, the types of rules which the Ombudsman currently believes will be written with public input are:

- **Organizational rules (required by RSA 541-A: 16, I(a)), commonly known as “Chapter 100 rules”;**
- **Procedural rules (required by RSA 541-A: 16, I(b)-(d)), commonly known as “Chapter 200 rules”; and**
- **Ombudsman’s ethical standards, commonly known as “Chapter 500 rules.”**

Other chapter numbers will be reserved for matters which may arise.

6. (b) Brief description of the groups affected:

Individuals involved in disputes with public bodies or agencies regarding RSA 91-A, as well as public bodies or agencies involved in such disputes, and the Office of the Right-to-Know Ombudsman itself.

7. Contact person for copies, questions, and receipt of comment including requests to accommodate persons with disabilities:

Name:	Thomas F. Kehr	Title:	Right to Know Ombudsman
Address:	Room 313, State House Annex 25 Capitol Street Concord, NH 03301	Phone #:	(603) 271-3277
		Fax#:	NA
		E-mail:	Thomas.Kehr@sos.nh.gov

TTY/TDD Access: Relay NH
1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of comment in writing or, if practicable for the agency, in the electronic format specified: **March 15, 2023, 4:30 PM**

Fax

E-mail

Other format (specify):

In this pre-rulemaking proceeding, hard copy, rather than electronic, submissions are strongly preferred.

9. Public hearing scheduled for:

Date and Time: **10:00 AM, Wednesday, March 1, 2023**

Place: **Room 405, State House Annex
25 Capitol Street
Concord, NH 03301**