

HB 216 - AS INTRODUCED

2021 SESSION

21-0360

05/04

HOUSE BILL **216**

AN ACT relative to public notice of and access to meetings under the right to know law.

SPONSORS: Rep. Weber, Ches. 1; Rep. Porter, Hills. 1; Rep. Walz, Merr. 23

COMMITTEE: Judiciary

ANALYSIS

This bill establishes requirements for remote access to public meetings under RSA 91-A.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to public notice of and access to meetings under the right to know law.

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

1 1 Access to Governmental Records and Meetings; Meetings Open to the Public. Amend RSA 91-
2 A:2, III to read as follows:

3 III. ~~[A public body may, but is not required to, allow one or more members of the body to]~~
4 ***One or more members of a public body may*** participate in a meeting by electronic or other means
5 of communication for the benefit of the public and the governing body, subject to the provisions of
6 this paragraph.

7 ~~[(a) A member of the public body may participate in a meeting other than by attendance~~
8 ~~in person at the location of the meeting only when such attendance is not reasonably practical. Any~~
9 ~~reason that such attendance is not reasonably practical shall be stated in the minutes of the~~
10 ~~meeting.]~~

11 ~~(b) Except in an emergency, a quorum of the public body shall be physically present at~~
12 ~~the location specified in the meeting notice as the location of the meeting. For purposes of this~~
13 ~~subparagraph, an "emergency" means that immediate action is imperative and the physical presence~~
14 ~~of a quorum is not reasonably practical within the period of time requiring action. The~~
15 ~~determination that an emergency exists shall be made by the chairman or presiding officer of the~~
16 ~~public body, and the facts upon which that determination is based shall be included in the minutes of~~
17 ~~the meeting.]~~

18 ~~(c) Each part of a meeting required to be open to the public shall be audible or otherwise~~
19 ~~discernable to the public at the location specified in the meeting notice as the location of the~~
20 ~~meeting.]~~

21 ***(a) A physical location is not required for any meeting, provided the meeting***
22 ***complies with the provisions of this paragraph.***

23 ***(b) Public access shall be provided to the public by telephone, with additional***
24 ***access possibilities by video or other electronic means.***

25 ***(c) Public notice of the meeting, with all information necessary to access the***
26 ***meeting telephonically and by other means, shall be given as provided in this chapter. The***
27 ***notice shall provide a mechanism for the public to alert the public body during the meeting***
28 ***if there are problems with access. The meeting shall be adjourned if the public is unable to***
29 ***access the meeting.***

30 ***(d) Each member participating electronically or otherwise [must] in a meeting***
31 ***required to be open to the public shall*** be able to simultaneously hear each other and speak to

1 each other during the meeting, and shall be audible or otherwise discernable to the public in
2 attendance at the meeting's location, *if the meeting has a physical location*. Any member
3 participating in such fashion shall identify *the location from which the person is participating*
4 *and* the persons present in the location from which the member is participating. No meeting shall
5 be conducted by electronic mail or any other form of communication that does not permit the public
6 to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location
7 specified in the meeting notice.

8 ~~[(e)]~~ **(e)** Any meeting held pursuant to the terms of this paragraph shall comply with all
9 of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit
10 and purpose of this chapter as expressed in RSA 91-A:1.

11 ~~[(e)]~~ **(f)** A member participating in a meeting by the means described in this paragraph
12 is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting
13 shall be by roll call vote.

14 2 Effective Date. This act shall take effect 60 days after its passage.