

HB 566 - AS AMENDED BY THE HOUSE

9Apr2021... 0425h

2021 SESSION

21-0239

04/08

HOUSE BILL

566

AN ACT relative to the discussion and disclosure of minutes from a nonpublic session under the right-to-know law.

SPONSORS: Rep. Yokela, Rock. 33; Rep. Yakubovich, Merr. 24

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill allows discussion of disclosure of the minutes of a nonpublic session to occur in nonpublic session, provided the vote on disclosure takes place in public session. The bill also requires that sealed minutes of a nonpublic session related to the acquisition, sale, or lease of real or personal property be released once the transaction closes or the public body decides not to proceed.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the discussion and disclosure of minutes from a nonpublic session under the right-to-know law.

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

1 1 New Subparagraph; Right-to-Know-Law; Nonpublic Sessions. Amend RSA 91-A:3, II by
2 inserting after subparagraph (l) the following new subparagraph:

3 (m) Consideration of whether to disclose minutes of a nonpublic session due to a change
4 in circumstances under paragraph III. However, any vote on whether to disclose minutes shall take
5 place in public session.

6 2 Right-to-Know Law; Nonpublic Minutes. Amend RSA 91-A:3, III to read as follows:

7 III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall
8 be promptly made available for public inspection, except as provided in this section. Minutes of such
9 sessions shall record all actions in such a manner that the vote of each member is ascertained and
10 recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72
11 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session,
12 it is determined that divulgence of the information likely would affect adversely the reputation of
13 any person other than a member of the public body itself, or render the proposed action ineffective,
14 or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying
15 out of all emergency functions, developed by local or state safety officials that are directly intended
16 to thwart a deliberate act that is intended to result in widespread or severe damage to property or
17 widespread injury or loss of life. This shall include training to carry out such functions. In the event
18 of such circumstances, information may be withheld until, in the opinion of a majority of members,
19 the aforesaid circumstances no longer apply. ***Minutes related to a discussion held in nonpublic***
20 ***session under subparagraph II(d) shall be made available to the public immediately after***
21 ***the transaction has closed or the public body has decided not to proceed with the***
22 ***transaction.***

23 3 Effective Date. This act shall take effect January 1, 2022.