

SB 339 - AS AMENDED BY THE SENATE

02/16/2022 0671s

2022 SESSION

22-3090

07/05

SENATE BILL

**339**

AN ACT

relative to meetings of boards and commissions in the department of safety.

SPONSORS:

Sen. Prentiss, Dist 5; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Sen. Kahn, Dist 10; Sen. Cavanaugh, Dist 16; Sen. Hennessey, Dist 1; Sen. Sherman, Dist 24; Sen. Rosenwald, Dist 13; Sen. Perkins Kwoka, Dist 21

COMMITTEE:

Judiciary

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AMENDED ANALYSIS

This bill exempts certain entities at the New Hampshire department of safety from the physical quorum requirement of RSA 91-A:2 and creates additional requirements for those exempted entities.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 meetings of boards and commissions in the department of safety.

*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; Exemptions from  
2 the Physical Quorum Requirement. Amend RSA 91-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 participate in a meeting by electronic or other means of communication for the benefit of the public  
5 and the governing body, subject to the provisions of this paragraph.

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

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

17           ***(1) The fire standards and training commission of the department of safety***  
18 ***as established in RSA 21-P:25;***

19           ***(2) The emergency medical and trauma services coordinating board of the***  
20 ***department of safety as established in RSA 153-A:3;***

21           ***(3) The emergency medical services medical control board of the department***  
22 ***of safety as established in RSA 153-A:5; and***

23           ***(4) The trauma medical review committee of the department of safety as***  
24 ***established in RSA 153-A:8.***

25          (c) ***The boards and commissions exempt in subparagraph (b) shall publish the***  
26 ***minutes of their meetings on the department of safety, division of fire standards and***  
27 ***training and emergency medical services website and also shall:***

28           ***(1) Provide public access to the meeting by telephone, with traditional access***  
29 ***possibilities by video or other electronic means;***

30           ***(2) Provide public notice of the necessary information for accessing the***  
31 ***meeting;***

1                   ***(3) Provide a mechanism for the public to alert the public body during the***  
2 ***meeting if there are problems with access;***

3                   ***(4) Provide a physical location for the meeting, where members who can***  
4 ***attend in person will attend in person and while virtual access shall be provided to those***  
5 ***who are unable to travel, as well as the public; and***

6                   ***(5) Conduct all votes by roll call.***

7                   [~~(e)~~] ***(d)*** Each part of a meeting required to be open to the public shall be audible or  
8 otherwise discernable to the public at the location specified in the meeting notice as the location of  
9 the meeting. Each member participating electronically or otherwise must be able to simultaneously  
10 hear each other and speak to each other during the meeting, and shall be audible or otherwise  
11 discernable to the public in attendance at the meeting's location. Any member participating in such  
12 fashion shall identify the persons present in the location from which the member is participating.  
13 No meeting shall be conducted by electronic mail or any other form of communication that does not  
14 permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the  
15 meeting location specified in the meeting notice.

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

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

22                   2 Effective Date. This act shall take effect 60 days after its passage.