

HB 447 - AS INTRODUCED

2015 SESSION

15-0245
01/03

HOUSE BILL **447**

AN ACT relative to quorums for meetings under the right-to-know law.

SPONSORS: Rep. Grenier, Sull 7; Rep. Irwin, Sull 9; Rep. Weber, Ches 1; Rep. Kidder, Merr 5;
Rep. Steven Smith, Sull 11; Sen. Woodburn, Dist 1

COMMITTEE: Judiciary

ANALYSIS

This bill allows members of boards and commissions of state agencies and authorities to hold meetings under the right-to-know law without the physical presence of a quorum if the number of members of the board or commission necessary to meet the quorum are present by a combination of physical presence and by means of telephone or electronic communication. Under this bill, the chairperson, or designee, must be physically present at such meetings.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fifteen

AN ACT relative to quorums for meetings under the right-to-know law.

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

1 1 Notice Requirement; Meetings Conducted by Telephone or Electronic Communication. Amend
2 RSA 91-A:2, II to read as follows:

3 II. Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means
4 of telephone or electronic communication, or in any other manner, shall be open to the public. Except
5 for town meetings, school district meetings, and elections, no vote while in open session may be taken
6 by secret ballot. Any person shall be permitted to use recording devices, including, but not limited
7 to, tape recorders, cameras, and videotape equipment, at such meetings. Minutes of all such
8 meetings, including names of members, persons appearing before the public bodies, and a brief
9 description of the subject matter discussed and final decisions, shall be promptly recorded and open
10 to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-
11 A:6, and shall be treated as permanent records of any public body, or any subordinate body thereof,
12 without exception. Except in an emergency or when there is a meeting of a legislative committee, a
13 notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2
14 appropriate places one of which may be the public body's Internet website, if such exists, or shall be
15 printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays
16 and legal holidays, prior to such meetings. ***If the notice required under this paragraph***
17 ***pertains to a meeting of a board or commission of a state agency or authority where a***
18 ***meeting may be conducted by means of telephone or electronic communication, the notice***
19 ***shall include a statement that telephone or electronic communication is available to***
20 ***members of the public body and to members of the public, information about the kind of***
21 ***telephone or electronic communication that will be used, and the call-in information***
22 ***necessary to participate in the meeting.*** An emergency shall mean a situation where immediate
23 undelayed action is deemed to be imperative by the chairman or presiding officer of the public body,
24 who shall post a notice of the time and place of such meeting as soon as practicable, and shall employ
25 whatever further means are reasonably available to inform the public that a meeting is to be held.
26 The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a
27 meeting of a legislative committee is held, publication made pursuant to the rules of the house of
28 representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the
29 charter of any city or town or guidelines or rules of order of any public body require a broader public
30 access to official meetings and records than herein described, such charter provisions or guidelines or
31 rules of order shall take precedence over the requirements of this chapter. For the purposes of this

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paragraph, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.

2 Right-to-Know; Quorum. Amend RSA 91-A:2, III(b) to read as follows:

(b)(1) Except in an emergency ***or as provided in subparagraph (2)***, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an “emergency” means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.

(2) The physical presence of a quorum of the public body as required under subparagraph (1) shall not apply to any meeting of a board or commission of a state agency or authority, as defined in RSA 91-A:1-a, VI(c), excluding the board of trustees of the university system of New Hampshire, if the number of members of the board, commission, or authority necessary to meet the quorum are present by any combination of physical presence and by means of telephone or electronic communication, or in any other manner to allow all participating members to communicate with each other contemporaneously. In order to meet the quorum requirement under this subparagraph, the chairperson, or designee, of the board or commission of the state agency or authority shall be physically present at the location of the meeting, and shall assure that all members of the board or commission and members of the public who are in attendance are able to communicate contemporaneously.

3 Effective Date. This act shall take effect January 1, 2016.