

CHAPTER 189
HB 321-FN-LOCAL - FINAL VERSION

05/18/2023 1729s

2023 SESSION

23-0423
05/04

HOUSE BILL

321-FN-LOCAL

AN ACT

relative to minutes from nonpublic sessions under the right to know law.

SPONSORS:

Rep. Yokela, Rock. 32; Rep. Ammon, Hills. 42; Rep. Verville, Rock. 2; Rep. Alexander Jr., Hills. 29; Rep. Ulery, Hills. 13; Rep. McWilliams, Merr. 30; Sen. Gannon, Dist 23

COMMITTEE:

Judiciary

ANALYSIS

This bill requires public bodies to review meeting minutes withheld from public disclosure at least every 10 years to determine whether they should continue to be withheld. Minutes not reviewed after 10 years shall be made public.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to minutes from nonpublic sessions under the right to know law.

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

1 189:1 New Paragraph; Minutes from Nonpublic Session. Amend RSA 91-A:3 by inserting after
2 paragraph III the following new paragraph:

3 IV.(a) A public body or agency may adopt procedures to review minutes of meetings held in
4 nonpublic session and to determine by majority vote whether the circumstances that justified keeping
5 meeting minutes from the public under RSA 91-A:3, III no longer apply. If the public body determines that
6 those circumstances no longer apply, the minutes shall be available for release to the public pursuant to
7 this chapter.

8 (b) In the absence of an adopted procedure to review and determine whether the
9 circumstances no longer apply for meeting minutes kept from the public, the public body or agency shall
10 review and determine by majority vote whether the circumstances that justified keeping meeting minutes
11 from the public under RSA 91-A:3, III no longer apply. This review shall occur no more than 10 years from
12 the last time the public body voted to prevent the minutes from being subject to public disclosure. Meeting
13 minutes that were kept from the public prior to the effective date of this paragraph that are not reviewed by
14 the public body or agency within 10 years of the effective date of this paragraph shall be subject to public
15 disclosure without further action of the public body.

16 189:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 04, 2023
Effective Date: October 03, 2023

