

HB 254 - AS INTRODUCED

2023 SESSION

23-0297

05/08

HOUSE BILL            **254**

AN ACT                relative to remote participation in public meetings under the right to know law.

SPONSORS:            Rep. Simpson, Rock. 33; Rep. Yokela, Rock. 32; Rep. Weber, Ches. 5; Rep. Burroughs, Carr. 2; Sen. Perkins Kwoka, Dist 21

COMMITTEE:          Judiciary

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ANALYSIS

This bill modifies the requirements for remote participation in public meetings under the right to know law.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to remote participation in public 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 Public; Remote  
2 Participation. RSA 91-A:2, III is repealed and reenacted to read as follows:

3 III.(a) The governing body of a political subdivision may vote to authorize members of public  
4 bodies in the political subdivision to participate remotely in meetings via electronic means for the  
5 benefit of the public and the governing body, subject to the provisions of this paragraph or more  
6 stringent conditions set locally. The authority granted under this paragraph may be revoked,  
7 renewed, or modified in the same manner as it is approved. Notwithstanding RSA 91-A:1-a, VI(a),  
8 nothing in this paragraph shall apply to the general court.

9 (b) When authorized by its governing body, a public body may allow one or more  
10 members of the body to participate in a meeting remotely only when such attendance is not  
11 reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in  
12 the minutes of the meeting.

13 (c) A quorum or at least one third of the total membership of the public body, whichever  
14 is less, shall be present at the physical location of the meeting. Each member participating  
15 electronically or otherwise must be able to contemporaneously and throughout the meeting see and  
16 hear, and be seen and heard by, the other members of the public body attending the meeting. A  
17 member participating in a meeting by the means described in this paragraph is deemed to be present  
18 for all purposes, including for determination of a quorum and voting.

19 (d) All members shall be audible and/or visible to the public in attendance at the  
20 meeting's physical location. Each member participating remotely shall identify the persons present  
21 in the location from which the member is participating.

22 (e) No meeting shall be conducted by electronic mail or any other form of communication  
23 that does not permit the public to hear, read, or otherwise discern meeting discussion  
24 contemporaneously at the meeting location specified in the meeting notice.

25 (f) Each part of a meeting required to be open to the public shall be audible or otherwise  
26 discernable to the public at the location specified in the meeting notice as the location of the meeting.

27 (g) In an emergency, when immediate action is imperative and the physical presence  
28 requirement is not reasonably practical within the period of time requiring action, the minimum  
29 physical presence required under subparagraph (c) shall not apply. The determination that an  
30 emergency exists shall be made by the chairman or presiding officer of the public body, and the facts  
31 upon which that determination is based shall be included in the minutes of the meeting.

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1                   (h) Any meeting held pursuant to the terms of this paragraph shall comply with all of  
2 the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and  
3 purpose of this chapter as expressed in RSA 91-A:1.

4           2 Effective Date. This act shall take effect 60 days after its passage.