

HB 308 - AS INTRODUCED

2023 SESSION

23-0468

06/04

HOUSE BILL **308**

AN ACT relative to a quorum for meetings open to the public to include remote presence.

SPONSORS: Rep. Nutter-Upham, Hills. 8; Rep. N. Murphy, Hills. 12; Rep. Read, Rock. 10; Rep. W. Thomas, Hills. 12

COMMITTEE: Judiciary

ANALYSIS

This bill removes the emergency exception requirement for remote presence of members to constitute a quorum for meetings open to the public.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 a quorum for meetings open to the public to include remote presence.

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 Meetings.

2 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~~
13 ~~presence 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.~~

17 ~~(e)~~ **(a)** Each part of a meeting required to be open to the public shall be audible or
18 otherwise discernable to the public at the location specified in the meeting notice as the location of
19 the meeting. Each member participating electronically or otherwise must be able to simultaneously
20 hear each other and speak to each other during the meeting, and shall be audible or otherwise
21 discernable to the public in attendance at the meeting's location. Any member participating in such
22 fashion shall identify the persons present in the location from which the member is participating.
23 No meeting shall be conducted by electronic mail or any other form of communication that does not
24 permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the
25 meeting location specified in the meeting notice.

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

29 ~~(e)~~ **(c)** A member participating in a meeting by the means described in this paragraph
30 is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting
31 shall be by roll call vote.

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1 2 Effective Date. This act shall take effect 60 days after its passage.