

Rep. Yokela, Rock. 32
Rep. Simpson, Rock. 33
Rep. M. Paige, Rock. 11
February 21, 2023
2023-0610h
05/07

Floor Amendment to HB 254

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 New Paragraph; Meetings Open to the Public; Local Public Bodies; Remote Participation.
4 Amend RSA 91-A:2 by inserting after paragraph III the following new paragraph:

5 III-a.(a) Notwithstanding paragraph III, a local public body may vote to allow its members
6 to participate remotely in meetings via electronic means for the benefit of the public and the public
7 body, subject to the provisions of this paragraph, and subject to more stringent conditions which may
8 be established locally. The authority granted under this paragraph may be revoked, renewed, or
9 modified in the same manner as it is approved. For purposes of this paragraph, "local public body"
10 means any legislative body, governing body, board, commission, committee, agency, or authority of
11 any city, town, municipal corporation, school district, school administrative unit, chartered public
12 school, or other local political subdivision; provided that nothing in this paragraph shall apply to
13 school meetings held under RSA 197 or town meetings held under RSA 40.

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

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

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

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

Amendment to HB 254

- Page 2 -

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

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

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

11 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 254
- Page 3 -

2023-0610h

AMENDED ANALYSIS

This bill modifies the requirements for remote participation in public meetings held by municipalities and other local political subdivisions.