

CHAPTER 188
HB 308 - FINAL VERSION

23Feb2023... 0240h
05/11/2023 1562s

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

AMENDED ANALYSIS

This bill allows for certain state boards to vote to allow one or more members to participate in a meeting remotely when physical attendance at the meeting site is not reasonably practicable and permits members of the public to participate remotely in these remote 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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:

1 188:1 New Paragraph; Access to Governmental Records and Meetings; Meetings Open to Public;
2 Remote Meetings. Amend RSA 91-A:2 by inserting after paragraph III the following new paragraph:

3 IV. The provisions of this paragraph allowing for less than a quorum to be physically present for
4 meetings shall apply only to boards, committees, councils, advisory committees and like bodies of state
5 government, not including the general court or either house thereof or any committee of either house, nor
6 the governor and council, the composition of which is permitted by law or regulation to be drawn from
7 individuals who may reside throughout the state of New Hampshire. This paragraph does not apply to
8 boards, committees, councils, advisory committees, or any other components or instrumentalities of
9 county or municipal government. For purposes of this paragraph only the boards, committees, councils,
10 and like bodies to which this paragraph is applicable shall be referred to as "state boards."

11 (a) A state board covered by this paragraph may vote to allow one or more members to
12 participate in a meeting remotely only when physical attendance at the meeting site is not reasonably
13 practicable. Any reason that such attendance is not reasonably practicable shall be stated in the minutes
14 of the meeting. The authority granted under this paragraph may be revoked, renewed, or modified in the
15 same manner as it is approved.

16 (b) At least one-third of the total membership of the state board shall be present at the
17 physical location of the meeting. Each member participating electronically or otherwise shall be able to
18 contemporaneously and throughout the meeting see and hear, and be seen and heard by, the other
19 members of the public body attending the meeting and members of the public in attendance at the
20 meeting site. A member participating in a meeting remotely as described in this paragraph is deemed to
21 be present for all purposes, including for determination of a quorum and voting. Each member
22 participating remotely shall identify the persons present in the location from which the member is
23 participating. All votes taken during such a meeting shall be by roll call vote. Members of the public shall
24 be permitted to participate remotely in remotely held state board meetings, including testifying or asking
25 questions as the rules and procedures of the board allow.

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

29 (d) In an emergency, when immediate action is imperative and the physical presence
30 requirement is not reasonably practicable within the period of time requiring action, the minimum physical
31 presence required under subparagraph (b) shall not apply. The determination that an emergency exists

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1 shall be made by the chair or presiding officer of the state board, and the facts upon which that
2 determination is based shall be included in the minutes of the meeting.

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

188:2 Effective Date. This act shall take effect 60 days after its passage.

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