

Bill as Introduced

HB 94 - AS INTRODUCED

2011 SESSION

11-0380
01/04

HOUSE BILL **94**

AN ACT relative to public access to advisory committee meetings under the right-to-know law.

SPONSORS: Rep. Tholl, Coos 2; Rep. Remick, Coos 2

COMMITTEE: Judiciary

ANALYSIS

This bill allows a meeting of an advisory committee with no policy or decision making authority to have a quorum by electronic means under the right-to-know law. This bill also requires a clear way for the public to attend a meeting of an advisory committee which is held by electronic format.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to public access to advisory committee meetings under the right-to-know law.

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

1 1 Meetings Open to the Public. Amend RSA 91-A:2, III(b) and (c) to read as follows:

2 (b) Except in an emergency, ***or for a meeting of an advisory committee with no***
3 ***policy or decision making authority***, a quorum of the public body shall be physically present at
4 the location specified in the meeting notice as the location of the meeting. For purposes of this
5 subparagraph, an "emergency" means that immediate action is imperative and the physical presence
6 of a quorum is not reasonably practical within the period of time requiring action. The
7 determination that an emergency exists shall be made by the chairman or presiding officer of the
8 public body, and the facts upon which that determination is based shall be included in the minutes of
9 the meeting.

10 (c) Each part of a meeting required to be open to the public shall be audible or otherwise
11 discernable to the public at the location specified in the meeting notice as the location of the meeting.
12 Each member participating electronically or otherwise must be able to simultaneously hear each
13 other and speak to each other during the meeting, and shall be audible or otherwise discernable to
14 the public in attendance at the meeting's location. Any member participating in such fashion shall
15 identify the persons present in the location from which the member is participating. No meeting
16 shall be conducted by electronic mail or any other form of communication that does not permit the
17 public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting
18 location specified in the meeting notice. ***If an advisory committee meeting is held by electronic***
19 ***format, there shall be a clear way for the public to attend said meeting posted on the***
20 ***applicable agency's website and notification as otherwise required in this chapter.***

21 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #

HB 94

Date _____

4-11-11

Committee

JUDICIARY

**** Please Print All Information ****

[illegible]

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HOUSE BILL 94

BILL TITLE: relative to public access to advisory committee meetings under the right-to-know law.

DATE: January 11, 2011

LOB ROOM: 208 **Time Public Hearing Called to Order:** 1:36 pm

Time Adjourned: 2:11 pm

(please circle if present)

Committee Members: Reps. Rowe, Sorg, Souza, Hagan, Silva, Andolina, Giuda, LaCasse,
McClaren, Murphy, Palmer, Peterson, Tregenza, Wheaton, Wall, Potter, Weber and Watrous.

Bill Sponsors: Rep. Tholl, Coos 2; Rep. Remick, Coos 2

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Tholl, sponsor, introduced the bill.

The purpose of bill is to allow non-voting member to attend with the same for the public to allow for public access electronically. He was asked by Dr. Warner to introduce this bill.

Dr. Deborah Werner, Littleton, NH – supports

She is on a mental health advisory commission and members who do not have power to vote, say if conference call, it would be helpful to participate electronically. Believes it would also save paying mileage money to meet electronically, if no policy decisions are being made. Also believes there will be more public participation, if this bill passes. She uses freeconferencecalling.com. Public notice of meetings would remain as under current law, plus electronic notice. A physical location would be in conformance with RSA 91-A.

Cordell Johnston, New Hampshire Municipal Association – no position on bill

The public body may allow member to participate. Current law says must have a quorum of meeting and a physical location. Underlying law stresses must have physical location. Need to be able to hear all conversation that takes place.

(Chairman Rowe sees this as an issue of the body to meet vs. the public's desire to participate.)

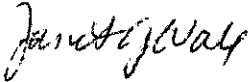
Harried E. Cady, Deerfield, NH, former representative -- opposes

She is concerned about people who volunteer to serve, do serve. Does not like perception that people can't see faces of those in the meeting and seeing people can clarify what they mean. A quorum of body needs to be present even if one has to participate from a distance; quorum required under current law. Article VIII of Constitution was basis for Right-to-Know Law. Wants public officials to be physically present at a meeting.

* Zandra Rice Hawkins, Granite State Progressive Education Fund -- no position
She presented written testimony.

Nancy Johnson, New Hampshire Association of Regional Planning Commission -- no position
She was concerned about unintended consequences of advisory committee and concerned about any costs.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Janet G. Wall".

Rep. Janet G. Wall,
Acting Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HOUSE BILL 94

BILL TITLE: relative to public access to advisory committee meetings under the right-to-know law.

DATE: January 11, 2011

LOB ROOM: 208

Time Public Hearing Called to Order:

1:36 p.m.
1:30 pm 2:11 pm

Time Adjourned: {Time}

(please circle if present)

Committee Members: Reps. Rowe, Sorg, Souza, Hagan, Silva, Andolina, Giuda, LaCasse, McClarren, Murphy, Palmer, Peterson, Tregenza, Wheaton, Wall, Potter, Weber and Watrous

Bill Sponsors: Rep. Tholl, Coos 2; Rep. Remick, Coos 2

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Tholl - purpose - to allow non-voting member to attend electronically, w/ the same for the public to allow for public access asked by Dr. Warner to introduce this

Dr. Deborah Warner (Middletown) - on a ~~health~~ mental health advisory comm. + members who do not have power to vote - says if conference call it would be helpful to participate electronically
- says it would save paying mileage money to meet electronically if no policy decisions are being made
- believes there will be more public participation, if this bill passes
- uses freeconferencecalling.com
- public notice of meetings would remain as under law currently, plus electronic notice
- a physical location would be in conformance w/ RSA 91:A

Respectfully Submitted,

(cont'd on separate page)

Janet G. Wall
standing in for
Rep. Lenette M. Peterson

1/11/11

HB 94 - cont'd -

Cordell Johnston - NH Municipal Assoc. - NO POSITION ON BILL

- public body may allow member to participate
- current law says must have quorum of mtg. @ physical location
- underlying law stresses must have physical location
- need to be able to hear all conversation that takes place

(Rep Chmn Rowe sees this as an issue of the body to meet vs. the public's desire to participate)

Harriet E. Cady - OPPOSED - (Deerfield's former state rep)

- concerned that people who volunteer to serve, do serve
- doesn't like perception that people can't see faces of those in mtg. + seeing people can clarify ^{what they mean}
- quorum of body needs to be present even if one has to participate from a distance; quorum required under current law
- Art VIII of constitution was basis for Right to Know law
- wants public officials to be physically present @ a mtg.

Ⓚ Yvonne Rice Hawkins - NO POSITION - Granite State Progressive Education Fund
says she will submit written testimony

Nancy Johnson - NO POSITION - NH Assoc.
concerned about unintended consequences of advisory committees
" " any costs

Sub-Committee Actions

Policy Division
HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE WORK SESSION ON HB 94

BILL TITLE: relative to public access to advisory committee meetings under the right-to-know law.

DATE: January 18, 2011

Subcommittee Members: Reps. Silva, Peterson, Giuda, LaCasse, McClarren, Wheaton, Souza, Weber and Watrous

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Giuda

Seconded by Rep. Watrous

Vote: 8-1

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

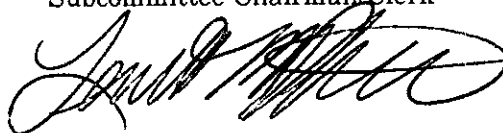
Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Lenette M. Peterson,
Subcommittee Chairman/Clerk



HOUSE COMMITTEE ON JUDICIARY

~~SUBCOMMITTEE~~ WORK SESSION ON HB 94
POLICY DIVISION

BILL TITLE: relative to public access to advisory committee meetings under the right-to-know law.

DATE: January 18, 2011

Subcommittee Members:

Reps. Rowe, Sorg, Peterson, Silva, Giuda, LaCasse, McClarren,
Wheaton, Souza, Weber and Watrous

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Giuda

Seconded by Rep. Watrous

Vote: 8-1

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Lenette M. Peterson
Subcommittee Chairman/Clerk

Testimony

[View Mail](#)[Go To Page...](#)[Previous](#) | [Next](#) | [INBOX](#)[Reply](#)[Reply All](#)[Forward](#)[Delete](#)[Move message to...](#)[Show Full Headers](#) | [Printer View](#) | [Add Sender To Address Book](#) | [Report Spam & Delete](#)**From:** <IrishSouza@netscape.com>**To:** "Robert Rowe" <rob-rowe@comcast.net>**Subject:** Re: RE:**Date:** Wed 02/02/11 02:19 PM**Attachments**

Name	Type	Save View
Message	text/plain	Save

Dear Rep. Rowe: Re HB 94, relative to public access to advisory committee meetings....

This bill would create a new format for public advisory committee meetings. The majority of the Committee felt that by changing to an electronic format, with no physical meeting site, some interested citizens would be excluded. Also, advisory boards provide ideas and suggestions that lead to policies that affect our citizens and the important face-to-face interactions among members of these boards and between the public and the boards outweigh any advantages of convenience to the members of the boards. Current Right-to-Know law already provides that an advisory committee may meet electronically in an emergency situation. The Committee felt that current law is working for the citizens of this State, and no change is needed at this time.

Do I fill in that yellow sheet, or wait until Thursday when you have time to review blurbs? kathy
 <normantregenza@yahoo.com>, "Wheaton" <gwhea@yahoo.com>, "Brian Murphy" <Brianm@siaa.net>
 Cc: "RobertMead" <Robert.Mead@leg.state.nh.us>
 Subject: Re: RE:
 Date: Wed, 2 Feb 2011 13:52:10 -0500

Thanks for the information. It is the only choice I have.

Bob Rowe

----- Original Message -----

From: paul lAcasse

To: Robert Rowe ; souza Kathleen ; Andolina ; Peterson ; Tregenza ; Wheaton ; Brian Murphy

Cc: RobertMead

Sent: Wednesday, February 02, 2011 1:46 PM

Subject: RE:

Mr. Chairman,

Monday is also a work day for me, I can not attend on Monday.

Paul LaCasse

--- On Wed, 2/2/11, Brian Murphy <Brianm@siaa.net> wrote:

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 94

BILL TITLE: relative to public access to advisory committee meetings under the right-to-know law.

DATE: February 1, 2011

LOB ROOM: 208

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. K. Souza

Seconded by Rep. R. Watrous

Vote: 16-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

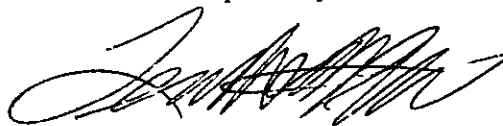
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Lenette Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 94

BILL TITLE: relative to public access to advisory committee meetings under the right-to-know law.

DATE: ~~{Type DATE}~~ 2-1-2011

LOB ROOM: 208

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL Interim Study (Please circle one.)

✓ Moved by Rep. Souza
Seconded by Rep. Watrous

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

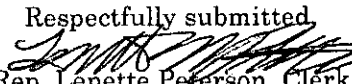
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted

Rep. Lenette Peterson, Clerk

NO
16-1

JUDICIARY

Bill #: HB 94 Title: _____

PH Date: ____/____/____

Exec Session Date: 2 / 1 / 2011Motion: ITL (Souza) Amendment #: _____

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman	X	
Sorg, Gregory M, V Chairman	X	
Souza, Kathleen F	X	
Hagan, Joseph M	X	
Silva, Peter L	X	
Andolina, Donald C	—	—
Giuda, J. Brandon	X	
LaCasse, Paul D	X	
McClarren, Donald B	X	
Murphy, Brian JX	X	
Palmer, Barry J	X	
Peterson, Lenette M	X	
Tregenza, Norman A	X	
Wheaton, Gary W		X
Wall, Janet G	X	
Potter, Frances D	X	
Weber, Lucy M	X	
Watrous, Rick H	X	
	16 - 1	
TOTAL VOTE:		
Printed: 1/4/2011		

Committee Report

REGULAR CALENDAR

February 3, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on JUDICIARY to which was referred HB94,

AN ACT relative to public access to advisory committee meetings under the right-to-know law. Having considered the same, report the same with the following Resolution:

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Kathleen F Souza

FOR THE MAJORITY OF THE COMMITTEE

REGULAR CALENDAR

JUDICIARY

HB94, relative to public access to advisory committee meetings under the right-to-know law.
INEXPEDIENT TO LEGISLATE.

Rep. Kathleen F Souza for the **Majority** of JUDICIARY. This bill would create a new format for public advisory committee meetings. The majority of the committee felt that by changing to an electronic format, with no physical meeting site, some interested citizens would be excluded. Also, advisory boards provide ideas and suggestions that lead to policies that affect our citizens and the important face-to-face interaction among members of these boards and between the public and the boards outweigh any advantages of convenience to the members of the boards. Current Right-to-Know law already provides that an advisory committee may meet electronically in an emergency situation. The committee felt that current law is working for the citizens of this state and no change is needed at this time. **Vote 16-1.**

Original: House Clerk
Cc: Committee Bill File

**MAJORITY
COMMITTEE REPORT**

Committee:	JUDICIARY
Bill Number:	HB94
Title:	relative to public access to advisory committee meetings under the right-to-know law.
Date:	February 3, 2011
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would create a new format for public advisory committee meetings. The majority of the committee felt that by changing to an electronic format, with no physical meeting site, some interested citizens would be excluded. Also, advisory boards provide ideas and suggestions that lead to policies that affect our citizens and the important face-to-face interaction among members of these boards and between the public and the boards outweigh any advantages of convenience to the members of the boards. Current Right-to-Know law already provides that an advisory committee may meet electronically in an emergency situation. The committee felt that current law is working for the citizens of this state and no change is needed at this time.

Vote 16-1

Rep. Kathleen F Souza
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

SPLIT

COMMITTEE:

BILL NUMBER:

TITLE:

DATE:

2-1-11

CONSENT CALENDAR:

YES ☐NO ☒☐ OUGHT TO PASS☐ OUGHT TO PASS W/ AMENDMENT☒ INEXPEDIENT TO LEGISLATE☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

Page 1 of 3

Robert Rowe

From: <IrishSouza@netscape.com>
To: "Robert Rowe" <rob-rowe@comcast.net>
Sent: Wednesday, February 02, 2011 2:18 PM
Subject: Re: RE:

Dear Rep. Rowe: Re HB 94, relative to public access to advisory committee meetings....

This bill would create a new format for public advisory committee meetings. The majority of the Committee felt that by changing to an electronic format, with no physical meeting site, some interested citizens would be excluded. Also, advisory boards provide ideas and suggestions that lead to policies that affect our citizens and the important face-to-face interactions among members of these boards and between the public and the boards outweigh any advantages of convenience to the members of the boards. Current Right-to-Know law already provides that an advisory committee may meet electronically in an emergency situation. The Committee felt that current law is working for the citizens of this State, and no change is needed at this time.

COMMITTEE VOTE:

16-1

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. _____

For the Committee

COMMITTEE REPORT

COMMITTEE:

Judiciary

BILL NUMBER:

H13 94

TITLE:

Public access to advisory comm.
meetings

DATE:

2-1-11

CONSENT CALENDAR:

YES ☐

NO ☒

☐

OUGHT TO PASS

☐

OUGHT TO PASS W/ AMENDMENT

☒

INEXPEDIENT TO LEGISLATE

☐

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

COMMITTEE VOTE:

16-1

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep.

Robert Love

For the Committee

REGULAR CALENDAR

February 3, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on JUDICIARY to which was referred HB94,

AN ACT relative to public access to advisory committee meetings under the right-to-know law. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Gary W Wheaton

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee: JUDICIARY
Bill Number: HB94
Title: relative to public access to advisory committee
meetings under the right-to-know law.
Date: February 3, 2011
Consent Calendar: NO
Recommendation: OUGHT TO PASS

STATEMENT OF INTENT

This bill allows meeting with non-policy or decision making authorities to have quorum meetings by electronic means. Meeting electronically is only another option and not mandatory. This bill simply allows another means for volunteers to become more engaged in civil activities. Currently in a rural state, the distance limits volunteer time and the number and diversity of people and talents available. There are numerous free and low cost electronic options to accomplish this goal contrary to the argument that "the technology is not here yet."

Rep. Gary W Wheaton
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

JUDICIARY

HB94, relative to public access to advisory committee meetings under the right-to-know law.

OUGHT TO PASS.

Rep. Gary W Wheaton for the **Minority** of JUDICIARY. This bill allows meeting with non-policy or decision making authorities to have quorum meetings by electronic means. Meeting electronically is only another option and not mandatory. This bill simply allows another means for volunteers to become more engaged in civil activities. Currently in a rural state, the distance limits volunteer time and the number and diversity of people and talents available. There are numerous free and low cost electronic options to accomplish this goal contrary to the argument that "the technology is not here yet."

Original: House Clerk
Cc: Committee Bill File

Split report

REGULAR CALENDAR

RNR

MINORITY REPORT

HB 94, relative to public access to advisory committee meetings under the right-to-know law.

RECOMMENDATION: OUGHT TO PASS

FROM: Rep. Gary W. Wheaton

This bill allows meeting with non-policy or decision making authorities to have quorum meetings by electronic means. Meeting electronically is only another option and not mandatory. This bill simply allows another means for volunteers to become more engaged in civil activities. Currently in a rural state, the distance limits volunteer time and the number and diversity of people and talents available. There are numerous free and low cost electronic options to accomplish this goal contrary to the argument that "the technology is not here yet."

MINORITY REPORT

COMMITTEE:

Seditionary

BILL NUMBER:

H B 94

TITLE:

Public access to
Committee meetings Electronics - under
R.F.K. Law

DATE:

1 FEB 11

CONSENT CALENDAR:

YES ☐

NO ☒

☒ OUGHT TO PASS

☐ OUGHT TO PASS W/ AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

Allows meetings ^{with} ~~at~~ Non Policy on Decision making
Authorities to. Have ^{group} ~~group~~ meetings By Electronic means.
^{meeting} ~~The~~ Electronics ~~is~~ only another ^{and} ~~not~~ mandatory.
This Bill simply Allows another means for Volunteers
to become more engaged in civil activities. Currently
in a Rural State ^{distance} limits Volunteer time and
the number and ^{talents} ~~diversity~~ of people ~~and~~ ^{talents} available
to ~~Volunteers~~. There are numerous free and low
cost Electronic options to accomplish this ^{goal} ~~contrary~~
to The argument that the ~~technology~~ ^{technology} is not here yet.

COMMITTEE VOTE:

8/1

RESPECTFULLY SUBMITTED,

• Copy to Committee Bill File

Rep.

Randy Wheaton

For the Minority