

# Committee Report

**REGULAR CALENDAR**

**May 11, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Judiciary to which  
was referred SB 95-FN,**

**AN ACT (New Title) adopting omnibus legislation  
relative to access to remote meetings, penalties for  
violation of privacy, and establishing a committee to  
study remote meetings. Having considered the same,  
report the same with the following amendment, and the  
recommendation that the bill OUGHT TO PASS WITH  
AMENDMENT.**

**Rep. Michael Sylvia**

**FOR THE MAJORITY OF THE COMMITTEE**

## **MAJORITY COMMITTEE REPORT**

Committee:	<b>Judiciary</b>
Bill Number:	<b>SB 95-FN</b>
Title:	<b>(New Title) adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings.</b>
Date:	<b>May 11, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2021-1435h</b>

### **STATEMENT OF INTENT**

This bill, as amended, establishes a committee to study remote access to meetings under RSA 91-A, the state's Right-To-Know Law, and review authorizing governing bodies of municipalities to hold virtual meetings. The majority of the committee is pleased by the public participation made possible by the adoption of remote access technology deployed over the past year. This means of access requires no changes to our Right-To-Know statutes and should continue into the future. RSA 91-A represents a significant portion of bills heard by the Judiciary Committee each year, it is justly an important implementation of the New Hampshire Constitution Part I, Article 8. Changes to this section of our law need and deserve very careful consideration and this study is the proper vehicle to do it with precision.

Vote 12-9.

Rep. Michael Sylvia  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### Judiciary

**SB 95-FN**, (New Title) adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Michael Sylvia for the **Majority** of Judiciary. This bill, as amended, establishes a committee to study remote access to meetings under RSA 91-A, the state's Right-To-Know Law, and review authorizing governing bodies of municipalities to hold virtual meetings. The majority of the committee is pleased by the public participation made possible by the adoption of remote access technology deployed over the past year. This means of access requires no changes to our Right-To-Know statutes and should continue into the future. RSA 91-A represents a significant portion of bills heard by the Judiciary Committee each year, it is justly an important implementation of the New Hampshire Constitution Part I, Article 8. Changes to this section of our law need and deserve very careful consideration and this study is the proper vehicle to do it with precision. **Vote 12-9.**

Original: House Clerk

Cc: Committee Bill File

**REGULAR CALENDAR**

**May 11, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Judiciary to which  
was referred SB 95-FN,**

**AN ACT (New Title) adopting omnibus legislation  
relative to access to remote meetings, penalties for  
violation of privacy, and establishing a committee to  
study remote meetings. Having considered the same,  
and being unable to agree with the Majority, report  
with the recommendation that the bill OUGHT TO  
PASS.**

**Rep. Timothy Horrigan**

**FOR THE MINORITY OF THE COMMITTEE**

## **MINORITY COMMITTEE REPORT**

Committee:	<b>Judiciary</b>
Bill Number:	<b>SB 95-FN</b>
Title:	<b>(New Title) adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings.</b>
Date:	<b>May 11, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS</b>

### **STATEMENT OF INTENT**

This bill came to the House as a three-part omnibus bill. The minority believes that all three parts are good, and that the bill should be passed as is, with no amendments. Part I deals with remote meetings. The Governor's emergency orders made various temporary modifications to our open meetings law, allowing public bodies to meet remotely. Those changes proved to be very popular with the public, and the revised procedures have worked very well. Part I, if passed, would write these changes into statutory law and extend them for an additional year, with a sunset date of July 1, 2022. Part II allows the state to charge repeat offenders of RSA 644:9 "Violation of Privacy" with a class B Felony. Under current law, no matter how often a previously convicted offender re-offends, they can only be charged with a class A misdemeanor. Part III simply proposes a study committee.

Rep. Timothy Horrigan  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### Judiciary

**SB 95-FN**, (New Title) adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings. **OUGHT TO PASS.**

Rep. Timothy Horrigan for the **Minority** of Judiciary. This bill came to the House as a three-part omnibus bill. The minority believes that all three parts are good, and that the bill should be passed as is, with no amendments. Part I deals with remote meetings. The Governor's emergency orders made various temporary modifications to our open meetings law, allowing public bodies to meet remotely. Those changes proved to be very popular with the public, and the revised procedures have worked very well. Part I, if passed, would write these changes into statutory law and extend them for an additional year, with a sunset date of July 1, 2022. Part II allows the state to charge repeat offenders of RSA 644:9 "Violation of Privacy" with a class B Felony. Under current law, no matter how often a previously convicted offender re-offends, they can only be charged with a class A misdemeanor. Part III simply proposes a study committee.

Original: House Clerk

Cc: Committee Bill File

Amendment to SB 95-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT                    establishing a committee to review authorizing governing bodies of municipalities  
4                                    to hold virtual meetings and to study remote access to meetings under RSA 91-A.

5

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

7

8        1 Committee Established. There is established a committee to review authorizing governing  
9 bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA  
10 91-A.

11        2 Membership and Compensation.

12            I. The members of the committee shall be as follows:

13                    (a) Two members of the senate, appointed by the president of the senate.

14                    (b) Three members of the house of representatives, appointed by the speaker of the  
15 house of representatives.

16            II. Members of the committee shall receive mileage at the legislative rate when attending to  
17 the duties of the committee.

18        3 Duties. The committee shall review authorizing governing bodies of municipalities to hold  
19 virtual meetings and to study remote access to meetings under RSA 91-A.

20        4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
21 among the members. The first meeting of the committee shall be called by the first-named senate  
22 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
23 section. Three members of the committee shall constitute a quorum.

24        5 Report. The committee shall report its findings and any recommendations for proposed  
25 legislation to the president of the senate, the speaker of the house of representatives, the senate  
26 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

27        6 Effective Date. This act shall take effect 60 days after its passage.



**Amendment to SB 95-FN**  
**- Page 2 -**

2021-1435h

AMENDED ANALYSIS

This bill establishes a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

# Voting Sheets

HOUSE COMMITTEE ON Judiciary  
EXECUTIVE SESSION ON ~~HB~~ SB 95

**BILL TITLE:**

**DATE:** 5/11/04

**LOB ROOM:** 301/Remote

**MOTION: (Please check one box)**

- OTP       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # 1386h  
 Interim Study (2<sup>nd</sup> year)      (if offered)

Moved by Rep. SYLVIA      Seconded by Rep. RICE      Vote: 11-10

**MOTION: (Please check one box)**

- OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # 1361h  
 Interim Study (2<sup>nd</sup> year)      (if offered)

Moved by Rep. SYLVIA      Seconded by Rep. NOTTER      Vote: 15-6

**MOTION: (Please check one box)**

- OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2<sup>nd</sup> year)      (if offered)

Moved by Rep. SYLVIA      Seconded by Rep. RICE      Vote: 12-9

**MOTION: (Please check one box)**

- OTP       OTP/A       ITL       Retain (1<sup>st</sup> year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2<sup>nd</sup> year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

**CONSENT CALENDAR?**      \_\_\_\_\_ Yes       No

**Minority Report?**       Yes      \_\_\_\_\_ No      If yes, author, Rep.: HORRIGAN      Motion: \_\_\_\_\_

Respectfully submitted, Rep. Kudwulfer, Clerk



2021 SESSION

Judiciary

Bill #: SB95 Motion: \_\_\_\_\_ AM #: 1386h Exec Session Date: 5/11/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	11		
McLean, Mark Vice Chairman	1		
Sylvia, Michael J.	2		
Wuelper, Kurt F. Clerk	3		
Alexander, Joe H.	4		
Rice, Kimberly A.	5		
<del>Silber, Norman J.</del> <i>MERNER</i>	6		
Greene, Bob J.	7		
Kelley, Diane E.	8		
<del>Tausch, Lindsay</del> <i>NOTTER</i>	9		
Trottier, Douglas R.	10		
Smith, Marjorie K.		1	
Berch, Paul S.		2	
Horrigan, Timothy O.		3	
DiLorenzo, Charlotte I.		4	
Chase, Wendy		5	
Kenney, Cam E.		6	
Langley, Diane M.		7	
McBeath, Rebecca Susan		8	
Paige, Mark		9	
Simpson, Alexis		10	

*Kurt Wuelper*

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2021 SESSION

Judiciary

Bill #: SB 95 Motion: \_\_\_\_\_ AM #: 13614 Exec Session Date: 5/11/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	15		
McLean, Mark Vice Chairman	1		
Sylvia, Michael J.	2		
Wuelper, Kurt F. Clerk	3		
Alexander, Joe H.	4		
Rice, Kimberly A.	5		
<del>Silber, Norman J.</del> MCKERNER, TROY	6		
Greene, Bob J.	7		
Kelley, Diane E.	8		
Tausch, Lindsay NOTTER, JEANNINE	9		
Trottier, Douglas R.	10		
Smith, Marjorie K.	11		
Berch, Paul S.	12		
Horrigan, Timothy O.		1	
DiLorenzo, Charlotte I.	13		
Chase, Wendy		2	
Kenney, Cam E.	14		
Langley, Diane M.		3	
McBeath, Rebecca Susan		4	
Paige, Mark		5	
Simpson, Alexis		6	

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2021 SESSION

Judiciary

Bill #: SB95 Motion: OTPA AM #: 1361  
1386 Exec Session Date: 5/11/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	12		
McLean, Mark Vice Chairman	1		
Sylvia, Michael J.	2		
Wuelper, Kurt F. Clerk	3		
Alexander, Joe H.	4		
Rice, Kimberly A.	5		
<del>Silber, Norman J.</del> MERNER, TROY	6		
Greene, Bob J.	7		
Kelley, Diane E.	8		
<del>Tausch, Lindsay</del> NOTTER, SEANINE	9		
Trottier, Douglas R.	10		
Smith, Marjorie K.	11		
Berch, Paul S.		1	
Horrigan, Timothy O.		2	
DiLorenzo, Charlotte I.		3	
Chase, Wendy		4	
Kenney, Cam E.		5	
Langley, Diane M.		6	
McBeath, Rebecca Susan		7	
Paige, Mark		8	
Simpson, Alexis		9	
<i>Kristen Wilson</i>	12	9	



2021 SESSION

Judiciary

Bill #: SB95 Motion: OTPA AM #: 1361  
1386 Exec Session Date: 5/11/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	12		
McLean, Mark Vice Chairman	1		
Sylvia, Michael J.	2		
Wuelper, Kurt F. Clerk	3		
Alexander, Joe H.	4		
Rice, Kimberly A.	5		
<del>Silber, Norman J.</del> MERNER, TROY	6		
Greene, Bob J.	7		
Kelley, Diane E.	8		
<del>Tausch, Lindsay</del> NOTTER, JEANINE	9		
Trottier, Douglas R.	10		
Smith, Marjorie K.	11		
Berch, Paul S.		1	
Horrigan, Timothy O.		2	
DiLorenzo, Charlotte I.		3	
Chase, Wendy		4	
Kenney, Cam E.		5	
Langley, Diane M.		6	
McBeath, Rebecca Susan		7	
Paige, Mark		8	
Simpson, Alexis		9	

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# Public Hearing



HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 95

**BILL TITLE:** adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings..

**DATE:**5/4/2021

**LOB ROOM:** /Remote **Time Public Hearing Called to Order:** 9:00 AM  
**Time Adjourned:** 10:15 AM

**Committee Members:** Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., ~~Rice~~, Silber, Greene, D. Kelley, Tausch, Trottier, M. Smith, Berch, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson

**Bill Sponsors:** Sen. Daniels

TESTIMONY

Blue Sheet Support 102 Oppose 2

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

**\*Sen. Perksin Kwoka** Dist 21 Support Part1 Remote meeting has been ongoing per emergency order. Remote meetings allow greater participation with government meetings without the need for travel. SB95 will allow gov't meetings to continue in this way. I worked with the NHMA and other Senators to achieve something everyone could support. **Q Mclean:** Are there any conditions on body holding remote meetings? A No. It is totally up to the governing body. All are allowed to continue as we are now until they take an official vote about holding remote meetings. Sunset clause makes this a test run for only one year. **Q Horrigan:** Any requirements for recording the meetings when possible? A No. We didn't feel that would be accessible to all communities. **Q Gordon:** Why have a study committee on what we have authorized. A The intent is make sure there are opportunities to improve the process. Requiring Roll Calls for all votes would be an example. **Q Mclean:** Where is the sunset clause in the bill? A Maybe ask Sen Daniels

**Sen gray** Dist 6 Part II Violation of Privacy Currently violation of privacy can't be charged higher than a misdemeanor. We seek to elevate the penalty for repeat offenders to a class B Felony. **Q DiLorenzo** How do these violations work with the sex offender registry? A I am not an authority on that.

**Peter Miller**

**Linda Bundy** Self Support Pandemic has shown new ways of working in our community. Remote meetings are one way. Transportation and time constraints are much less of an issue than before allowing much greater participation.

**\*Todd Selig** Administrator town of Durham Town of Durham has submitted a resolution in support of SB95 Support Durham has used this process very successfully. We believe remote meetings are very sustainable. People with disabilities and other difficulties can participate easily. Durham has seen no issues with abuse. We believe remote meetings are a valuable tool for public bodies and the public.

**Sen Daniels:** Dist 11 Supports The bill as you have it merged two other parts. It allows some or more members to participate remotely. If meeting is virtual, public notice must be given as we do now, including the ability to notify the body of access issues. It is very similar to what we've been doing for the past several months. The study committee will monitor the remote meeting process and issue a report in 2021 and expire. That will give us the opportunity to evaluate our authorization before the expiration date. The bill will take effect upon passage and be repealed on July 1, 2022. 60 days after passage the study committee will be created to evaluate how the remote meeting process

is working. We will either file a bill to repeal the repeal date or just allow it to go away on July 1, 2022. **Q: Mclean:** Please explain the parts of Part 1 A Section II of Part 1 is the language of the current law and would be reinstated if the Sunset date takes effect. .

**\*Jeanns beaudoin:** Administrator Belmont Support The town has invested in equipment and software to do remote meetings. We were skeptical. Over the course of months, our boards have become fans of remote meetings. We have resumed in person meetings, and we still provide remote links for the public to participate.

**Rep Julie Gilman** Rock 18 and Selectwoman in Exeter Support I agree with everything that has been said. We have seen great participation since we started remote meetings. We see more participation from people with families because we can't provide child care. I would recommend an amendment to require written minutes. We should also offer people the option of appearing on screen. Remote participation allows the public to save a lot of time. I recommend all votes be by roll call if meeting is remote. **Q Horrigan:** Do you require anyone voting by roll call be on screen? A I agree participating members be on screen at all times.

**Louise Spencer** Self Support Part of an advocacy group encouraging civic engagement and this bill would enhance that. Finding a way for many more people to participate in meetings has been a good product of the Covid pandemic. We would like to see remote meetings become a permanent part of our political process. **Q Sylvia:** Would you believe I value signatures on the Blue sheets far more than sign ins from anywhere across the country? A Yes and I think it would be good if we knew where people are from when the sign in remotely. **Q Horrigan:** Has remote meeting changed who show up for meetings? A Yes we have a much more diverse group because many who couldn't come to the meeting location. This does not fully substitute for in-person engagement. **Q Mclean:** The bill allows for a totally remote meeting. Doesn't that shift engagement from those who can physically attend to those who are technologically savvy? A Good question. I would favor a hybrid model whenever possible. I would hesitate to move to a totally remote process.

**Kate Horgan** Exec dir NH Assoc of Counties Support We were involved in the drafting of this bill and have seen good results from remote meetings.

**Ryan Donnelly** Granite State assisted Living Support Benefits seniors who often face barriers to the participation in meetings. Often technology is the only way they can watch or testify at meetings.

**Natch Greyes** NHMA Supports NHMA was also involved in drafting this bill. Minutes are already required for any public meeting so no amendment is needed for that. **Q McBeath:** Are your members seeing remote meetings as a way to educate the public? A Yes. There have been huge increases in participation. People are much more able to know what their public officials are doing. **Q McLean:** What breakdown in meetings do you see in your membership? A It varies widely.

**Jill Collins** Self Support I am an administrator in Hillsdale. Virtual meetings have become essential to our town. We have moved to mostly a hybrid model. Our participation rate has dramatically increased and we are able to share information directly far better. We do record our meetings and keep minutes.

**Asma Elhuni:** HRights and Democracy in Nh Remote meetings give more people access to public meetings and enhances the democratic process

**Russell Dean** Town mgr Exeter Supports Local meetings often are short of space and remote meetings allow a lot more people to participate and we've been able to work with other towns easily

**Dr. Bette Bogdan** Chair Nh board of Nursing Education committee We take concerns from all kinds of nurses across the state and relay them to the Board of Nursing. the remote process has allowed us to hear from many more people across the state.

*Kurt Wulper*  
Rep Kurt Wulper

# House Remote Testify

## Judiciary Committee Testify List for Bill SB95 on 2021-05-04

Support: 130 Oppose: 4 Neutral: 0 Total to Testify: 12

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<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Miller, Peter	Durham, NH nhpeterm@gmail.com	A Member of the Public	Myself	Support	Yes (5m)	No	5/2/2021 10:25 PM
Bundy, Linda	Antrim, NH n_bundy@mcttelecom.com	A Member of the Public	Myself	Support	Yes (4m)	No	5/1/2021 2:06 PM
Administrator, Todd Selig	Town of Durham, NH tselig@ci.durham.nh.us	A Member of the Public	Town of Durham	Support	Yes (3m)	No	5/3/2021 7:51 PM
Horgan, Kate	Concord, NH khorgan@dupontgroup.com	A Lobbyist	NH Association of Counties	Support	Yes (3m)	No	4/30/2021 11:31 AM
Perkins Kwoka, Senator Rebecca	Portsmouth, NH rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself (SD 21)	Support	Yes (3m)	No	4/20/2021 10:41 AM
Beaudin, Jeanne	Belmont, NH townadministrator@belmontnh.org	A Member of the Public	myself - Town of Belmont	Support	Yes (2m)	No	5/3/2021 7:35 AM
Gilman, Representative Julie	Exeter, NH julie.gilman@leg.state.nh.us	An Elected Official	Town of Exeter	Support	Yes (2m)	No	5/2/2021 8:45 PM
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Support	Yes (2m)	No	5/3/2021 8:11 PM
Donnelly, Ryan	Hudson, NH rdonnelly@gsil.org	A Lobbyist	Granite State Independent Living	Support	Yes (2m)	No	5/1/2021 5:32 PM
Collins, Jill	Hinsdale, NH Jcollins@hinsdalenh.org	A Member of the Public	Town of Hinsdale	Support	Yes (2m)	No	5/3/2021 1:26 PM
Greyes, Natch	Concord, NH ngreyes@nhmunicipal.org	A Lobbyist	New Hampshire Municipal Association	Support	Yes (1m)	No	4/30/2021 3:14 PM
Daniels, Senator Gary	Milford, NH gary.daniels@leg.state.nh.us	An Elected Official	Senate District 11 - Prime Sponsor	Support	Yes (0m)	No	4/20/2021 11:54 AM
Tremblay, RMAC Chair, Michele L.	Webster, NH mlt@naturesource.net	A Member of the Public	Rivers Management Advisory Committee	Support	No	No	4/22/2021 9:50 AM

Codling, Brigitte	North Haverhill, NH townmanager@haverhill-nh.com	A Member of the Public	Town of Haverhill - Town Manager	Support	No	No	4/23/2021 12:47 PM
Duffy, Jo Ann	Goffstown, NH joann.duffy@goffstownnh.gov	A Member of the Public	Myself	Support	No	No	4/23/2021 12:56 PM
Dargie, Paul	MILFORD, NH pauldargie@gmail.com	An Elected Official	Myself	Support	No	No	4/23/2021 3:10 PM
Vallee, Denise	Gorham, NH dvallee@gorhamnh.org	A Member of the Public	Myself	Support	No	No	4/23/2021 1:15 PM
Masse, Raymond	Sanbornton, NH ray.masse@gmail.com	An Elected Official	Myself	Support	No	No	4/24/2021 6:26 PM
Jarvis, Theresa	New Durham, NH jarvis@metrocast.net	An Elected Official	Myself	Support	No	No	4/23/2021 4:59 PM
Kudlik, Cindy	Grafton, NH cindykudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	4/25/2021 9:53 PM
Tentarelli, Liz	Newbury, NH liz6@kenliz.net	A Member of the Public	Myself	Support	No	No	4/26/2021 9:25 AM
Hadik, Andrew	Chester, NH Planning@ChesterNH.org	A Member of the Public	Town of Chester Planning Board	Support	No	No	4/26/2021 9:30 AM
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Support	No	No	4/26/2021 3:15 PM
Reed, Barbara	NORTH SWANZEY, NH BDRreed74@gmail.com	A Member of the Public	Myself	Support	No	No	4/27/2021 1:10 AM
Maddocks, William	Amherst, NH BillNHCCC@gmail.com	A Member of the Public	Myself	Support	No	No	4/27/2021 9:16 AM
Rand, Steven	Plymouth, NH rstevenrand@yahoo.com	A Member of the Public	Myself	Support	No	No	4/27/2021 6:14 PM
Sawyer, Rick	Bedford, NH rsawyer@bedfordnh.org	An Elected Official	Town of Bedford	Support	No	No	4/29/2021 9:02 AM
Desmarais, Doreen	Northwood, NH doreend@netzero.net	A Member of the Public	Myself	Support	No	No	4/30/2021 11:25 AM
Ebel, Karen	New London, NH karen.ebel@leg.state.nh.us	An Elected Official	Merrimack #5	Support	No	No	4/30/2021 2:06 PM
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 7:42 AM
Boldt, Chris	Sandwich, NH cboldt@dtclawyers.com	A Member of the Public	Myself	Support	No	No	4/30/2021 3:43 PM

Till, Mary	Derry, NH maryforderry@yahoo.com	A Member of the Public	Myself	Support	No	No	4/30/2021 4:18 PM
Draper, Barry	New Hampton, NH bgd@metrocast.net	A Member of the Public	Myself	Support	No	No	4/30/2021 5:47 PM
Anderson, Maybeth	Dover, NH maybetha@comcast.net	A Member of the Public	Myself	Support	No	No	5/2/2021 9:57 PM
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 7:50 AM
Daley, Philip	Hillsboro, NH daleyphil@yahoo.com	A Member of the Public	Myself	Support	No	Yes	5/3/2021 8:20 AM
Christina, Barrett	Concord, NH bchristina@nhsba.org	A Lobbyist	New Hampshire School Boards Association	Support	No	No	5/3/2021 8:41 AM
DeWolfe, Kathleen	Ashland, NH kdewolfe@outlook.com	A Member of the Public	Myself	Support	No	No	5/1/2021 10:35 AM
Zaenglein, Barbara	Amherst, NH bzaenglein@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 7:00 AM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Support	No	No	5/3/2021 7:01 AM
Raley, Pamela	Dover, NH psraley@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 8:42 AM
Allyn, Cathy	New Durham, NH prosody@hotmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 8:47 AM
Griffin, Julia	Hanover, NH julia.griffin@hanovernh.org	A Member of the Public	Town of Hanover	Support	No	No	5/3/2021 10:44 AM
Huette, Melissa	Barrington, NH director@barringtonlibrary.com	A Member of the Public	Myself	Support	No	No	5/3/2021 10:58 AM
Lehner, Carl	Holderness, NH carl.lehner@alum.mit.edu	A Member of the Public	Myself	Support	No	No	5/3/2021 11:00 AM
emus, Joanne	bollis, NH Jremus0322@aol.com	A Member of the Public	Myself	Support	No	No	5/3/2021 12:02 AM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 9:04 AM
Spyvee, Stephanie	Hampstead, NH sspyvee@hotmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 9:07 AM
Brikiatis, Sylvie	Windham, NH director@nesmithlibrary.org	A Member of the Public	Myself	Support	No	No	5/3/2021 9:36 AM

Allyn, David	New Durham, NH davidallyn@hotmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 12:55 PM
Lightfoot, Jean	Hopkinton, NH Jnlightfoot@comcast.net	A Member of the Public	Myself	Support	No	No	5/2/2021 9:46 PM
Vashaw, Courtney	Whitefield, NH cbvashaw@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 10:24 AM
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 9:26 PM
Casale, Joanne	NEWMARKET, NH jrcg1234@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 4:35 AM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	5/4/2021 5:43 AM
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	5/4/2021 7:18 AM
Hoag, Gloria	Sandwich, NH ghoag@cyberpine.net	A Member of the Public	Myself	Support	No	No	5/4/2021 7:20 AM
Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	No	5/4/2021 7:31 AM
Briggs, Ron	Concord, NH Rongb1950@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 7:33 AM
Lenz, Elaine	Meriden, NH eglentz@comcast.net	A Member of the Public	Myself	Support	No	No	5/4/2021 7:44 AM
Wild, Gail	Newport, NH gailwild@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:02 AM
Wiggins, Frank	Newport, NH frankwigginsconstruction@comcast.net	A Member of the Public	Myself	Support	No	No	5/4/2021 8:03 AM
Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Support	No	No	5/3/2021 11:32 PM
Peery, Susan	Nelson, NH susan.peery@gmail.com	An Elected Official	Olivia Rodham Memorial Library, Nelson	Support	No	No	5/4/2021 8:11 AM
Rancourt, Laura	Conway, NH lichentherelevant@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 9:57 AM
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Support	No	No	5/4/2021 10:27 AM
Dolkart, Vivian	Grantham, NH viviandolkart@comcast.net	A Member of the Public	Myself	Support	No	No	5/4/2021 10:37 AM

Day, Karen	Greenfield, NH riverqueen@pobox.com	A Member of the Public	Myself	Support	No	No	5/4/2021 10:40 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	No	5/4/2021 11:34 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	5/4/2021 11:34 AM
Reeves, Rene	Peterborough, NH renerreeves@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 12:33 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	5/3/2021 11:56 AM
Faulconer, Ellen	Kingston, NH designsbyelf@yahoo.com	An Elected Official	Myself	Support	No	No	5/3/2021 3:57 PM
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 11:13 PM
PICARD, TERESA	DOVER, NH terrympicard@yahoo.com	A Member of the Public	Myself	Support	No	No	5/3/2021 4:33 PM
Maisttison, Maureen	Hollis, NH maisttisonm@outlook.com	A Member of the Public	Myself	Support	No	No	5/3/2021 10:16 PM
Henkel, Paul	Keene, NH paulhenkel202@gmail.com	An Elected Official	Myself	Support	No	No	5/4/2021 9:16 AM
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 9:20 AM
Osborne, Jason	Auburn, NH houserepoffice@leg.state.nh.us	An Elected Official	House Majority Office	Oppose	No	No	5/4/2021 9:24 AM
Campbell, Margaret	West Lebanon, NH macatmf@aol.com	A Member of the Public	Myself	Support	No	No	5/4/2021 9:25 AM
Zajano, Emily	Exeter, NH emzajano@aol.com	A Member of the Public	Myself	Support	No	No	5/4/2021 11:16 AM
Robinson, Ellis	Grantham, NH ellismmrobinson@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 5:53 AM
Pérez, María	Milford, NH mariaeli63@gmail.com	An Elected Official	District 23	Support	No	No	5/4/2021 6:04 AM
Walsh, Lynne	Melvin Village, NH lynnewalsh14@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 6:08 AM
Currier, Dorothy	Concord, NH Dorocurr@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 6:21 AM



Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 6:37 AM
Romero, Dena	Hanover, NH Dena.romero@myfairpoint.net	A Member of the Public	Myself	Support	No	No	5/4/2021 8:23 AM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:26 AM
D'Arcy, Rosemary	Bristol, NH rvdarcy@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:28 AM
Moccia, Lianne	LEBANON, NH lianne.moccia@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:28 AM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 9:05 AM
Findley, Sally	Grantham, NH findley.se@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 9:43 AM
Costello, Emilie	Pittsfield, NH Dark9moon@metrocast.net	A Member of the Public	Myself	Support	No	No	5/4/2021 9:45 AM
Aiken, Sarah	concord, NH saiken@communitybridgesnh.org	A Lobbyist	Community Bridges- Developmental Disability	Support	No	No	5/4/2021 9:48 AM
Irwin, Virginia	Newport, NH biddy.irwin@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 11:09 AM
Hatch, Sally	Concord, NH SALLYHATCH@COMCAST.COM	A Member of the Public	Myself	Support	No	No	5/4/2021 12:03 PM
Diamond, Maureen	Tamworth, NH maureeninoregon@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 7:06 AM
Boschert, Sharon	Lebanon, NH sherry.boschert@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 7:11 AM
Cote, Lois	Manchester, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	5/4/2021 7:12 AM
Reardon, Donna	Concord, NH Bugs42953@aol.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:45 AM
Gluck, Tammy	Newton, NH Tammykgluck@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:45 AM
Reardon, John	Concord, NH Bugs42953@aol.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:46 AM
Baker, Deb	Concord, NH deborahba@yahoo.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:47 AM

Garland, Ann	Lebanon, NH annhgarland@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:49 AM
Daniels, Gary	Milford, NH gary.daniels@leg.state.nh.us	An Elected Official	Senate District 11 - Prime Sponsor	Support	No	No	5/4/2021 8:51 AM
Dolkart, Kenneth	Grantham, NH kenneth.dolkart@gmail.com	A Member of the Public	Myself	Support	No	No	5/4/2021 8:53 AM
Holtz, Anthony	Dover, NH awave28@live.com	A Member of the Public	Myself	Support	No	No	5/4/2021 2:59 PM
Doner, Lisa	Plymouth, NH donerl@mac.com	A Member of the Public	Myself	Support	No	No	4/30/2021 3:36 PM
Faran, Judith	Bridgewater, NH judithfaran@gmail.com	A Member of the Public	Myself	Support	No	No	4/30/2021 4:30 PM
Verschueren, Jim	Dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Support	No	No	4/30/2021 11:18 PM
michaud, jim	Hooksett, NH jambromichaud@hotmail.com	A Member of the Public	Myself	Support	No	No	4/30/2021 1:09 PM
Ladd, Nancy	Warner, NH LADDNEWTON@HOTMAIL.COM	A Member of the Public	Myself	Support	No	No	4/30/2021 1:47 PM
Bolton, William	Plymouth, NH Wbolton@live.com	A Member of the Public	Myself	Support	No	No	4/30/2021 1:53 PM
Hinkel, Robert	Dover, NH r.hinkel@gmail.com	A Member of the Public	Myself	Support	No	No	5/2/2021 12:03 PM
Stamp, Max	Bristol, NH hmstamp@metrocast.net	A Member of the Public	Myself	Support	No	No	5/2/2021 3:18 PM
Letellier, Kathleen	Dover, NH Kathleenletellier@gmail.com	A Member of the Public	Myself	Support	No	No	5/2/2021 4:57 PM
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Support	No	No	5/2/2021 5:43 PM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Oppose	No	No	5/3/2021 1:41 PM
Burcalow, Sarah	Dover, NH sarah.burcalow@gmail.com	A Member of the Public	Myself	Support	No	No	5/2/2021 6:39 PM
Kelley, Mary	Dover, NH midgekelley1@gmail.com	A Member of the Public	Myself	Support	No	No	5/2/2021 8:35 PM
Meyer, Bill	New Durtham, NH wcam46@gmail.com	An Elected Official	Myself	Support	No	No	5/3/2021 9:45 AM

Reed, Barbara D.	North Swanzey, NH BDRreed74@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 9:48 AM
Kindeke, Grace	Manchester, NH gkindeke@afsc.org	A Lobbyist	American Friends Service Committee	Support	No	No	5/3/2021 9:57 AM
Nicoletti, Angela	Stoddard, NH anrn210@gmail.com	An Elected Official	Myself	Support	No	No	5/3/2021 3:49 PM
DiCicco, Harriet	Hancock, NH hfckd1@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 5:03 PM
Collea, Beth	Dover, NH bethcollea@aol.com	A Member of the Public	Myself	Support	No	No	5/3/2021 5:26 PM
Deschaine, Paul	Newington, NH pdeschaine@townofnewingtonnh.com	A Member of the Public	The Town of Newington	Support	No	No	5/3/2021 7:28 PM
Hardwick, Bryant	Dover, NH portxejf2@yahoo.com	A Member of the Public	Myself	Support	No	No	5/2/2021 8:42 PM
Hardwick, Kerry	Dover, NH portxejf@yahoo.com	A Member of the Public	Myself	Support	No	No	5/2/2021 8:43 PM
Weber, Jill	NH, NH jill@frajilfarms.com	A Member of the Public	Myself	Support	No	No	5/2/2021 10:34 PM
almeida, mimi	DOVER, NH mimi@mimialmeida.com	A Member of the Public	Myself	Support	No	No	5/2/2021 11:02 PM
Cotton, Bev	Weare, NH bevcott@gmail.com	A Member of the Public	Myself	Support	No	No	5/3/2021 6:45 AM
Bruce, Susan	Concord, NH susanb.red@mac.com	A Member of the Public	Myself	Support	No	No	5/2/2021 7:05 PM
Serrell, James J.	Kingston, NH imjjserrell@yahoo.com	A Member of the Public	Myself	Support	No	No	5/2/2021 10:22 PM

# Testimony

## SB95 Testimony

Good Afternoon:

I am writing as a private citizen in support of SB 95. While I represent various individuals, business and municipalities in my law practice, I am not writing on behalf of any one client or group of clients. My opinions are solely my own.

I ask for your support of SB 95 to allow the past year's very successful practice of remote municipal meetings to continue. A large part of my law practice involves appearing before various Planning Boards, Zoning Boards of Adjustment, Select Boards and City Councils; and the use of remote meetings for these types of municipal bodies over this past year has been easy, efficient and productive to say nothing of having more participation by members of the public than when such meetings are "live" only.

One point I want to stress to the Committee: remote meetings result in a cost savings for the Clients, whether that Client be a developer, one or more abutters or a municipality, since I (and any other members of our Team – Clients, surveyors, wetlands scientists, etc.) do not have to travel to the individual community to participate in the meeting. Indeed, on more than one occasion, I was able to attend meetings in two widely distanced communities on the same night – something that would have been impossible with "live only" meetings.

I believe that SB 95 is "business friendly" and widely accepted by the rank and file of participants in municipal Board meetings.

I regret that I will be unable to provide testimony on May 4<sup>th</sup> as I will be in a trial before the Board of Tax and Land Appeals that day – via the State's successful Webex remote hearing platform.

Please vote in favor of SB 95.

Thank you for your time and attention.

Christopher L. Boldt, Esq.

Donahue, Tucker & Ciandella, PLLC

164 N.H. Route 25

The Towle House, Unit 2

Meredith, New Hampshire 03253

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## SB95 Testimony

Chairman Gordon and Members of the Judiciary Committee,

Attached please find a letter from the NH Association of Counties in support of SB 95, part 1 around electronic meetings. Please let us know if you have any questions or concerns.

Kathryn Horgan

The Dupont Group

29 School St. | Ste. 200 | Concord, NH 03301

603-228-3322 x111

[khorgan@dupontgroup.com](mailto:khorgan@dupontgroup.com)

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Dear Chair Gordon and Members of the Committee-

On behalf of the New Hampshire Rivers Management Advisory Committee (RMAC), attached is a letter of testimony in support of Senate Bill 95, adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings.

Please contact RMAC Chair Michele L. Tremblay at 603.796.2615 or [MLT@naturesource.net](mailto:MLT@naturesource.net) if you have any questions about this testimony.

Sincerely,

Tracie Sales

Staff to the Rivers Management Advisory Committee

Tracie Sales

Rivers and Lakes Programs Administrator

Rivers and Lakes Management and Protection Programs

Watershed Management Bureau, Water Division

NH Department of Environmental Services

29 Hazen Drive, P.O. Box 95

Concord, NH 03302-0095

## SB95 Testimony

(603) 271-2959

[Tracie.Sales@des.nh.gov](mailto:Tracie.Sales@des.nh.gov)

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The Town of Newington is please to register its support of SB 95, Parts I & III as explained in the attached letter. We thank you for your kind consideration of our position, which we hope will result in a vote to recommend adoption of the Senate proposal.

Paul

Paul R. Deschaine  
Project Manager  
Town of Newington  
205 Nimble Hill Road  
Newington, NH 03801  
[pdeschaine@townofnewingtonnh.com](mailto:pdeschaine@townofnewingtonnh.com)  
(603) 436-7640

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I ask you to vote yes for SB95, which authorizes studying the continuation of remote access to public legislative hearings. Providing the people of New Hampshire with the ability to engage in public hearings by listening and testifying from home allows a true participatory democracy.

I am wheelchair dependent. I am glad to be able to use Dover's Coast Paratransit van to travel to appointments in the Seacoast and tri-city area. There is no affordable ADA transportation to Concord. Remote access is the only way I can be part of the action at the state house.

I know that there are many New Hampshire residents who cannot travel to Concord for many reasons: childcare, work schedules, school schedules, lack of transportation and more. Please make remote access to hearings available for all of us in the future.

Respectfully,

Maybeth Anderson [maybethand@gmail.com](mailto:maybethand@gmail.com)

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Attached please find my testimony for this morning's hearing, I had signed in yesterday to offer the attached.

## SB95 Testimony

Thank you.

K. Jeanne Beaudin, ICMA-CM

Town Administrator

Town of Belmont

143 Main Street

Belmont, NH 03220

603-267-8300 Ext. 124

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Rep Kurt Wuelper



Good morning Chairman Gordon and members of the House Judiciary Committee, my name is Jeanne Beaudin and I am the Town Administrator in Belmont NH, I am testifying today on behalf of the Town in support of SB95 which would allow public bodies to continue to meet remotely. In March of 2020 the ability to conduct municipal government changed dramatically catching many of us in smaller communities unprepared to deal with the Safer at Home restrictions and the reality that remote meetings and online services were going to be the new normal. We had to purchase equipment and software options that would allow our boards, staff and committees to meet securely. The Governor's orders allowing for remote meetings and the creation of the Governor's office for Emergency Relief and Response which provided funding to support the equipment and software upgrades was vital and provided the ability for the Town to continue to meet its resident's needs. My Select Board was skeptical initially that the public would accept the remote meeting option, they were unsure that Planning and Zoning Boards would be able to provide adequate plan review and feedback through a remote process, however over the course of the following months our town boards and committees became accustomed to the process and we found that public participation increased. We successfully deliberated the development of the 2021 budget with the Budget Committee remotely and each member of the committee felt the process went smoothly. We have resumed in-person meetings as of this month however we are providing a link to attend via Zoom for anyone not wishing to attend in-person and we hope to continue this option going forward. We urge members of the Judiciary Committee to support the bill as proposed. Thank you for your time.

Jeanne Beaudin  
Town Administrator  
Town of Belmont



OFFICE OF  
SELECTMEN

# The Town Of Newington New Hampshire

Established 1713

House Judiciary Committee  
NH House of Representatives  
The New Hampshire General Court  
107 North Main Street  
Concord, NH 03301

May 3, 2021

RE: SB 95, Parts I & III Relative to Remote Access to Meetings under RSA 91-A

Dear Honorable Members of the Committee:

We write on behalf of the residents of the Town of Newington in support of SB 95, Parts I & III allowing public bodies to continue to meet remotely, which provides continued easy public access to meetings, and to study the use of remote access during the coming year. During the past year, various public bodies in Newington have availed themselves of the use of remote access to public meetings under the Emergency Order #12 and subsequent Orders needed during the pandemic. The ability to do so kept the work of local government moving without undue risk of exposure to the Corona virus, while maintaining transparency of our actions to the public. The pleasant surprise has been the measure of support from residents for this new found access to their government and the desire to continue this access after the emergency orders have expired. SB 95 merely enables local public bodies to continue for another year this access that many have found convenient and rejuvenating their interest and participation in local proceedings.

An additional benefit to meeting remotely has been the ability to collaborate in public with other municipalities across the state to discuss issues of common concern and to take action when mutual interests are found. These collaborations would be greatly impaired if all participating communities had to find a single meeting place and travel in many cases hours to be at that location with regularity. The ability to meet publicly and remotely has saved these municipalities thousands of dollars in travel time while promoting collaboration between them. Newington has directly experienced this benefit by being able to fully participate in the proceedings of the Commission to Study Education Funding, proceedings before the NH PUC involving multiple municipalities and Consolidated Communications, and the formation of the Coalition Communities 2.0 to further our interests regarding legislation addressing school funding issues. Without the capacity to meet remotely with our sister local governments, our ability to efficiently and effectively cooperate would be greatly impaired.

May 3, 2021

SB 95


Page 2 of 2

Lastly, we do support Part III to conduct a study of the effects of the enabling legislation in Part I allowing remote access to public meetings for an additional year. Although we feel such a study will find that the benefits of having remote access under RSA 91-A will far outweigh any negative attributes of doing so, having a study to validate this belief would be appropriate especially if part of this study period examines the effects of remote access after the emergency orders have expired and the remote access is experienced under more normal circumstances.

We would note that Part III, Subsection 1 "Committee Established." (line 2, page 4) states "There is established a committee to review authorizing governing bodies ...." and again in Subsection 3 "Duties" (line 12 on page 4) states "The committee shall review authoring governing bodies of municipalities to ....." (emphasis added in both instances). We would believe the intent of the study is relative to the enabling legislation in Part I, which allows public bodies to meet remotely. Consequently, the reference to "governing" bodies in both instances should read "public" bodies so as to not unwittingly narrow the focus of the committee's work.


We thank you for your time and consideration of the points made in this letter and hope it persuades you to vote to recommend passage of SB 95, Parts I & III as amended by our suggestion.

Sincerely,  
Newington Board of Selectmen



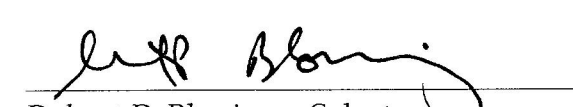
---

Timothy "Ted" Connors, Chair



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Michael Marconi, Selectman



---

Robert P. Blonigen, Selectman

***President***

Wendy Piper  
Grafton County Commissioner

***Vice President***

Tom Tombarello  
Rockingham County Commissioner

***At Large Member***

Toni Pappas  
Hillsborough County Commissioner

***At Large Member***

Cathy Stacey  
Rockingham County Register of Deeds



**Association of Counties**

**29 School St., Ste. 200  
Concord, NH 03301**

**[info@nhcounties.org](mailto:info@nhcounties.org)**

**[www.nhcounties.org](http://www.nhcounties.org)**

***Immediate Past President***

Chuck Weed  
Cheshire County Commissioner

***Treasurer***

Suzanne Collins  
Coos County Treasurer

***Bylaws Chair***

Chris Coates  
Cheshire County Administrator

April 30, 2021

The Honorable Ned Gordon  
Chair  
Judiciary Committee  
Legislative Office Building Room 208  
Concord, NH 03301

Chairman Gordon and Members of the Judiciary Committee,

The NH Association of Counties would like to register its support for SB 95 adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings; specifically, Part 1 governing bodies meeting virtually.

Over this past year county governments have experienced great upheaval as a result of the COVID-19 pandemic; however, county governments have continued to operate and have seen a large increase in public participation in county meetings, due to the ability to meet virtually. Part 1 was compromise language and provides governmental bodies the flexibility to meet electronically while maintaining the public's access to participate in their local government.

The Association believes that SB 95 would lead to increased participation in county government and thus have a meaningful impact on how governmental entities operate in the State. We would ask for your support for SB 95, Part 1.

Sincerely,

Wendy Piper  
President  
NH Association of Counties

Voting Members:

**Michele L. Tremblay**  
Chair  
Conservation  
Community

**Larry T. Spencer**  
Vice Chair  
Conservation  
Commissions

**Victoria Bunker**  
Historic/Archeological  
Interests

**Christopher Hodgdon**  
NH Fish & Game  
Commission

**Mark Lombardi**  
Granite State  
Hydropower  
Association

**Frederick J. McNeill**  
Municipal Officer

**Allan G. Palmer**  
Business & Industry  
Association

**Robert M. Roseen**  
Recreational Interests

**Ruth Ward**  
Local River Management  
Advisory Committees

**Donald L. Ware**  
Public Water Suppliers

**Stewart Yeaton**  
Agricultural Community

Non-Voting Members:

**Peter Bowman**  
NH Department of  
Natural and Cultural  
Resources

**Brian Eaton**  
NH Department of  
Safety

**Jennifer Gilbert**  
NH Office of  
Strategic Initiatives

**Mark Hemmerlein**  
NH Department of  
Transportation

**Shawn Jasper**  
NH Department of  
Agriculture,  
Markets & Food

**John Magee**  
NH Fish & Game  
Department

Staff:

**Tracie Sales**  
Program Administrator

**Vacant**  
Watershed Coordinator

**Vacant**  
Program Assistant

N.H. Rivers Management and Protection Program

# N.H. Rivers Management Advisory Committee

May 4, 2021

The Honorable Edward Gordon, Chair  
House Judiciary Committee  
Legislative Office Building, Room 208  
Concord, NH 03301

**RE: SB 95** *An act relative to adopting omnibus legislation relative to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings.*

Dear Chair Gordon and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its support of PART I of Senate Bill 95, as amended by the Senate, which will allow public bodies subject to RSA 91-A to meet remotely beyond the declared emergency.

The RMAC has found that attendance at remote RMAC meetings has been higher, both by committee representatives and by members of the public, than when the RMAC met in person. While the committee prefers to meet in person when possible, allowing remote meetings permits busy volunteer committee members as well as the public to attend meetings during inclement weather or when they are not feeling well, and to join all or part of a meeting when schedules are tight. Staff in the Rivers Management and Protection Program have also reported a similar increase in attendance at local river management advisory committee meetings by committee members and the public, as well as by guest consultants discussing proposed projects in the committee's area of jurisdiction. The tools and protocols for remote meetings are available and familiar now, and we would like the option to continue meeting remotely as necessary.

The RMAC wishes to maintain the safety of its members and those of the public when this alternative continues.

The RMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is comprised of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing legislation relevant to the Program and with advising the NHDES Commissioner on the merits of such legislation.

In conclusion, the RMAC supports SB 95 Part I because it will permit boards and commissions such as the RMAC to meet remotely while still allowing public involvement in the committee's work.

The Honorable Edward Gordon  
Chair, Senate Judiciary Committee  
SB 95 May 4, 2021  
Page 2

Should you have any questions regarding our testimony, please feel free to contact me at 603.796.2615 or [MLT@naturesource.net](mailto:MLT@naturesource.net).

Sincerely,



Michele L. Tremblay  
RMAC Chair

cc: Sen. Gary Daniels  
Sen. Rebecca Perkins Kwoka  
RMAC Representatives  
Robert R. Scott, Commissioner, NHDES  
Tom O'Donovan, Director, Water Division, NHDES  
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES  
Tracie Sales, Rivers and Lakes Programs Manager, NHDES  
Local River Management Advisory Committee Chairs

Bill as  
Introduced

SB 95-FN - AS INTRODUCED

2021 SESSION

21-0993  
06/11

SENATE BILL ***95-FN***

AN ACT adopting omnibus legislation relative to remote meetings and penalties for violation of privacy.

SPONSORS: Sen. Daniels, Dist 11

COMMITTEE: Judiciary

ANALYSIS

This bill adopts legislation relative to:

- I. Governing bodies meeting virtually.
- II. Remote access to meetings.
- III. Penalties for violation of privacy.

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.  
21-0993  
06/11

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT adopting omnibus legislation relative to remote meetings and penalties for violation of privacy.

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

1 Sponsorship. This act consists of the following proposed legislation:

Part I. LSR 21-0993, authorizing governing bodies of municipalities to have virtual or in-person meetings, sponsored by Sen. Daniels, Prime/Dist. 11; Rep. Ladd, Graf. 4.

Part II. LSR 21-0911, relative to remote access to meetings under RSA 91-A, sponsored by Sen. Perkins Kwoka, Prime/Dist. 21; Sen. Rosenwald, Dist. 13; Sen. Cavanaugh, Dist. 16; Sen. D'Allesandro, Dist. 20; Sen. Prentiss, Dist. 5; Sen. Sherman, Dist. 24; Sen. Whitley, Dist. 15; Rep. Porter, Hills. 1; Rep. Maggiore, Rock. 22; Rep. Espitia, Hills. 31; Rep. Gourgue, Straf. 25; Rep. Wilhelm, Hills. 42.

Part III. LSR 21-0167, relative to penalties for violation of privacy, sponsored by Sen. Gray, Prime/Dist. 6.

2 Legislation Enacted. The general court hereby enacts the following legislation:

PART I

Authorizing governing bodies of municipalities to have virtual or in-person meetings.

1 Governmental Meetings; Open to Public; Virtual Meetings. Amend RSA 91-A:2, III, to read as follows:



III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body~~[- subject to the provisions of this paragraph].~~

(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting~~[only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting].~~

(b) ~~[Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.]~~

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

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

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

2 Effective Date. Part I of this act shall take effect 60 days after its passage.

## PART II

### Relative to remote access to meetings under RSA 91-A.

1 Access to Governmental Records and Meetings; Meetings Open to the Public. Amend RSA 91-A:2, III to read as follows:

III. ~~[A public body may, but is not required to, allow one or more members of the body to]~~ ***One or more members of a public body may*** participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

~~[(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.]~~

~~(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.]~~

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

***(a) A physical location is not required for any meeting, provided the meeting complies with the provisions of this paragraph.***

***(b) Public access shall be provided to the public by telephone, with additional access possibilities by video or other electronic means.***

*(c) Public notice of the meeting, with all information necessary to access the meeting telephonically and by other means, shall be given as provided in this chapter. The notice shall provide a mechanism for the public to alert the public body during the meeting if there are problems with access. The meeting shall be adjourned if the public is unable to access the meeting.*

*(d) Each member participating electronically or otherwise ~~must~~ in a meeting required to be open to the public shall be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location, if the meeting has a physical location. Any member participating in such fashion shall identify the location from which the person is participating and the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.*

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

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

2 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Relative to penalties for violation of privacy.

1 New Paragraph; Breaches of the Peace; Violation of Privacy. Amend RSA 644:9 by inserting after paragraph IV the following new paragraph:

IV-a. Any person convicted of a class A misdemeanor under paragraphs I-IV who commits a second or subsequent offense under paragraphs I-IV may be charged with a class B felony for the second or subsequent offense.

2 Effective Date. Part III of this act shall take effect January 1, 2022.

LBA  
21-0993  
1/21/21

**SB 95-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT adopting omnibus legislation relative to remote meetings and penalties for violation of privacy.

**PART I: Authorizing governing bodies of municipalities to have virtual or in-person meetings.**

No fiscal impact.

**PART II: Relative to remote access to meetings under RSA 91-A.**

No fiscal Impact.

**PART III: Relative to penalties for violation of privacy.**

FISCAL IMPACT:     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

		Increase	Increase	Increase
<b>Funding Source:</b>	[ X ] General	[ ] Education	[ ] Highway	[ ] Other

**COUNTY:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This section of the bill allows a second or subsequent offense for certain invasion of privacy offenses to be charged as a class B felony. This bill contains a penalty that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Class A Misdemeanor	\$78	\$78
Simple Criminal Case	\$309	\$309
Routine Criminal Felony Case	\$494	\$494
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2020 Average Cost of Incarcerating an Individual	\$47,691	\$47,691
FY 2020 Annual Marginal Cost of a General Population Inmate	\$6,407	\$6,407
FY 2020 Average Cost of Supervising an Individual on Parole/Probation	\$584	\$584
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the cost within its existing budget. If the Department needs to prosecute significantly more cases or handle more appeals, then costs may increase by an indeterminable amount.

**AGENCIES CONTACTED:**

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties