

LEGISLATIVE COMMITTEE MINUTES

SB95

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

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

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

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

11 2 Legislation Enacted. The general court hereby enacts the following legislation:

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PART I

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

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

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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].~~

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(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].~~

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~~(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.]~~

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

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

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

16 2 Effective Date. Part I of this act shall take effect 60 days after its passage.

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18 PART II

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

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21 1 Access to Governmental Records and Meetings; Meetings Open to the Public. Amend RSA 91-
22 A:2, III to read as follows:

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

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

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

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

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

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

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

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

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

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

28 2 Effective Date. Part II of this act shall take effect 60 days after its passage.

30 PART III

31 Relative to penalties for violation of privacy.

32 1 New Paragraph; Breaches of the Peace; Violation of Privacy. Amend RSA 644:9 by inserting
33 after paragraph IV the following new paragraph:

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

37 2 Effective Date. Part III of this act shall take effect January 1, 2022.

**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 Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input type="checkbox"/> Other			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$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

SB 95-FN - AS AMENDED BY THE SENATE

03/25/2021 1016s

2021 SESSION

21-0993

06/11

SENATE BILL

95-FN

AN ACT

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

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings.

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

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

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

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

9 Part III. Establishing a committee to review authorizing governing bodies of municipalities
10 to hold virtual meetings and to study remote access to meetings under RSA 91-A, sponsored by Sen.
11 Daniels, Prime/Dist. 11, Sen. Perkins Kwoka, Dist. 21.

12 2 Legislation Enacted. The general court hereby enacts the following legislation:

13 PART I

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

15 1 Access to Governmental Records and Meetings; Meetings Open to the Public. Amend RSA 91-
16 A:2, III to read as follows:

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

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

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

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

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

6 *(b) If a meeting has no physical location, public access shall be provided to the*
7 *public by telephone, and additional access may be provided by video or other electronic*
8 *means.*

9 *(c) If a meeting has no physical location, public notice of the meeting, with all*
10 *information necessary to access the meeting telephonically and by other means, shall be*
11 *given as provided in this chapter. The notice shall provide a mechanism for the public to*
12 *alert the public body during the meeting if there are problems with access. The meeting*
13 *shall be adjourned if the public is unable to access the meeting because of any technical*
14 *communication problems experienced by the provider of the communication media.*

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

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

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

30 *2 Access to Governmental Records and Meetings; Meetings Open to the Public. RSA 91-A:2, III*
31 *is repealed and reenacted to read as follows:*

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

35 *(a) A member of the public body may participate in a meeting other than by attendance*
36 *in person at the location of the meeting only when such attendance is not reasonably practical. Any*

1 reason that such attendance is not reasonably practical shall be stated in the minutes of the
2 meeting.

3 (b) Except in an emergency, 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.

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

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

25 3 Effective Date.

26 I. Section 2 of Part I of this act shall take effect July 1, 2022.

27 II. The remainder of Part I of this act shall take effect upon its passage.

28 PART II

29 Relative to penalties for violation of privacy.

30 1 New Paragraph; Breaches of the Peace; Violation of Privacy. Amend RSA 644:9 by inserting
31 after paragraph IV the following new paragraph:

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

35 2 Effective Date. Part II of this act shall take effect January 1, 2022.

36 PART III

37 Establishing a committee to review authorizing governing bodies of municipalities to

1 hold virtual meetings and to study remote access to meetings under RSA 91-A.

2 1 Committee Established. There is established a committee to review authorizing governing
3 bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA
4 91-A.

5 2 Membership and Compensation.

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

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

8 (b) Three members of the house of representatives, appointed by the speaker of the
9 house of representatives.

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

12 3 Duties. The committee shall review authorizing governing bodies of municipalities to hold
13 virtual meetings and to study remote access to meetings under RSA 91-A.

14 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
15 among the members. The first meeting of the committee shall be called by the first-named senate
16 member. The first meeting of the committee shall be held within 45 days of the effective date of this
17 section. Three members of the committee shall constitute a quorum.

18 5 Report. The committee shall report its findings and any recommendations for proposed
19 legislation to the president of the senate, the speaker of the house of representatives, the senate
20 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

21 6 Effective Date. Part III of this act shall take effect 60 days after its passage.

SB 95-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2021-1016s)

AN ACT adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings.

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

This part has no fiscal Impact.

PART II: 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 Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$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

PART III: Establishing a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

This part has no fiscal Impact.

SB 95-FN - AS AMENDED BY THE HOUSE

03/25/2021 1016s
3Jun2021... 1435h

2021 SESSION

21-0993
06/11

SENATE BILL

95-FN

AN ACT

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

SPONSORS:

Sen. Daniels, Dist 11

COMMITTEE:

Judiciary

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.

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.

SB 95-FN - AS AMENDED BY THE HOUSE

03/25/2021 1016s
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21-0993
06/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

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

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

1 1 Committee Established. There is established a committee to review authorizing governing
2 bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA
3 91-A.

4 2 Membership and Compensation.

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

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

7 (b) Three members of the house of representatives, appointed by the speaker of the
8 house of representatives.

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

11 3 Duties. The committee shall review authorizing governing bodies of municipalities to hold
12 virtual meetings and to study remote access to meetings under RSA 91-A.

13 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
14 among the members. The first meeting of the committee shall be called by the first-named senate
15 member. The first meeting of the committee shall be held within 45 days of the effective date of this
16 section. Three members of the committee shall constitute a quorum.

17 5 Report. The committee shall report its findings and any recommendations for proposed
18 legislation to the president of the senate, the speaker of the house of representatives, the senate
19 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

20 6 Effective Date. This act shall take effect 60 days after its passage.

LBA
21-0993
Amended 6/7/21

**SB 95-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2021-1435h)**

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

FISCAL IMPACT: State County Local None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill has no fiscal impact on state, county
and local expenditures or revenue.

AGENCIES CONTACTED:

None

Amendments

Sen. Perkins Kwoka, Dist 21
February 22, 2021
2021-0470s
06/11

Amendment to SB 95-FN

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

2

3 AN ACT adopting omnibus legislation relative to access to remote meetings and penalties
4 for violation of privacy.
5

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

7

8 1 Sponsorship. This act consists of the following proposed legislation:

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

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

16 2 Legislation Enacted. The general court hereby enacts the following legislation:

17

PART I

18

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

19 1 Access to Governmental Records and Meetings; Meetings Open to the Public. Amend RSA 91-
20 A:2, III to read as follows:

21

22 ~~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
23 of communication for the benefit of the public and the governing body, subject to the provisions of
24 this paragraph.

25

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

29

~~(b) Except in an emergency, a quorum of the public body shall be physically present at
30 the location specified in the meeting notice as the location of the meeting. For purposes of this
31 subparagraph, an "emergency" means that immediate action is imperative and the physical presence
32 of a quorum is not reasonably practical within the period of time requiring action. The~~

1 ~~determination that an emergency exists shall be made by the chairman or presiding officer of the~~
2 ~~public body, and the facts upon which that determination is based shall be included in the minutes of~~
3 ~~the meeting.~~

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

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

9 **(b) If a meeting has no physical location, public access shall be provided to the**
10 **public by telephone, and additional access may be provided by video or other electronic**
11 **means.**

12 **(c) If a meeting has no physical location, public notice of the meeting, with all**
13 **information necessary to access the meeting telephonically and by other means, shall be**
14 **given as provided in this chapter. The notice shall provide a mechanism for the public to**
15 **alert the public body during the meeting if there are problems with access. The meeting**
16 **shall be adjourned if the public is unable to access the meeting.**

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

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

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

32 **2 Effective Date. Part II of this act shall take effect 60 days after its passage.**

33 **PART II**

34 **Relative to penalties for violation of privacy.**

35 **1 New Paragraph; Breaches of the Peace; Violation of Privacy. Amend RSA 644:9 by inserting**
36 **after paragraph IV the following new paragraph:**

Amendment to SB 95-FN

- Page 3 -

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

4 2 Effective Date. Part III of this act shall take effect January 1, 2022.

UNAPPROVED

2021-0470s

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Remote access to meetings.
- II. Penalties for violation of privacy.

UNAPPROVED

Amendment to SB 95-FN

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

2

3 AN ACT adopting omnibus legislation establishing a committee to study remote meetings
4 and relative to penalties for violation of privacy.
5

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

7

8 1 Sponsorship. This act consists of the following proposed legislation:

9 Part I. Establishing a committee to review authorizing governing bodies of municipalities to
10 hold virtual meetings and to study remote access to meetings under RSA 91-A.

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

13 2 Legislation Enacted. The general court hereby enacts the following legislation:

14

PART I

15 Establishing a committee to review authorizing governing bodies of municipalities to
16 hold virtual meetings and to study remote access to meetings under RSA 91-A.

17 1 Committee Established. There is established a committee to review authorizing governing
18 bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA
19 91-A..

20 2 Membership and Compensation.

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

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

23 (b) Three members of the house of representatives, appointed by the speaker of the
24 house of representatives.

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

27 3 Duties. The committee shall review authorizing governing bodies of municipalities to hold
28 virtual meetings and to study remote access to meetings under RSA 91-A.

29 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
30 among the members. The first meeting of the committee shall be called by the first-named senate
31 member. The first meeting of the committee shall be held within 45 days of the effective date of this
32 section. Three members of the committee shall constitute a quorum.

Amendment to SB 95-FN

- Page 2 -

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

4 6 Effective Date. Part I of this act shall take effect upon its passage.

5 **PART II**

6 Relative to penalties for violation of privacy.

7 1 New Paragraph; Breaches of the Peace; Violation of Privacy. Amend RSA 644:9 by inserting
8 after paragraph IV the following new paragraph:

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

12 2 Effective Date. Part II of this act shall take effect January 1, 2022.

UNAPPROVED

2021-0666s

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Studying remote meetings of governing bodies.
- II. Penalties for violation of privacy.

UNAPPROVED

Amendment to SB 95-FN

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

2

3 AN ACT adopting omnibus legislation establishing a committee to study remote meetings
4 and relative to penalties for violation of privacy.
5

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

7

8 1 Sponsorship. This act consists of the following proposed legislation:

9 Part I. Establishing a committee to review authorizing governing bodies of municipalities to
10 hold virtual meetings and to study remote access to meetings under RSA 91-A.

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

13 2 Legislation Enacted. The general court hereby enacts the following legislation:

14

PART I

15 Establishing a committee to review authorizing governing bodies of municipalities to
16 hold virtual meetings and to study remote access to meetings under RSA 91-A.

17 1 Committee Established. There is established a committee to review authorizing governing
18 bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA
19 91-A..

20 2 Membership and Compensation.

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

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

23 (b) Three members of the house of representatives, appointed by the speaker of the
24 house of representatives.

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

27 3 Duties. The committee shall review authorizing governing bodies of municipalities to hold
28 virtual meetings and to study remote access to meetings under RSA 91-A.

29 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
30 among the members. The first meeting of the committee shall be called by the first-named senate
31 member. The first meeting of the committee shall be held within 45 days of the effective date of this
32 section. Three members of the committee shall constitute a quorum.

Amendment to SB 95-FN

- Page 2 -

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

4 6 Effective Date. Part I of this act shall take effect upon its passage.

5 PART II

6 Relative to penalties for violation of privacy.

7 1 New Paragraph; Breaches of the Peace; Violation of Privacy. Amend RSA 644:9 by inserting
8 after paragraph IV the following new paragraph:

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

12 2 Effective Date. Part II of this act shall take effect January 1, 2022.

2021-0762s

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Studying remote meetings of governing bodies.
- II. Penalties for violation of privacy.

Sen. Daniels, Dist 11
Sen. Perkins Kwoka, Dist 21
March 24, 2021
2021-1016s
06/08

Floor Amendment to SB 95-FN

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

2

3 AN ACT adopting omnibus legislation relative to access to remote meetings, penalties for
4 violation of privacy, and establishing a committee to study remote meetings.
5

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

7

8 1 Sponsorship. This act consists of the following proposed legislation:

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

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

16 Part III. Establishing a committee to review authorizing governing bodies of municipalities
17 to hold virtual meetings and to study remote access to meetings under RSA 91-A, sponsored by Sen.
18 Daniels, Prime/Dist. 11, Sen. Perkins Kwoka, Dist. 21.

19 2 Legislation Enacted. The general court hereby enacts the following legislation:

20

PART I

21

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

22 1 Access to Governmental Records and Meetings; Meetings Open to the Public. Amend RSA 91-
23 A:2, III to read as follows:

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

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

31 ~~(b) Except in an emergency, a quorum of the public body shall be physically present at~~
32 ~~the location specified in the meeting notice as the location of the meeting. For purposes of this~~

Floor Amendment to SB 95-FN

- Page 2 -

1 ~~subparagraph, an "emergency" means that immediate action is imperative and the physical presence~~
2 ~~of a quorum is not reasonably practical within the period of time requiring action. The~~
3 ~~determination that an emergency exists shall be made by the chairman or presiding officer of the~~
4 ~~public body, and the facts upon which that determination is based shall be included in the minutes of~~
5 ~~the meeting.~~

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

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

11 ***(b) If a meeting has no physical location, public access shall be provided to the***
12 ***public by telephone, and additional access may be provided by video or other electronic***
13 ***means.***

14 ***(c) If a meeting has no physical location, public notice of the meeting, with all***
15 ***information necessary to access the meeting telephonically and by other means, shall be***
16 ***given as provided in this chapter. The notice shall provide a mechanism for the public to***
17 ***alert the public body during the meeting if there are problems with access. The meeting***
18 ***shall be adjourned if the public is unable to access the meeting because of any technical***
19 ***communication problems experienced by the provider of the communication media.***

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

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

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

35 **2 Access to Governmental Records and Meetings; Meetings Open to the Public. RSA 91-A:2, III**
36 **is repealed and reenacted to read as follows:**

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

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

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

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

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

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

30 3 Effective Date.

31 I. Section 2 of Part I of this act shall take effect July 1, 2022.

32 II. The remainder of Part I of this act shall take effect upon its passage.

33 PART II

34 Relative to penalties for violation of privacy.

35 1 New Paragraph; Breaches of the Peace; Violation of Privacy. Amend RSA 644:9 by inserting
36 after paragraph IV the following new paragraph:

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

4 2 Effective Date. Part II of this act shall take effect January 1, 2022.

5 PART III

6 Establishing a committee to review authorizing governing bodies of municipalities to
7 hold virtual meetings and to study remote access to meetings under RSA 91-A.

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. Part III of this act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE

Judiciary

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Harold French, Member
Sen Rebecca Whitley, Member
Sen Jay Kahn, Member

Date: January 26, 2021

HEARINGS

Tuesday		02/02/2021	
(Day)		(Date)	
Judiciary	REMOTE 000	1:00 p.m.	
(Name of Committee)		(Place)	(Time)
1:00 p.m.	SB 93-FN	relative to permanency planning under the child protection act.	
1:20 p.m.	SB 95-FN	adopting omnibus legislation relative to remote meetings and penalties for violation of privacy.	
1:40 p.m.	SB 92-FN	relative to increasing the penalty for criminal mischief, the release of a defendant pending trial, and requiring law enforcement candidate background checks.	
2:00 p.m.	SB 96-FN-A	requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/94823525179>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +16465588656,,94823525179# or +13017158592,,94823525179#
4. Webinar ID: 948 2352 5179
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 93-FN

Sen. Carson

Sen. Soucy

SB 95-FN

Sen. Daniels

SB 92-FN

Sen. Bradley

Sen. D'Allesandro

SB 96-FN-A

Sen. Bradley

Sen. Kahn

Sen. Hennessey

Sen. Soucy

Sen. Avard

Rep. Rice

Sen. Avard

Sen. Ricciardi

Sen. Gray

Sen. Prentiss

Sen. Perkins Kwoka

Rep. Cushing

Sen. Bradley

Sen. Carson

Sen. Giuda

Sen. Watters

Sen. Rosenwald

Sen. Morse

Rep. M. Smith

Sen. D'Allesandro

Sen. Hennessey

Sen. Cavanaugh

Sen. Whitley

Sen. D'Allesandro

Sen. Sherman

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-7875

SB 95-FN, adopting omnibus legislation relative to remote meetings and penalties for violation of privacy.

Hearing Date: February 2, 2021

Time Opened: 1:22 p.m.

Time Closed: 1:56 p.m.

Members of the Committee Present: Senators Carson, Gannon, French, Whitley and Kahn

Members of the Committee Absent : None

Bill Analysis: This bill adopts legislation relative to:

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

Sponsors:

Sen. Daniels

Who supports the bill: Senator Daniels; Senator Gray; Senator Perkins Kwoka; Cordell Johnston, NH Municipal Association; Michele L. Tremblay, Rivers Management Advisory Committee; Shaun Mulholland, City of Lebanon; Lisa Drabik, Town of Londonderry; Jeanne Beaudin; Town of Belmont; Christine Soutter, Durham; Nicole MacStay, Town of Peterborough; Jeff Dickinson, Granite State Independent Living; Pamela Keilig, New Hampshire Coalition Against Domestic and Sexual Violence; Todd Selig, Town of Durham, NH

Who opposes the bill: Nicholas Thomas; Carla Gericke; Alexandra Mennella; Alvin See; Alex Wiéd

Summary of testimony presented in support:

Senator Daniels (submitted written testimony)

- This bill adopts legislation relative to governing bodies meeting virtually, remote access to meetings, and penalties for violation of privacy.
- Speaking to Part 1 of the bill, which authorizes governing bodies of municipalities to have virtual or in-person meetings.

- Amid the confusion caused by COVID, numerous opportunities have presented themselves and one of those was to have the public more involved in local government.
- Public participation has increased significantly with these local government bodies hosting virtual meetings.
- Currently, the statute only allows for municipalities to have virtual meetings during an emergency.
- This bill will authorize these bodies to have virtual meetings even when there isn't an emergency.
- This allows the public to participate from the comfort of their homes and prevents the need to cancel meetings during inclement weather.
- Senator French asked if this would make it possible for municipalities to only have virtual meetings.
 - Yes, if the governing board chose to do so. Would encourage his local board to get together if people want to be there in person and have the virtual option as well.
- Senator Kahn asked how voting would work with this.
 - At a regular meeting, the body would do it the same way the legislature does it now with roll calls. In terms of a deliberative session, his board just went through discussing that and determined hosting a deliberative session would not work out with such a large volume of participants, so held that in person. Thinks that decision can be left to the wisdom of the governing body how best to hold meetings.
- Senator Kahn asked if he intends this to apply to town meetings (SB1 towns)
 - Did not envision this for deliberative sessions.

Senator Perkins Kwoka

- Speaking to Part II of the legislation.
- Emergency Order 12 enabled public bodies to continue to meet during the Covid-19 Pandemic with the modification of the Right-to-Know rules to allow remote meetings.
- This is a codification of that Emergency Order.
- Remote meetings allow more people to participate in these meetings.
- Many elected officials also have been able to participate without having to worry about childcare.
- This Part will allow those bodies to continue to meet virtually even after the Emergency Order expires.
- Would agree with Senator Daniels' comments.
- Notes there are some difference in language between the Parts but would be happy to work with Senator Daniels on which changes make the most sense.
- Senator Whitley asked what the differences are between the two Parts.
 - Her proposal is a broader more long-term change to RSA 91-A as it fully embraces the idea to give municipalities the discretion to hold virtual meetings. In some ways it may be broader than what we want to do. A

and B are a little more limited in Senator Daniels' Section, but they still address the majority of what would be needed to continue to meet virtually. Does not see them as huge discrepancies.

- Senator Kahn asked if she would agree that producing an amendment that merges both Parts of the bill would be helpful.
 - Would be happy to work with Senator Daniels on that.

Senator Gray

- Speaking to Part III of the bill.
- This bill is at the request of the Chiefs of Police in Somersworth and Rochester, and the Strafford County Attorney.
- Has submitted this bill before and it went to study.
- Parts 1-4 of RSA644:9 deal with the recording of people and being able to transmit images of private body parts.
- The problem is that that is currently on a Class A misdemeanor.
- The testimony in the last hearing on this dealt with 'must' and 'shall'.
- The bill now says that an individual 'may' be charged with a Class B felony.
- Believes this change is appropriate.
- There have been problems in Strafford County with trying to prosecute an individual for multiple offenses and the penalties described under a Class A misdemeanor were not deterring this person from committing those acts.
- Knows we are all sensitive to the invasions of these images being taken.
- Senator French asked what the maximum sentence is for a Class B felony.
 - Attorney Lehmann stated that it is 3.5-7 years.

Cordell Johnston (NH Municipal Association) (submitted written testimony)

- There is a difference between Part I and Part II of the bill.
- Takes no position on Part III.
- Not sure Part I accomplishes what Senator Daniels wants it to.
- Part I allows a member of the public body to meet remotely but still requires a physical location for the public to come and listen to what is going on.
- In theory a municipality could have a room in the town hall with no members present and just the public listening.
- Part II does not require a physical location and allows it to be done completely virtually.
- Would support either one, but Part II provides more flexibility.
- Proposes an amendment to Part II.
- Sections B and C of Part II requires public access be provided by phone or other electronic means.
- Thinks the intent is to require those things, only in the situation where there is no physical location for the meeting.
- Does not think we should require municipalities to have virtual access if they are having a meeting in person. This amendment addresses that.
- Does not think it is anyone's intent to hold a town meeting entirely remotely. Does not think the technology is even there.

- RSA 91-A does technically apply to a town meeting, so may want to amend the bill to say that municipalities cannot have a virtual town meetings.
- Senator Gannon asked after COVID aren't we going to lose out by not having meetings in person.
 - Afraid there probably is a loss there with not having meetings in person. Would not necessarily recommend that every public body do this. Wants to have meetings in person when the health threat passes but wants people to have the ability to participate virtually, like a senior who has trouble getting there or if there is a weather issue. Thinks it is good to have the ability to do it but would not necessarily encourage it be done all the time.
- Senator Whitley asked if the current version of the bill retains that flexibility for governing bodies to meet in person if they want.
 - Yes, in Parts I and II. There are towns that don't have the best broadband and they have had trouble meeting remotely; certainly some of them are not going to be going to remote meetings any time soon.
- Senator Kahn asked if town meetings are currently occurring remotely.
 - The HB1129 process enables towns to have a form of virtual town meeting. It is not really the way town meetings are held, but it is an emergency stop gap measure to enable towns to get things done during the pandemic.
- Senator Carson asked if there is a way to open the cable access that is already occurring in some municipalities up to this.
 - Possibly. The select board in his town had a meeting during the summer and the selectmen were present in the room and the public could participate via Zoom.
- Senator Carson asked if the proposed legislation would allow something like that.
 - Thinks something like that can already happen under current law. The law requires the body to have a quorum of the public body physically present but there is nothing that stops them from having the public participate virtually. What is not currently allowed is to have all of the members participating remotely.

Summary of testimony presented in opposition:

None

jch

Date Hearing Report completed: February 5, 2021

Speakers

Judiciary Committee Testify List for Bill SB95 on 2021-02-02

Support: 14 Oppose: 6 Neutral: 0 Total to Testify: 5

Name	Title	Representing	Position	Testifying	Signed Up
Gray Senator James	An Elected Official	Senate District 6 (Supporting Part III PRIME)	Support	Yes	1/29/2021 13:16
Johnston Cordell	A Lobbyist	NH Municipal Association	Support	Yes	1/30/2021 14:02
Perkins Kwoka Senator	An Elected Official	Myself (SD 21)	Support	Yes	1/27/2021 14:51
Daniels Senator Gary	An Elected Official	SD 11 - Prime Sponsor	Support	Yes	1/27/2021 15:30
Daniels Senator	An Elected Official	Sponsor	Support	Yes	2/2/2021 13:04
Lekas Tony	An Elected Official	Hillsborough 37	Oppose	No	2/11/2021 7:51
Tremblay Chair RMAC Michele L.	A Member of the Public	Rivers Management Advisory Committee	Support	No	1/28/2021 13:28
Mulholland Shaun	A Member of the Public	City of Lebanon	Support	No	1/29/2021 13:05
Drabik Lisa	A Member of the Public	Town of Londonderry	Support	No	1/30/2021 9:45
Beaudin Jeanne	A Member of the Public	myself -Town of Belmont	Support	No	2/1/2021 12:59
Christine Soutter Director of Economic Development	A Member of the Public	Durham	Support	No	2/1/2021 13:25
MacStay Nicole	A Member of the Public	Town of Peterborough	Support	No	2/1/2021 15:17
Thomas Nicholas	A Member of the Public	Myself	Oppose	No	2/1/2021 19:19
Gericke Carla	A Member of the Public	Myself	Oppose	No	2/2/2021 11:13
Dickinson Jeff	A Member of the Public	Granite State Independent Living	Support	No	2/2/2021 13:26
Keilig Pamela	A Lobbyist	New Hampshire Coalition Against Domestic and Sexual Violence	Support	No	2/2/2021 13:57
Mennella Alexandra	A Member of the Public	Myself	Oppose	No	2/1/2021 21:12
See Alvin	A Member of the Public	Myself	Oppose	No	2/1/2021 21:14
Todd Selig Durham Town Manager	A Member of the Public	Town of Durham NH	Support	No	2/2/2021 11:40
Wied Alex	A Member of the Public	Myself	Oppose	No	2/2/2021 10:17

Testimony

Jennifer Horgan

From: Audry Barriault <audrybarriault@yahoo.com>
Sent: Saturday, January 30, 2021 8:18 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: SB 95 Support

Good Morning,

As a recording secretary for the town of Sanbornton, NH, I was excited to see that SB 95 has been proposed. The notion that boards and committees can only be effective if they meet in person is old fashioned, and more importantly it hinders progress. Allowing virtual meetings permanently without a physical location opens up membership to a different demographic with valuable points of view, such as mothers and fathers with young children, or those who must travel for work.

I'm sure that municipalities everywhere are struggling with finding young, working, engaged volunteers to fill positions and this will only continue once life goes back to normal and our regular activities resume.

I am in support of this bill.

Thank you,

Audry Barriault

Sanbornton, NH

Jennifer Horgan

From: DONNA Beatrice <donnabeatrice13@gmail.com>
Sent: Sunday, March 7, 2021 6:10 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: SB95

Dear Committee Members,

We oppose SB95 because we need access to government proceedings in order for our voices to be heard.

**Thank you,
Donna and John Beatrice
Nashua**

Jennifer Horgan

From: Michael Cutting <mike@smgltd.net>
Sent: Friday, January 29, 2021 2:41 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: Regarding SB 95

As chairman of the Budget Committee for the Town of Warner, New Hampshire, and in support of SB95 I would strongly recommend that Option 2 be adopted.

While virtual meets were first slow to be embraced, the experience of utilizing virtual meeting has proven very rewarding. Public attendance at our Budget Committee meeting has expanded by 3-4+ times the normal attendance. We have experienced attendance by residence while out of town, and as such would have not been able to participate in physical meetings. We have experienced attendance by residence that in the past never attended physical meetings. We have experienced attendance by residence that because of physical limitations would not have attended physical meetings.

The introduction of virtual meeting has expanded the residence participation in town processes, and as such is vital to a well informed community

Regards

Michael Cutting
Chairman - Warner Budget Committee
Warner, New Hampshire 03278
603-731-0033
mikw@smgltd.net

NHMA proposed amendment to SB 95, Part II

Proposed changes appear in red

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) If a meeting has no physical location, public access shall be provided to the public by telephone, and additional access may be provided by video or other electronic means.

(c) If a meeting has no physical location, 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.

Jennifer Horgan

From: Nicholas Thomas <nicholas.w.thomas@uconn.edu>
Sent: Monday, February 1, 2021 7:21 PM
To: Jennifer Horgan
Subject: Opposing SB95

Honorable Judiciary Committee,

Please oppose SB95. This bill packages together a couple of entirely unrelated issues. Why not split it into two bills, which we could debate individually? Other bills I have read from this legislature did a good job of focusing on a single topic. That is a good thing to do because it creates the appearance that legislators are voting based on their real opinions about issues, as opposed to making "this for that" deals amongst themselves in side channels outside of public view.

Sincerely,

Nicholas Thomas
67 Brook St
Manchester, NH 03104

Jennifer Horgan

From: Sharon Carson
Sent: Tuesday, February 2, 2021 9:52 AM
To: Jennifer Horgan
Subject: FW: Opposing SB95

Jen -

SB 95 opposition.

Deb

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

From: Nicholas Thomas <nicholas.w.thomas@uconn.edu>
Sent: Monday, February 1, 2021 7:10 PM
To: Sharon Carson <Sharon.Carson@leg.state.nh.us>; William Gannon <William.Gannon@leg.state.nh.us>; Harold French <Harold.French@leg.state.nh.us>; Jay Kahn <Jay.Kahn@leg.state.nh.us>; Becky Whitley <Becky.Whitley@leg.state.nh.us>
Subject: Opposing SB95

Honorable Judiciary Committee,

Please oppose SB95. This bill packages together a couple of entirely unrelated issues. Why not split it into two bills, which we could debate individually? Other bills I have read from this legislature did a good job of focusing on a single topic. That is a good thing to do because it creates the appearance that legislators are voting based on their real opinions about issues, as opposed to making "this for that" deals amongst themselves in side channels outside of public view.

Sincerely,

Nicholas Thomas
67 Brook St
Manchester, NH 03104

Jennifer Horgan

From: Phil Winslow <philwins@gmail.com>
Sent: Friday, January 29, 2021 1:30 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Cc: Becky Bergeron
Subject: Virtual Meetings

Dear members of the Judiciary Committee, In the Town-of Rye we have found that virtual meetings of our Boards, Committees, & Commissions have been effective, efficient, and as importantly have resulted in more constituents attending the meetings.

We urge you to support HB 95 Part 2 to allow this meeting format to continue.

Sincerely

Phil Winslow

Chair, Rye Selectboard

Sent from my iPhone

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

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Stewart Yeaton
Agricultural Community

Vacant
Recreational Interests

Non-Voting Members:

Peter Bowman
NH Department of
Natural and Cultural
Resources

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

Meghan Wells
NH Department of
Safety

Staff:

Tracie Sales
Program Manager

Vacant
Watershed Coordinator

Vacant
Program Assistant

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

February 2, 2021

The Honorable Sharon Carson, Chair
Senate Judiciary Committee
State House, Room 100
Concord, NH 03301

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

Dear Chair Carson and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its support of Senate Bill 95, which will, in part, allow public bodies subject to RSA 91-A to meet remotely outside of a 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 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 because it will permit boards and commissions such as the RMAC to meet remotely while still allowing public involvement in the committee's work.

Should you have any questions regarding our testimony, please feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay
RMAC Chair

The Honorable Sharon Carson
Chair, Senate Judiciary Committee
SB 95 February 2, 2021
Page 2

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

Jennifer Horgan

From: Ruth Ellen <rewhitney3@comcast.net>
Sent: Saturday, January 30, 2021 7:40 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: RE: Senate Bill 95 Option 2 - Fully support Remote Meetings

As a library trustee I fully support Senate Bill 95 –Option 2 as our remote meetings work wonderfully and actually allow for more participation in the process than requiring an in person presence.

Ruth Ellen Whitney
Litchfield, NH

Testimony of Senator Gary Daniels

SB95

Good afternoon Madame Chair and members of the committee,

For the record I am Senator Gary Daniels, representing Senate District 11, comprised of the towns of Amherst, Merrimack, Milford and Wilton. I appear before you today as the prime sponsor for SB 95, which is omnibus legislation relative to remote meetings and penalties for violation of privacy.

SB 95 consists of three parts:

Part I, of which I am the prime sponsor, is relative to authorizing municipal governing bodies to have non-emergency virtual meetings

Part II, sponsored by Sen. Perkins Kwoka, is relative to remote access to meetings under RSA 91-A.

Part III, sponsored by Sen. Gray is relative to penalties for violation of privacy.

I will be speaking specifically to Part I of the bill, relative to authorizing governing bodies of municipalities to have non-emergency virtual meetings.

Amid the confusion caused by COVID-19, numerous opportunities have presented themselves. One of those opportunities is for the public to be more involved in local government proceedings.

I am completing my 18th year on the Milford Board of Selectmen. Over that time, rarely have we had more than five people from the public attending our regularly scheduled meetings. However, since being forced by the COVID crisis into virtual meetings, the public participation in our meetings have averaged between 40-50 people. The participation in virtual school board meetings is even higher, with one approaching 150 participants, far exceeding our attendance at most Deliberative Sessions.

Currently the statute only allows municipalities to have virtual meetings in cases of emergency, such as we are now having under the Governor's Executive Order. This bill would allow a governing body to place public disclosure and participation at a higher level, and authorize that governing body to have a virtual meeting without there being an emergency. The ability to do this benefits the governing board by not having to reschedule its meeting on a day like this, where otherwise that meeting may be canceled for inclement weather. It also benefits the public by enabling them to keep current with local government proceedings from the comfort of their homes, allowing them to provide input, as question, and otherwise participate in those meetings.

Virtual meetings have become a norm over the past year, and we ought to take advantage of that opportunity to invite the public to be more involved in local proceedings so that they better understand how their property taxes are being used. This is a win/win for both public officials and the voting public, and I ask for your support of Part I of SB 95.

Thank you, Madame Chair.

Jennifer Horgan

From: Todd Selig <tselig@ci.durham.nh.us>
Sent: Tuesday, February 2, 2021 12:23 PM
To: Jennifer Horgan
Cc: Rebecca Perkins Kwoka
Subject: support for sb 95, virtual public meeting | town of durham, nh

Dear Honorable Members of the Senate Judiciary Committee,

On behalf of the Town of Durham and our Town Council, I am writing in support of SB 95.

One of the most significant benefits of the Covid-19 pandemic has been the allowance of virtual public meetings under the Governor's Executive Order #12. This measure has enabled the temporary modification of RSA 91-A, the Right to Know Law, to allow for public meetings without a physical location, so long as the public can access the meeting virtually (and the meeting is properly posted, etc.). As a result, Town of Durham boards, committees, commissions, and our Town Council have been meeting largely via Zoom since mid-March of 2020.

The quality of our virtual meetings has improved as the Town, our citizens, and committee members have become familiar with the software functionality. Typical facility needs, such as leaving buildings open late at night, additional utility costs, etc. have been avoided as result of this change, which has allowed board members and citizen participants to "Zoom in" from home, or from wherever they are, to be present at the local public meeting. The quality of and participation in virtual meetings has improved via sharing screens and is a better, more efficient way (and a completely viable alternative) for operating municipal government meetings.

As a result, the Durham Town Council has asked members of our legislative delegation to support legislation amending RSA 91-A to make this option permanent, as it provides many advantages.

- First, residents gain better access to public meetings.
- Second, virtual meetings are more sustainable. No need to get in the car and drive to the meeting burning fossil fuels. No risk of overcrowding in a small conference room, lack of parking outside the building, no reason to build larger meeting rooms (or parking lots) to accommodate large crowds amid tight budgets. No paper packets. No utility or facility costs to hold a virtual meeting.
- Third, virtual meetings increase participation. People with disabilities have greater access. Residents with small children or dependent seniors at home are able to participate without the inconvenience/cost of securing a care giver. Board members with a long commute back from work in the evening can more easily participate remotely while eating supper at home. Residents traveling for work or vacation (though not much vacation these days during the pandemic) are able to participate, where previously they were not. In fact, one individual who filed for Town Council this cycle indicated that he was willing to do so because the Zoom functionality would allow him to participate while he and his wife were traveling to visit grandchildren and family in the years ahead.
- Fourth, there have been no instances of fraud or abuse.

While the pandemic has been absolutely horrible in so many ways for our communities and our state, it has brought about one very positive new tool – virtual meetings using modern technology, which is easily accessible to nearly everyone so long as they own a computer, tablet, or smartphone.

The Shakers of Canterbury, NH were very traditional people in many respects, yet they were not fearful of embracing and putting to use new technology that made them more efficient and effective in their work. Virtual meeting technology like Zoom, Microsoft Teams, etc. make our work in local government more effective and more efficient in New Hampshire.

Please don't allow the end of the pandemic to also mean the end of the ability of municipalities (and other levels of government) to utilize tried and true virtual meeting technology on behalf of our citizens and our communities. Give us the option of putting it to use in advancing our important work at the local level.

All my very best,

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

Jennifer Horgan

From: Sales, Tracie <tracie.j.sales@des.nh.gov>
Sent: Monday, February 1, 2021 10:44 AM
To: Jennifer Horgan
Cc: Gary Daniels; Rebecca Perkins Kwoka; Scott, Robert; O'Donovan, Thomas; Diers, Ted; Michele L. Tremblay (MLT@naturesource.net); 'Larry Spencer'
Subject: SB 95 - Rivers Management Advisory Committee Letter of Support
Attachments: SB95 Remote Meetings Senate Judiciary RMAC 20210202.pdf

Dear Chair Carson and Members of the Committee-

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

Please contact RMAC Chair Michele L. Tremblay at 603.796.2615 or MLT@naturesource.net if you have any questions about this testimony.

Sincerely,
Tracie Sales
Staff to the Rivers Management Advisory Committee

Tracie Sales
Rivers & Lakes Programs Manager
NH Rivers & 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
(603) 271-2959
Tracie.Sales@des.nh.gov



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[Like us on Facebook!](#)

Jennifer Horgan

From: Vicki Varick <acml_director@comcast.net>
Sent: Friday, January 29, 2021 3:22 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: SB 95

I fully support SB95's second option (Part II of the bill) to allow for fully virtual meetings in all circumstances—any or all members could participate electronically, and there would be no requirement for a physical location.

Vicki Varick
Library Director
Aaron Cutler Memorial Library
269 Charles Bancroft Highway
Litchfield, New Hampshire 03052
603.424.4044
<https://cutlerlibrary.blogspot.com>

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # **SB95**

Hearing date: _____

Executive Session date: _____

Motion of: **Olddos** Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: **0470** Vote: **2-3**

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: **Olddos** Vote: **3-2**

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

OTPA French-Gannon GFC 3/2 WK

Reported out by: **Carson**

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, March 10, 2021

THE COMMITTEE ON Judiciary

to which was referred **SB 95-FN**

AN ACT

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

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 3-2

AMENDMENT # 2021-0762s

Senator Sharon Carson
For the Committee

Jennifer Horgan 271-7875

JUDICIARY

SB 95-FN, adopting omnibus legislation relative to remote meetings and penalties for violation of privacy.

Ought to Pass with Amendment, Vote 3-2.

Senator Sharon Carson for the committee.

Docket of SB95

Docket Abbreviations

Bill Title: (2nd New Title) establishing a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

Official Docket of SB95.:

Date	Body	Description
1/26/2021	S	Introduced 01/06/2021 and Referred to Judiciary; SJ 3
1/27/2021	S	Remote Hearing: 02/02/2021, 01:20 pm; Links to join the hearing can be found in the Senate Calendar; SC 9
3/10/2021	S	Committee Report: Ought to Pass with Amendment #2021-0762s , 03/18/2021; SC 15
3/18/2021	S	Sen. Bradley Moved to Special Order to 03/25/2021, RC 23Y-1N, MA ; 03/18/2021; SJ 8
3/18/2021	S	Committee Report: Ought to Pass with Amendment #2021-0762s , 03/25/2021; SC 16
3/25/2021	S	Committee Amendment #2021-0762s, RC 0Y-24N, AF ; 03/25/2021; SJ 9
3/25/2021	S	Sen. Daniels Floor Amendment #2021-1016s, RC 24Y-0N, AA ; 03/25/2021; SJ 9
3/25/2021	S	Ought to Pass with Amendment 2021-1016s, RC 24Y-0N, MA ; OT3rdg; 03/25/2021; SJ 9
3/31/2021	H	Introduced (in recess of) 02/25/2021 and referred to Judiciary HJ 4 P. 51
4/13/2021	H	==CANCELLED== Public Hearing: 04/22/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/92981703093 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
4/20/2021	H	Public Hearing: 05/04/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95312058132 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
4/22/2021	H	Executive Session: 05/11/2021 01:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/91800169870
5/24/2021	H	Majority Committee Report: Ought to Pass with Amendment #2021-1435h (Vote 12-9; RC) HC 26 P. 25
5/24/2021	H	Minority Committee Report: Ought to Pass
6/3/2021	H	Amendment #2021-1435h : AA DV 198-178 06/03/2021
6/3/2021	H	Ought to Pass with Amendment 2021-1435h: MA DV 201-175 06/03/2021
6/10/2021	S	Sen. Carson Moved Nonconcur with the House Amendment; Requests C of C, MA, VV; 06/10/2021; SJ 19
6/10/2021	S	President Appoints: Senators Carson, Gannon, Perkins Kwoka; 06/10/2021; SJ 19
6/10/2021	H	House Refuses to Accede to Senate Request for CofC (Rep. Gordon): MA VV 06/10/2021

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB95

Senate Committee: Jud

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 04705 - amendment # 07625

- amendment # 06665 - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

_____ - amendment # _____ _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s) 10/65

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Jennifer Horgan
Committee Aide

8/12/21
Date

Senate Clerk's Office _____