

REGULAR CALENDAR

April 14, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Judiciary to which
was referred SB 344,**

**AN ACT (New Title) relative to the electronic
participation requirements of meetings open to the
public under the right to know law. Having considered
the same, report the same with the following resolution:
RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Judiciary
Bill Number:	SB 344
Title:	(New Title) relative to the electronic participation requirements of meetings open to the public under the right to know law.
Date:	April 14, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill adds a new section to RSA 91-A to allow bodies (except the General Court) to hold meetings with only a fourth of the body present at a physical location. Members could participate remotely only when “attendance is not reasonably practical” with the reason noted in the meeting minutes. Each remote member would have to be on video and electronic public access would be noticed and provided. If such electronic access were interrupted by the host, the meeting would be adjourned. The majority thinks requiring both audio and video for participation is beyond the capacity of much of NH, effectively denying this opportunity to many bodies. The adjournment requirement in case of technical problems could be extremely difficult as many boards meet with deadlines where postponement is virtually impossible. The majority also thinks the General Court should operate under the laws we create for others.

Vote 11-10.

Rep. Kurt Wuelper
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Judiciary

SB 344, (New Title) relative to the electronic participation requirements of meetings open to the public under the right to know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill adds a new section to RSA 91-A to allow bodies (except the General Court) to hold meetings with only a fourth of the body present at a physical location. Members could participate remotely only when “attendance is not reasonably practical” with the reason noted in the meeting minutes. Each remote member would have to be on video and electronic public access would be noticed and provided. If such electronic access were interrupted by the host, the meeting would be adjourned. The majority thinks requiring both audio and video for participation is beyond the capacity of much of NH, effectively denying this opportunity to many bodies. The adjournment requirement in case of technical problems could be extremely difficult as many boards meet with deadlines where postponement is virtually impossible. The majority also thinks the General Court should operate under the laws we create for others. **Vote 11-10.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

April 14, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Judiciary to which
was referred SB 344,**

**AN ACT (New Title) relative to the electronic
participation requirements of meetings open to the
public under the right to know law. Having considered
the same, and being unable to agree with the Majority,
report with the recommendation that the bill be
REFERRED FOR INTERIM STUDY.**

Rep. Rebecca McBeath

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	SB 344
Title:	(New Title) relative to the electronic participation requirements of meetings open to the public under the right to know law.
Date:	April 14, 2022
Consent Calendar:	REGULAR
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

This bill was passed by the Senate on a bi-partisan vote; establishing requirements for electronic participation in public meetings, specifically providing that the public have the opportunity to participate by video, telephone, and/or other electronic means. The minority's desire to address citizen's requests to provide an option for remote participation in public board meetings out-weighed the majority's reluctance to work to refine the Senate-proposed language. The Minority supported a motion of Interim Study so that this issue could be discussed, deliberated, and a bi-partisan proposal would be available for consideration by the house membership in 2023.

Rep. Rebecca McBeath
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Judiciary

SB 344, (New Title) relative to the electronic participation requirements of meetings open to the public under the right to know law. **REFER FOR INTERIM STUDY.**

Rep. Rebecca McBeath for the **Minority** of Judiciary. This bill was passed by the Senate on a bi-partisan vote; establishing requirements for electronic participation in public meetings, specifically providing that the public have the opportunity to participate by video, telephone, and/or other electronic means. The minority's desire to address citizen's requests to provide an option for remote participation in public board meetings out -weighed the majority's reluctance to work to refine the Senate-proposed language. The Minority supported a motion of Interim Study so that this issue could be discussed, deliberated, and a bi-partisan proposal would be available for consideration by the house membership in 2023.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on SB 344

BILL TITLE: (New Title) relative to the electronic participation requirements of meetings open to the public under the right to know law.

DATE: April 14, 2022

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Wuelper

Seconded by Rep. Sylvia

Vote: 11-10

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Kurt Wuelper, Clerk

OFFICE OF THE HOUSE CLERK



9/28/2021 10:41:09 AM
 Roll Call Committee Registers
 Report

2021 SESSION

Judiciary

Bill #: SB344 Motion: ITC AM #: _____ Exec Session Date: 4-14-2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	✓		
McLean, Mark Vice Chairman	✓		
Sylvia, Michael J.	✓		
Wuelper, Kurt F. Clerk	✓		
Alexander, Joe H.	✓		
Greene, Bob J. <i>Lascelles, Rich</i>	✓		
Notter, Jeanine M.	✓		
Merner, Troy E.	✓		
Kelley, Diane E.	✓		
Trottier, Douglas R.	✓		
Andrus, Louise	✓		
Smith, Marjorie K.		✓	
Berch, Paul S. <i>Woods, GARY</i>		✓	
Horrigan, Timothy O.		✓	
DiLorenzo, Charlotte I.		✓	
Chase, Wendy		✓	
Kenney, Cam E. <i>Meuse, David</i>		✓	
Langley, Diane M.		✓	
McBeath, Rebecca Susan		✓	
Paige, Mark		✓	
Simpson, Alexis		✓	

Kurt Wuelper

11 10

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 344

BILL TITLE: relative to the electronic participation requirements of meetings open to the public under the right to know law.

DATE: 4/13/2022

LOB ROOM: 206-208

Time Public Hearing Called to Order: 11:35 AM
Time Adjourned: 12:05 PM

Committee Members: Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., Notter, Merner, Greene, D. Kelley, Andrus, Trottier, M. Smith, Borch, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson

Bill Sponsors: Sen. Daniels, Dist 11; Sen. Hennessey, Dist 1; Sen. Cavanaugh, Dist 16; Sen. Perkins Kwoka, Dist 21; Rep. Long, Hills. 10; Rep. Eaton, Ches. 3; Rep. Egan, Graf. 26

TESTIMONY

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

***Sen. Daniels Sponsor Support**

This bill gives an opportunity for the public to better participate in gov't meetings. It does not apply to the General Court. This bill includes many recommendations from the recent HB 108 study committee. The bill also requires any remote participant be visible. It is enabling legislation only.

Sen Perkin-Kwoka Sponsor Support

Remote participation has a lot of benefits. Towns can save money in administrative costs. The bill leaves RSA 91-A completely intact. There are parameters around how towns can conduct remote meetings.

Q McLean: This doesn't apply to the General court?

Ans. Correct.

Q Horrigan: Participation by speaker phone prohibited?

Ans: Yes

Karen Liot Hill City of Lebanon Support

I am a city councilor and remote meetings have allowed more people to participate. I believe this bill will allow this greater level of participation. We have engaged in intense deliberations. Having the ability to participate remotely would have benefited me and my constituents before. I think this bill is good for everyone. The video requirement could be a problem.

Q McLean: In your experience where would you draw the line about why one should be allowed to participate remotely?

Ans: Good question. The spirit of the bill in person is preferable. I would expect people to interpret it in a proscriptive way; that "reasonable" should be narrowly applied. Ultimately, the voters will decide if that is being abused.

Margaret Burns NHMA Support

We continue to hear from members about the benefits of remote meetings. Many saw an incredible influx of people listening to and participating in public meetings. The bill is an extremely narrow, local option bill. The Legislative body must adopt it. Additional restrictions have already been mentioned. A variety of safeguards are part of the bill. It can be rescinded in similar manner. The bill changes nothing in RSA 91-A. Current authority re emergency meetings, etc. remain in place.

Q: Wuelper Legislative body?

Ans Town voters; City Council.

Q Sylvia: ¼ of body present. What about the ¾ not present?

Ans: We have engaged in intense deliberations the bill just gives the body flexibility.

Q McLean: What are your thoughts about towns as to amending approval by ballot in cities?

Ans: The requirement is similar in the bill based on the form of government,

Q Gordon: Would it be practical to ask for the approval to be done annually?

Ans: Not sure. Recission is the same as adoption.

***Kate Horgan: NH Assoc of Counties Support**

We cover the whole state, and this will make it a lot easier for us to meet. We have a lot of subcommittees and they will be able to meet much more regularly. With various weather conditions, it is important for people to be able to attend remotely.

Q Horrigan: What is the legislative body for a county delegation?

Ans: The delegation itself. Remember, it is optional.



Rep Kurt Wuelper, Clerk

House Remote Testify

Judiciary Committee Testify List for Bill SB344 on 2022-04-13

Support: 13 Oppose: 1 Neutral: 1 Total to Testify: 0

[Export to Excel](#)

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germans	Signed Up
Tremblay, RMAC Chair, Michele L.	Penacook, NH mlt@naturesource.net	A Member of the Public	Rivers Management Advisory Committee	Support	No	No	4/8/2022 10:06 AM
Uyizeye, Olivia	Claremont, NH ouyizeye@uvlsrpc.org	A Member of the Public	Connecticut River Joint Commissions	Support	No	No	4/8/2022 4:45 PM
Tentarelli, Liz	Newbury, NH Liz6@kenliz.net	A Member of the Public	Myself	Support	No	No	4/9/2022 12:40 PM
WILKIE, DEVIN	Lebanon, NH devin.wilkie@gmail.com	An Elected Official	Myself	Support	No	No	4/9/2022 2:41 PM
Drabik, Lisa	LONDONDERRY, NH ldrabik@londonderrynh.org	A Member of the Public	Town of Londonderry	Support	No	No	4/9/2022 3:52 PM
Bartlett, Susan	Warner, NH suebartlett@tds.net	A Member of the Public	Myself	Support	No	No	4/10/2022 5:34 PM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2022 7:18 AM
Town Manager, Todd Selig	Town of Durham, NH tselig@ci.durham.nh.us	An Elected Official	Town of Durham, NH	Support	No	No	4/11/2022 10:24 AM
Brackett, Glenn	Hooksett, NH communications@nhaficio.org	A Lobbyist	NH AFL-CIO	Support	No	No	4/11/2022 11:15 AM
Donnelly, Ryan	Hudson, NH rdonnelly@gsil.org	A Member of the Public	Granite State Independent Living	Support	No	No	4/11/2022 2:01 PM
Perkins Kwoka, Senator Rebecca	Portsmouth, NH Rebecca.PerkinsKwoka@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/12/2022 8:43 AM
Hennessey, Erin	Senate District 1, NH peter.oneill@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/12/2022 10:04 AM
Stamatakis, Carol	Lempster, NH, NH Carol@JusticeNH.org	A Member of the Public	NH State Commission on Aging	Support	No	No	4/12/2022 10:27 PM
Lentz, Colin	Strafford RPC, NH clentz@strafford.org	State Agency Staff	Strafford Regional Planning Commission	Neutral	No	No	4/13/2022 11:08 AM
Osborne, Jason	Auburn, NH houserepoffice@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	4/13/2022 11:33 AM

President
Wendy Piper
Grafton County Commissioner

Vice President
Tom Tombarello
Rockingham County Commissioner

At Large Member
Toni Pappas
Hillsborough County Commissioner

At Large Member
Cathy Stacey
Rockingham County Register of Deeds



Association of Counties
46 Donovan Street, Suite 2
Concord, NH 03301

(603) 224-9222
(603) 224-8312 (fax)

www.nhcounties.org

SB 344

Immediate Past President
Chuck Weed
Cheshire County Commissioner

Treasurer
Suzanne Collins
Coos County Treasurer

Bylaws Chair
Chris Coates
Cheshire County Administrator

April 11, 2022

The Honorable Ned Gordon
Chair
House Judiciary
State House
Concord, NH 03031

Chairman Gordon and Members of the House Judiciary Committee,

The NH Association of Counties would like to register its support for SB 344, relative to quorum requirements under the right to know law of meetings open to the public.

This bill would allow members of a public body participating virtually to count towards the quorum for a public meeting. The NHAC has an executive board of 50 members and over 15 affiliates and subcommittees that meet and travel from across the state. Having a physical quorum was challenging even before the pandemic and has proven even more challenging since the remote option was removed. The ability to meet virtually allowed the Association to conduct our business efficiently and effectively.

At county government level, the efficiencies that a remote option created were impactful, especially for counties in the north and western part of the state; most importantly, the option reduced travel time and decreased mileage reimbursement.

The Association asks for your support for SB 344. If you have any questions, please feel free to reach out to our Executive Director, Kate Horgan at khorgan@dupontgroup.com.

Sincerely,


Wendy Piper
President
NH Association of Counties



New Hampshire Association of Conservation Commissions

SERVING NEW HAMPSHIRE'S COMMUNITIES SINCE 1970

TO: Senate Judiciary Committee
FROM: Barbara Richter, NHACC Executive Director
DATE: January 25, 2022
SUBJECT: Written testimony regarding SB344

Thank you for the opportunity to provide testimony on SB344.

The New Hampshire Association of Conservation Commissions (NHACC) is the only non-profit, member organization in the state, dedicated to providing support, education, and advocacy for New Hampshire's 217 conservation commissions. For more than 50 years, NHACC has supported the work of these local conservation commissions so they can be effective protecting their municipalities natural resources. The NHACC Board supports SB344 that allows members of a public body to participate electronically in meetings.

The NHACC board agrees that the law should remove the requirement to have a quorum present in a physical location. We request that the reason members who choose to attend virtually should not be required to state the reason that attendance in person is not reasonably practical in the minutes or at the meeting.

Under the Governor's State of Emergency executive order, municipalities learned that remote attendance worked and we all saw that participation and public engagement increased and provided local government with the value and benefit of hearing public concerns and suggestions. Conservation commission members have adapted to using current technology to host meetings and discuss critical information while also including public input and involvement.

Most municipalities have already invested resources to make sure that meetings are conducted in a transparent way open to the public. The technology has been updated and procedures have been created that allow remote meetings to comply with right to know laws. Municipalities should be permitted to provide the flexibility and allow commission members to attend virtually.

We support the use of technology to allow remote participation of board and commission members, and encourage public engagement. NHACC supports conservation commission members who chose to participate in meetings virtually. **Vote 'Ought to pass' on SB344 to allow for fully remote participation in public meetings.**

Respectfully submitted,

Barbara Richter,
NHACC Executive Director

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

Frederick J. McNeill
Municipal Officer

Madeleine Mineau
Granite State
Hydropower Assoc.

Robert M. Roseen
Recreational Interests

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Vacant
Business & Industry
Association

NON-VOTING MEMBERS:

Peter Bowman
NH Dept. of Natural and
Cultural Resources

Brian Eaton
NH Department of
Safety

Jennifer Gilbert
NH Dept. of Business
and Economic Affairs

Mark Hemmerlein
NH Department of
Transportation

Shawn Jasper
NH Dept. of Agriculture,
Markets & Food

John Magee
NH Fish & Game
Department

STAFF:

Tracie Sales
Program Administrator

Nisa Marks
Program Assistant

Vacant
Watershed Coordinator

NH Rivers Management Advisory Committee

NH Rivers Management and Protection Program

April 13, 2022

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

RE: SB 344 *An act relative to the electronic participation requirements of meetings open to the public under the right to know law.*

Dear Chair Gordon and Members of the Committee,

The Rivers Management Advisory Committee (RMAC) is writing to express its **support of Senate Bill 344**, which allows municipalities to authorize municipal public bodies to meet virtually when less than a quorum is physically present.

The RMAC supports this bill, both in its original text and as amended by the Senate, because

- Our experience was that remote meetings during the pandemic increased attendance and participation at public meetings;
- The state's local river management advisory committees and other state and municipal groups have reported similar experiences; and
- Current technology allows bodies to conduct meetings effectively and efficiently in a remote setting.

The original text of the bill would have applied to a variety of groups that are not covered by the Senate amendment, and which the RMAC would like to see included. Several of the local advisory committees for the nineteen designated rivers in the state have difficulty meeting quorum requirements or have lost members who are unable to drive an hour or more to meetings. LACs members are nominated by their towns and cities to provide local input in state permit decisions.

Many volunteers are older citizens. There are other volunteers who live far from meeting locations or are not able to drive at night or in bad weather. For them, having a remote attendance option that could apply to all public bodies in the state would allow greater participation in New Hampshire's culture of volunteer-based civic engagement. **These volunteers should be counted towards a quorum so that these boards, committees, and commissions can conduct their statutory business.**

The RMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is composed of members from business, agriculture,

hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests.

Should you have any questions regarding our testimony in support of SB 344, feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele L. Tremblay". The signature is fluid and cursive, with the first name being the most prominent.

Michele L. Tremblay, Chair

cc: Senators Daniels, Hennessey, Cavanaugh, and Perkins Kwoka
Representatives Long, Eaton, and Egan
RMAC Representatives
Robert R. Scott, Commissioner, NHDES
Ted Diers, Administrator, Watershed Management Bureau, NHDES
Tracie Sales, Rivers and Lakes Program Administrator, NHDES
Local River Management Advisory Committee Chairs

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Conservation
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John Magee
NH Fish & Game
Department

STAFF:

Tracie Sales
Program Administrator

Nisa Marks
Program Assistant

Vacant
Watershed Coordinator

NH Rivers Management Advisory Committee

NH Rivers Management and Protection Program

April 13, 2022

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

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Dear Chair Gordon and Members of the Committee,

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Should you have any questions regarding our testimony in support of SB 344, feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,

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Michele L. Tremblay, Chair

cc: Senators Daniels, Hennessey, Cavanaugh, and Perkins Kwoka
Representatives Long, Eaton, and Egan
RMAC Representatives
Robert R. Scott, Commissioner, NHDES
Ted Diers, Administrator, Watershed Management Bureau, NHDES
Tracie Sales, Rivers and Lakes Program Administrator, NHDES
Local River Management Advisory Committee Chairs

Connecticut River Joint Commissions

Giving voice to New England's great river

New Hampshire - Connecticut River Valley Resource Commission
Vermont - Connecticut River Watershed Advisory Commission



April 8, 2022

Chairman Edward Gordon and Members of the House Judiciary Committee
107 North Main Street
Concord, NH 03301

RE: SB 344 Amendment. An act relative to public notice of and access to meetings under the right to know law.

Dear Chairman Gordon,

The Connecticut River Joint Commissions (CRJC) is writing to express its support of changes to quorum rules under NH RSA 91-a that are necessary for our organizational functioning. CRJC supports the adoption of either HB 1014, SB 322, or SB 344, which will allow public bodies to meet quorum requirements with higher remote participation. Unfortunately, the recent amendment to SB344, passed by the Senate, would not apply to groups like our local advisory committees, or what we call local river subcommittees (LRS).

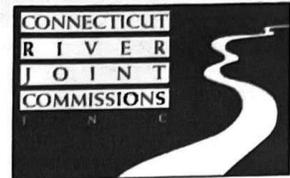
The Connecticut River Joint Commissions is the only bi-state organization with a legislative mandate to provide guidance to both Vermont and New Hampshire to preserve the visual, ecological, and working landscape of the Connecticut River valley while also encouraging and maintaining economic viability throughout the region. By statute, Commission members represent Regional Planning Commissions and agricultural, hydroelectric, recreational, and environmental interests, all working together to bridge the political boundaries in the valley and provide leadership to preserve and protect the watershed's resources. The CRJC includes five LRSs including members from every community along the Connecticut River. Among its responsibilities, the CRJC is charged with reviewing legislation relevant to the river and with advising the NHDES Commissioner on the merits of such legislation. In addition, the LRSs are charged with the review of permits with potential impact on the Connecticut River, including but not limited to shoreland, alteration of terrain, wetlands, and herbicide treatment permits.

As a bi-state organization that stretches the full western border of New Hampshire, the CRJC's ability to function administratively and in our legislative duties at the state and local levels, is hampered by the current NH RSA 91-a statute. Specifically, the current quorum rules 1) require a significant number of volunteer members to drive an hour or more one-way to central meeting locations, 2) cause meeting cancellations due to un-safe road conditions, 3) limit our ability to provide timely or any comment on permits as requested by state agencies, and 4) deter new and diverse membership due to the additional cost and time associated with in-person attendance. The extent of this impact was made clear both in our increased ability to function under the previously declared emergency due to the COVID-19 pandemic, and our extremely hampered ability to function since the lifting of this order almost a year ago.

Connecticut River Joint Commissions
10 Water Street, Suite 225 Lebanon, NH 03766
Phone: (603) 448-1680; Email: info@crjc.org
<https://www.crjc.org/>

Connecticut River Joint Commissions

Giving voice to New England's great river



New Hampshire - Connecticut River Valley Resource Commission
Vermont - Connecticut River Watershed Advisory Commission

In conclusion, CRJC supports picking up HB 1014 and SB 322 that were tabled. Also, adopting SB 344 with the inclusion of local river advisory committees in the final language. The tools and protocols for hybrid and remote meetings are immediately available and familiar to the CRJC. We would like to offer CRJC members the remote option without jeopardizing a quorum, and thus the CRJC's ability to perform its administrative responsibilities and legislatively designated functions.

Should you have any questions regarding our comments, please feel free to contact me at 603-966-0477 or jgriffin@greatriverhydro.com

Sincerely,



Jennifer Griffin
Chair, Connecticut River Valley Resource Commission
Vice-President, Connecticut River Joint Commissions

Rep. Lucy Weber RMAC Representatives Robert R. Scott, Commissioner, NHDES
Tom O'Donovan, Director, Water Division, NHDES
Ted Diers, Administrator, Watershed Management Bureau, NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES
Edwin Mellett, Richard Walling, Bill Malcolm, David Taylor, and Perry Sawyer, Local River Subcommittee
Chairs, CRJC

DEVIN WILKIE

Our local communities know what works for them. This should not be mandated at the state level now that communities have learned how to make remote participation effective.

Susan Bartlett

Carol Stamatakis

Normal 0 false false false EN-US X-NONE X-NONE

/* Style Definitions */ table.MsoNormalTable{mso-style-name:"Table Normal";mso-tstyle-rowband-size:0;mso-tstyle-colband-size:0;mso-style-noshow:yes;mso-style-priority:99;mso-style-parent:"";mso-padding-alt:0in 5.4pt 0in 5.4pt;mso-para-margin-top:0in;mso-para-margin-right:0in;mso-para-margin-bottom:8.0pt;mso-para-margin-left:0in;line-height:107%;mso-pagination:widow-orphan;font-size:11.0pt;font-family:"Calibri",sans-serif;mso-ascii-font-family:Calibri;mso-ascii-theme-font:minor-latin;mso-hansi-font-family:Calibri;mso-hansi-theme-font:minor-latin;mso-bidi-font-family:"Times New Roman";mso-bidi-theme-font:minor-bidi;}Chairman Gordon and Members of the Committee,I am writing as a member of the New Hampshire Commission on Aging, to express support of SB 344. The Commission supports public policies that encourage and value the civic engagement of older adults in their communities. SB 344 will help enable older adults with health and mobility issues, or those who care for other family members, to fully participate on public bodies of political subdivisions when circumstances do not allow them to attend in person, if authorized by the legislative body of the political subdivision. SB 344 will also be beneficial to members of the public who will be able to observe meetings of public bodies remotely and thus be more informed about issues in their local communities. Sincerely yours,Carol StamatakisLempster, NH

SB 344 - AS AMENDED BY THE SENATE

03/31/2022 1301s

2022 SESSION

22-3101

07/10

SENATE BILL **344**

AN ACT relative to the electronic participation requirements of meetings open to the public under the right to know law.

SPONSORS: Sen. Daniels, Dist 11; Sen. Hennessey, Dist 1; Sen. Cavanaugh, Dist 16; Sen. Perkins Kwoka, Dist 21; Rep. Long, Hills. 10; Rep. Eaton, Ches. 3; Rep. Egan, Graf. 2

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill establishes requirements for electronic participation in meetings of a public body 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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the electronic participation requirements of meetings open to the public under the right to know law.

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

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

3 IV. The legislative body of a political subdivision may vote to authorize members of public
4 bodies in the political subdivision to participate in meetings via electronic means where less than a
5 quorum is physically present. The authority granted under this paragraph shall not restrict the
6 ability of a public body to allow remote participation with less than a quorum physically present in
7 an emergency under RSA 91-A:2, III. The authority granted under this paragraph shall be exercised
8 for the benefit of the public body members and the public and be subject to the provisions of this
9 paragraph. Nothing in this paragraph shall apply to the general court.

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

14 (b) Each part of a meeting required to be open to the public shall be audible or otherwise
15 discernable to the public at the physical and electronic location specified in the meeting notice. At
16 least one quarter of the total membership of the public body shall be present at the physical location
17 of the meeting. Each member participating electronically or otherwise must be able to
18 simultaneously hear each other and speak to each other during the meeting, and members
19 participating via electronic means shall have their video on and displaying the member's face. All
20 members shall be audible or otherwise discernable to the public in attendance at the meeting's
21 location. Any member participating electronically shall identify the persons present in the location
22 from which the member is participating. No meeting shall be conducted by electronic mail or any
23 other form of communication that does not permit the public to hear, read, or otherwise discern
24 meeting discussion contemporaneously at the meeting location specified in the meeting notice.

25 (c) Public access to the meeting by electronic means shall be provided. The notice of the
26 meeting shall, in addition to identifying the physical location of the meeting, provide the information
27 necessary for electronic access, and shall provide a mechanism for the public to alert to the public
28 body during the meeting if there are problems with electronic access and it has been determined that
29 the problem exists with the host. If the public body is notified during the meeting that the public is
30 unable to gain electronic access, the meeting shall be adjourned until the public is able to access the

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1 meeting. Meetings under this paragraph shall not circumvent the spirit and purpose of this chapter
2 as expressed in RSA 91-A:1.

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

6 2 Effective Date. This act shall take effect 60 days after its passage.