

LEGISLATIVE COMMITTEE MINUTES

HB232

Bill as
Introduced

HB 232 - AS INTRODUCED

2021 SESSION

21-0276
05/10

HOUSE BILL **232**

AN ACT relative to nonpublic sessions under the right to know law.

SPONSORS: Rep. Hough, Belk. 3; Rep. Comtois, Belk. 7; Rep. O'Hara, Belk. 9; Rep. Binford, Graf. 15; Rep. Johnson, Belk. 3; Rep. Bordes, Belk. 3; Rep. Baldasaro, Rock. 5; Rep. Sylvia, Belk. 6; Rep. Trottier, Belk. 6

COMMITTEE: Judiciary

ANALYSIS

This bill permits nonpublic sessions under RSA 91-A for consideration of the amount paid, offered, or accepted for the sale or lease of property. Nonpublic sessions would not be permitted for general discussions of whether to proceed with the sale or lease.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to nonpublic sessions under the right to know law.

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

1 1 Access to Governmental Records and Meetings; Nonpublic Sessions; When Permitted. Amend
2 RSA 91-A:3, II(d) to read as follows:

3 (d) Consideration of the ***amount paid, offered, or accepted for the*** acquisition, sale,
4 or lease of real or personal property which, if discussed in public, would likely benefit a party or
5 parties whose interests are adverse to those of the general community. ***This subparagraph shall***
6 ***not apply to a general discussion or deliberation as to whether to proceed with an***
7 ***acquisition, sale, or lease of real or personal property.***

8 2 Effective Date. This act shall take effect 30 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: May 6, 2021

HEARINGS

Tuesday		05/11/2021
(Day)		(Date)
Judiciary	REMOTE	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	HB 539	relative to records of communications common carriers.
1:15 p.m.	HB 566	relative to the discussion and disclosure of minutes from a nonpublic session under the right-to-know law.
1:30 p.m.	HB 232	relative to nonpublic sessions under the right to know law.
1:45 p.m.	HB 236	creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances.
2:00 p.m.	HB 440	prohibiting the suspension of civil liberties during a state of emergency.
2:15 p.m.	HB 542	relative to the protection of religious liberty.

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/92583269385>
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: +13017158592,,92583269385# or +13126266799,,92583269385#
4. Webinar ID: [925 8326 9385](https://www.zoom.us/j/92583269385)
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:

HB 539

Rep. Yokela

HB 566

Rep. Yokela

HB 232

Rep. Hough

Rep. Johnson

Rep. Trotter

HB 236

Rep. Vail

Rep. Mooney

Sen. Perkins Kwoka

HB 440

Rep. Kofalt

Rep. Homola

HB 542

Rep. Ammon

Rep. Yakubovich

Rep. Comtois

Rep. Bordes

Rep. Mullen

Rep. Labranche

Rep. Ammon

Rep. Kofalt

Rep. O'Hara

Rep. Baldasaro

Rep. M. Murray

Rep. Healey

Rep. Nunez

Rep. O'Hara

Rep. Binford

Rep. Sylvia

Rep. Chase

Rep. Meuse

Sen. Avard

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-7875

HB 232, relative to nonpublic sessions under the right to know law.

Hearing Date: May 11, 2021

Time Opened: 1:37 p.m.

Time Closed: 1:49 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill permits nonpublic sessions under RSA 91-A for consideration of the amount paid, offered, or accepted for the sale or lease of property. Nonpublic sessions would not be permitted for general discussions of whether to proceed with the sale or lease.

Sponsors:

Rep. Hough

Rep. Comtois

Rep. O'Hara

Rep. Binford

Rep. Johnson

Rep. Bordes

Rep. Baldasaro

Rep. Sylvia

Rep. Trottier

Who supports the bill: David Saad, RTKNH; Alexandra Mennella; Alvin See; Nicholas Thomas, Nicholas; Deborah Sumner

Who opposes the bill: Natch Greyes, New Hampshire Municipal Association; Barrett Christina, New Hampshire School Boards Association; Dave Caron, Town of Derry

Summary of testimony presented in support:

Representative Hough

- The genesis of this bill came from when his city council, along with the city manager, purchased a property in town for \$1.2 million and the only reason it was discovered was because someone saw it in the registry of deeds.
- The city council said the reason they could do this was because of RSA 91-A.
- RSA 91-A:3 (d) states 'Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.'
- In RSA 91-A the word 'consideration' is used nine times; eight of those times the word is used in the typical sense of the word.
- In section (d) it is used in an entirely different meaning.

- 'Consideration' in real estate means money/payment.
- This bill will no longer allow public bodies to go behind closed doors to discuss the idea of purchasing property.
- This bill still allows bodies to go behind closed doors to discuss price and availability behind closed doors.
- The preamble to RSA91-A reads 'Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.'
- Anyone can make an offer on anything at any time; it is up to the buyer and seller to agree to it.
- If a city wants to make an offer, they can discuss it behind closed doors and make the offer behind closed doors.
- People cannot make an outlandish offer to jack the price up, because if the offer is not submitted in writing without consideration, it is not a valid offer.
- Senator French asked if access to governmental meetings covers nonpublic sessions.
 - Correct.
- Senator French asked if this allows the bodies to discuss the amount they are going to offer in nonpublic.
 - Correct.

Summary of testimony presented in opposition:

Natch Greyes (Municipal Association)

- This creates a hole in the real estate transaction provision of the nonpublic session statute.
- A board can currently enter nonpublic session to discuss the buying of a piece of property for the new town hall and discuss the amount the body is willing to pay up to and authorize a party to negotiate that purchase.
- If the body tells everyone in town how much they are willing to pay, suddenly all the parcels will be listed at that price.
- This bill changes the statute to say the consideration of the amount paid, offered, or accepted, is what can be done in nonpublic session.
- That would not include the amount the body is willing to pay or sell a property for.
- This would require bodies to disclose their minimum or maximum price.
- This defeats the ability of the market to value the property and the purpose of the exemption.

Speakers

Senate Remote Testify

Judiciary Committee Testify List for Bill HB232 on 2021-05-11

Support: 5 Oppose: 3 Neutral: 0 Total to Testify: 1

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Greyes, Natch	ngreyes@nhmunicipal.org	Not Given	A Lobbyist	New Hampshire Municipal Association	Oppose	Yes	5/7/2021 2:03 PM
saad, david	david1@infonetics-usa.com	508.641.7351	A Member of the Public	RTKNH	Support	No	5/10/2021 12:29 PM
Mennella, Alexandra	am88@fastmail.com	646.610.9858	A Member of the Public	Myself	Support	No	5/10/2021 5:14 PM
Christina, Barrett M.	Not Given	Not Given	A Lobbyist	New Hampshire School Boards Association	Oppose	No	5/10/2021 9:36 PM
See, Alvin	absee@4Liberty.net	Not Given	A Member of the Public	Myself	Support	No	5/10/2021 10:52 PM
Thomas, Nicholas	nicholas.w.thomas@uconn.edu	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 2:51 AM
Sumner, Deborah	dsumner@myfairpoint.net	Not Given	A Member of the Public	Myself	Support	No	5/11/2021 10:15 AM
Caron, Dave	dcaron@derrynh.org	Not Given	A Member of the Public	Town of Derry	Oppose	No	5/11/2021 10:31 AM

Testimony



David R. Caron
Town Administrator
dcaron@derrynh.org

May 11, 2021

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

RE: HB 232
By email to Committee Members

Dear Chair Carson and members of the Senate Judiciary Committee,

I appreciate the opportunity to voice my opposition to HB 232 as the bill is currently written. There are few opportunities to enter Non-Public Session pursuant to the Right-to-Know Law, as both local and state governments in New Hampshire strive to maintain accessibility and transparency. One of the current exemptions, the ability to consider the acquisition, sale or lease of real or personal property, has served our citizens well and has allowed public bodies to conduct its business as directed by the Legislative Body in the most efficient and cost-effective method possible.

The proposed language in the bill is confusing to me and I suspect others and warrants clarification. If the intent of the bill is to require that any binding offers or execution of a purchase and sales agreement be made by the Governing Body in open session, then the intent should be made clear. Our understanding of the law is that this public process is currently required, and one which we follow. Rewriting the proposed amendment to clearly state this intent would suffice.

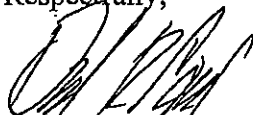
My concern with the current language is its interpretation. The language could be construed that a public body could only enter non-public session after it has had a public discussion on the desirability to acquire a specific property and has agreed to proceed with acquisition. This interpretation is fraught with risks:

- 1) The mere discussion along with the attendant benefits of acquisition oftentimes results in a higher asking price, which is contrary to the public good.
- 2) During these public discussions, a seller may better understand the motivations of the buyer which may have not been considered by the seller, again potentially leading to higher costs.

- 3) Due process in government takes time; it has occurred in New Hampshire that a third party has learned of a potential acquisition by a unit of government and has taken advantage of that due process period by purchasing the property.
- 4) My main concern is the attempt to separate discussions regarding the advisability of acquisition versus negotiations – these activities are inextricably linked. As a public body considers price, the discussion invariably winds back to the advantages of acquisition, with additional discussion on cost and benefits. As we have all learned, plaintiffs who disagree with a lawful action resort to attacking the process; this language as proposed is ripe for conflict.

Again, thank you for the opportunity to offer comment on HB 232 and I urge the Committee to either clarify and reaffirm that a public vote is necessary to bind the unit of government when acquiring property or vote to not support this bill.

Respectfully,



David R. Caron
Town Administrator

Jennifer Horgan

From: Gregg Hough <gregghough2020@gmail.com>
Sent: Wednesday, May 12, 2021 8:35 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB232 OTP

Madame Chair and members of the Committee,

Thank you for your service to people of New Hampshire. I appreciate your attention to HB232 under the right to know law, and I ask you find it OTP.

Regards,

Representative Gregg Hough
Belknap County District 3, Laconia NH
Labor, Industrial and Rehabilitative Services

Jennifer Horgan

From: Gregg Hough <gregghough2020@gmail.com>
Sent: Tuesday, April 20, 2021 7:52 AM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB232 Right to Know

Greetings Senate Judiciary Committee Members,

I am aware of your committee load so I will be brief. HB232 is a simple, clean, constitutional bill that lends much needed transparency to protect taxpayers from being kept in the dark as to what their government is purchasing with taxpayer dollars. It is part of 91a the right to know RSA. It passed the House Judiciary committee with OTP, it passed the House Floor with OTP and I ask that you support HB232 also with an OTP recommendation from the Senate Judiciary Committee to the Senate body.

I look forward to introducing HB232 to you and answering and questions you may have.

Thank you for your consideration in this matter.

Regards,

Representative Gregg Hough
Belknap County District 3, Laconia NH
Labor, Industrial and Rehabilitative Services Committee

Regarding HB 232.

Relative to nonpublic sessions under the right to know law.

Constitutional requirement

New Hampshire:

[Art.] 8. [Accountability of Magistrates and Officers; Public's Right to Know.] All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted. The public also has a right to an orderly, lawful, and accountable government. Therefore, any individual taxpayer eligible to vote in the State, shall have standing to petition the Superior Court to declare whether the State or political subdivision in which the taxpayer resides has spent, or has approved spending, public funds in violation of a law, ordinance, or constitutional provision. In such a case, the taxpayer shall not have to demonstrate that his or her personal rights were impaired or prejudiced beyond his or her status as a taxpayer. However, this right shall not apply when the challenged governmental action is the subject of a judicial or administrative decision from which there is a right of appeal by statute or otherwise by the parties to that proceeding.

June 2, 1784

Amended 1976 by providing right of access to governmental proceedings and records.

Amended 2018 by providing that taxpayers have standing to bring actions against the government

RSA Compliant

TITLE VI

PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A

ACCESS TO GOVERNMENTAL RECORDS AND MEETINGS

91-A:1 Preamble. – Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

Source. 1967, 251:1. 1971, 327:1. 1977, 540:1, eff. Sept. 13, 1977.

Section 91-A:3

91-A:3 Nonpublic Sessions.

I. (a) Public bodies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II. No session at which evidence, information, or testimony in any form is received shall be closed to the public, except as provided in paragraph II. No public body may enter nonpublic session, except pursuant to a motion properly made and seconded.

(b) Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session. The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present.

(c) All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion.

II. Only the following matters shall be considered or acted upon in nonpublic session:

(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

(d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

(f) Consideration of applications by the adult parole board under RSA 651-A.

(g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county or state correctional facilities by county correctional superintendents or the commissioner of the department of corrections, or their designees.

(h) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.

(i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.

(j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.

(k) Consideration by a school board of entering into a student or pupil tuition contract authorized by RSA 194 or RSA 195-A, which, if discussed in public, would likely benefit a party or parties

whose interests are adverse to those of the general public or the school district that is considering a contract, including any meeting between the school boards, or committees thereof, involved in the negotiations. A contract negotiated by a school board shall be made public prior to its consideration for approval by a school district, together with minutes of all meetings held in nonpublic session, any proposals or records related to the contract, and any proposal or records involving a school district that did not become a party to the contract, shall be made public. Approval of a contract by a school district shall occur only at a meeting open to the public at which, or after which, the public has had an opportunity to participate.

(I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

Source. 1967, 251:1. 1969, 482:2. 1971, 327:3. 1977, 540:4. 1983, 184:1. 1986, 83:4. 1991, 217:3. 1992, 34:1, 2. 1993, 46:1; 335:16. 2002, 222:2, 3. 2004, 42:1. 2008, 303:4. 2010, 206:1, eff. June 22, 2010. 2015, 19:1; 49:1; 105:1, eff. Jan. 1, 2016; 270:2, eff. Sept. 1, 2015. 2016, 30:1, eff. Jan. 1, 2017; 280:1, eff. June 21, 2016.

United States Constitution:

Amendment X in the Bill of Rights

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Freedom of information Act.

<https://www.foia.gov/foia-statute.html>

Links to Local New Paper covering the “xyz” event in Laconia.

https://www.laoniadailysun.com/news/local/city-council-decided-to-spend-more-than-1m-in-public-funds-with-no-public-input/article_08ea5548-e64c-11ea-b834-976765695e80.html

https://www.laoniadailysun.com/news/local/city-manager-warned-council-not-to-discuss-xyz-bond-for-church-property/article_973ddb40-eeed-11ea-b619-9bd8af69680d.html

https://www.laoniadailysun.com/news/local/bill-would-ban-secret-city-deals/article_19864164-545b-11eb-9b26-1f6256cfa3f6.html

This one was a prior incident using the same process.

https://www.laoniadailysun.com/opinion/letters-to-editor/thomas-a-tardif-city-just-voted-to-buy-land-it-actually-paid-for-1-1/article_0c3f95a8-ccf9-11ea-bacc-eb5e061da7c3.html

Thank you, Madame Chair and members of the Senate Judiciary Committee for your Considerations on HB232.

Representative Gregg Hough

Belknap County District 3, Laconia.

Labor, Industrial and Rehabilitative Services Committee

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB232

Hearing date: _____

Executive Session date: _____

Motion of: Re-Refer Vote: 5-0

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input 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"/>

Reported out by: French

Notes: _____

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB 232

Hearing date: _____

Executive Session date: _____

Motion of: ITL Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input 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 Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: IS Vote: 5-0

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

Motion of: consent Vote: 5-0

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

Reported out by: Whitley

Notes: complicated laws 91-A, loophole on real estate transaction needs to be looked at more closely, one side advantage problematic

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, May 25, 2021

THE COMMITTEE ON Judiciary

to which was referred **HB 232**

AN ACT

relative to nonpublic sessions under the right to
know law.

Having considered the same, the committee recommends that the Bill

BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 5-0

Senator Harold French
For the Committee

This bill would permit nonpublic sessions under RSA 91-A for the consideration of the amount paid, offered, or accepted for the sale or lease of property, but nonpublic sessions would not be permitted for general discussions of whether to proceed with the sale or lease. The Committee would like to take some more time to understand the ramifications of this legislation and therefore asks for support of the motion of Re-Refer to Committee.

Jennifer Horgan 271-7875

FOR THE CONSENT CALENDAR

JUDICIARY

HB 232, relative to nonpublic sessions under the right to know law.

Re-refer to Committee, Vote 5-0.

Senator Harold French for the committee.

This bill would permit nonpublic sessions under RSA 91-A for the consideration of the amount paid, offered, or accepted for the sale or lease of property, but nonpublic sessions would not be permitted for general discussions of whether to proceed with the sale or lease. The Committee would like to take some more time to understand the ramifications of this legislation and therefore asks for support of the motion of Re-Refer to Committee.

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, December 15, 2021

THE COMMITTEE ON Judiciary

to which was referred **HB 232**

AN ACT

relative to nonpublic sessions under the right to
know law.

Having considered the same, the committee recommends that the Bill

BE REFERRED TO INTERIM STUDY

BY A VOTE OF: 5-0

Senator Rebecca Whitley
For the Committee

This bill would permit nonpublic sessions under RSA 91-A for consideration of the amount paid, offered, or accepted for the sale or lease of property. Under this bill, nonpublic sessions would not be permitted for general discussions of whether to proceed with the sale or lease. RSA 91-A is a complicated area of law, and the Committee recommends the bill be referred to Interim Study in order to ensure that unintended loopholes are not created when addressing this issue.

Jennifer Horgan 271-7875

FOR THE CONSENT CALENDAR

JUDICIARY

HB 232, relative to nonpublic sessions under the right to know law.

Interim Study, Vote 5-0.

Senator Rebecca Whitley for the committee.

This bill would permit nonpublic sessions under RSA 91-A for consideration of the amount paid, offered, or accepted for the sale or lease of property. Under this bill, nonpublic sessions would not be permitted for general discussions of whether to proceed with the sale or lease. RSA 91-A is a complicated area of law, and the Committee recommends the bill be referred to Interim Study in order to ensure that unintended loopholes are not created when addressing this issue.

HB232

Bill Details

Title: relative to nonpublic sessions under the right to know law.

Sponsors: (Prime) Hough (R), Comtois (R), O'Hara (R), Binford (R), Johnson (R), Bordes (R), Baldasaro (R), Sylvia (R), Trottier (R)

LSR Number: **21-0276**

General Status: **SENATE**

House:

Committee: Judiciary

Due Out: 4/1/2021

Status: PASSED/ADOPTED

Senate:

Committee: Judiciary

Floor Date: 1/5/2022

Status: INTERIM STUDY

Bill Docket

Body	Description
H	Introduced (in recess of) 01/06/2021 and referred to Judiciary <u>HJ 2 P. 40</u>
H	Public Hearing: 01/26/2021 02:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/94597513398 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
H	Executive Session: 03/10/2021 09:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95164452682
H	Majority Committee Report: Ought to Pass (Vote 11-10; RC) <u>HC 18 P. 51</u>
H	Minority Committee Report: Inexpedient to Legislate
H	Ought to Pass: MA RC 183-164 04/08/2021 <u>HJ 6 P. 104</u>
S	Introduced 04/08/2021 and Referred to Judiciary; <u>SJ 12</u>
S	Remote Hearing: 05/11/2021, 01:30 pm; Links to join the hearing can be found in the Senate Calendar; <u>SC 23</u>
S	Committee Report: Rereferred to Committee, 05/27/2021; Vote 5-0; CC; <u>SC 25A</u>
S	Rereferred to Committee, MA, VV; 05/27/2021; <u>SJ 17</u>
S	Committee Report: Referred to Interim Study, 01/05/2022; Vote 5-0; CC; <u>SC 49</u> .
S	Refer to Interim Study, MA, VV; 01/05/2022; <u>SJ 1</u>

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB232

Senate Committee: Judicial

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 # ___ ___ - amendment # ___

___ - amendment # ___ ___ - 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)

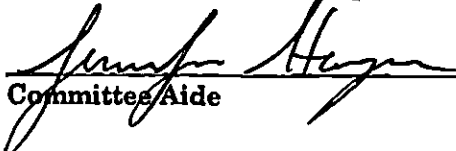
___ Governor's Veto Message

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:


Committee Aide

8/12/22
Date

Senate Clerk's Office AK