

LEGISLATIVE COMMITTEE MINUTES

**SB344**

Bill as  
Introduced

SB 344 - AS INTRODUCED

2022 SESSION

22-3101

07/10

SENATE BILL **344**

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

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

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ANALYSIS

This bill removes the physical presence quorum requirement for meetings under RSA 91-A.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

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

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

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

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

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

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

26            ~~[(d)]~~ (c) 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.

SB 344 - AS INTRODUCED

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

4            2 Effective Date. This act shall take effect 60 days after its passage.

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

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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

**SB 344 - AS AMENDED BY THE SENATE**

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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.



# Amendments

Sen. Daniels, Dist 11  
March 16, 2022  
2022-1135s  
07/08

Floor Amendment to SB 344

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

2

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

5

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

7

8 1 Access to Governmental Records and Meetings; Meetings Open to the Public; Physical  
9 Quorum Requirements Removed. Amend RSA 91-A:2, III to read as follows:

10 III. ~~[A public body]~~ **Political subdivisions of the state** may, but ~~[is]~~ **are** not required to,  
11 **enact regulations by vote of the local or county legislative body** to allow one or more members  
12 of ~~[the]~~ **a public** body to participate in a meeting by electronic or other means of communication for  
13 the benefit of the public and the governing body, subject to the provisions of this paragraph.  
14 **Nothing in this paragraph shall apply to the general court.**

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

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

26 ~~[(e)]~~ **(b)** Each part of a meeting required to be open to the public shall be audible or  
27 otherwise discernable to the public at ~~[the]~~ **a physical and electronic** location specified in the  
28 meeting notice as the location of the meeting **with at least 2 members present in person at the**  
29 **physical location.** Each member participating electronically or otherwise must be able to  
30 simultaneously hear each other and speak to each other during the meeting, **shall, in the case of**  
31 **video participation, have their video on and displaying the member's face,** and shall be  
32 audible or otherwise discernable to the public in attendance at the meeting's location. Any member

Floor Amendment to SB 344

- Page 2 -

1 participating in such fashion shall identify the persons present in the location from which the  
2 member is participating. No meeting shall be conducted by electronic mail or any other form of  
3 communication that does not permit the public to hear, read, or otherwise discern meeting  
4 discussion contemporaneously at the meeting location specified in the meeting notice.

5           ~~[(d)]~~ (c) Any meeting held pursuant to the terms of this paragraph shall comply with all  
6 of the requirements of this chapter relating to public meetings, ***shall provide a mechanism for***  
7 ***the public to alert the public body during the meeting if there are problems with access,***  
8 ***electronically or otherwise, shall be adjourned until the public is able to access the***  
9 ***meeting, electronically or otherwise,*** and shall not circumvent the spirit and purpose of this  
10 chapter as expressed in RSA 91-A:1.

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

14           2 Effective Date. This act shall take effect 60 days after its passage.

**Floor Amendment to SB 344**  
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2022-1135s

**AMENDED ANALYSIS**

This bill removes the physical presence quorum requirement for meetings and establishes requirements for electronic participation in meetings of a public body under RSA 91-A.

Sen. Perkins Kwoka, Dist 21  
Sen. Daniels, Dist 11  
March 31, 2022  
2022-1301s  
07/04

Floor Amendment to SB 344

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

2

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

5

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

7

8 1 New Paragraph; Access to Governmental Records and Meetings; Electronic Participation.

9 Amend RSA 91-A:2 by inserting after paragraph III the following new paragraph:

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

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

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

1           (c) Public access to the meeting by electronic means shall be provided. The notice of the  
2 meeting shall, in addition to identifying the physical location of the meeting, provide the information  
3 necessary for electronic access, and shall provide a mechanism for the public to alert to the public  
4 body during the meeting if there are problems with electronic access and it has been determined that  
5 the problem exists with the host. If the public body is notified during the meeting that the public is  
6 unable to gain electronic access, the meeting shall be adjourned until the public is able to access the  
7 meeting. Meetings under this paragraph shall not circumvent the spirit and purpose of this chapter  
8 as expressed in RSA 91-A:1.

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

12           2 Effective Date. This act shall take effect 60 days after its passage.

**Floor Amendment to SB 344**  
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2022-1301s

**AMENDED ANALYSIS**

This bill establishes requirements for electronic participation in meetings of a public body under RSA 91-A.

# 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 13, 2022

### HEARINGS

|                         | Tuesday   | 01/25/2022 |
|-------------------------|---|------------|
|                         | (Day)   | (Date)     |
| Judiciary               | State House 100   | 1:00 p.m.  |
| (Name of Committee)     | (Place)   | (Time)     |
| 1:00 p.m. <b>SB 336</b> | relative to family mediator interns.  |            |
| 1:15 p.m. <b>SB 339</b> | relative to meetings of boards and commissions in the department of safety.                     |            |
| 1:30 p.m. <b>SB 322</b> | relative to remote meetings under the right-to-know law.  |            |
| 1:45 p.m. <b>SB 342</b> | relative to the minutes of nonpublic sessions under the right to know law.                      |            |
| 2:00 p.m. <b>SB 344</b> | relative to the quorum requirements under the right to know law of meetings open to the public. |            |

#### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**SB 336**

|               |              |                |              |
|---------------|--------------|----------------|--------------|
| Sen. Prentiss | Sen. Watters | Sen. Whitley   | Sen. Soucy   |
| Sen. Gannon   | Sen. Kahn    | Sen. Cavanaugh | Sen. Sherman |
| Rep. Nordgren | Rep. Gordon  |                |              |

**SB 339**

|                |                    |                |              |
|----------------|--------------------|----------------|--------------|
| Sen. Prentiss  | Sen. Watters       | Sen. Whitley   | Sen. Soucy   |
| Sen. Kahn      | Sen. Cavanaugh     | Sen. Hennessey | Sen. Sherman |
| Sen. Rosenwald | Sen. Perkins Kwoka |                |              |

**SB 322**

|                    |                |                |              |
|--------------------|----------------|----------------|--------------|
| Sen. Perkins Kwoka | Sen. Watters   | Sen. Rosenwald | Sen. Soucy   |
| Sen. Whitley       | Sen. Cavanaugh | Sen. Sherman   | Sen. Daniels |
| Sen. Prentiss      | Rep. Vann      | Rep. Dolan     | Rep. Espitia |

**SB 342**

|              |             |
|--------------|-------------|
| Sen. Daniels | Rep. Kofalt |
|--------------|-------------|

**SB 344**

|              |                |                |                    |
|--------------|----------------|----------------|--------------------|
| Sen. Daniels | Sen. Hennessey | Sen. Cavanaugh | Sen. Perkins Kwoka |
| Rep. Long    | Rep. Eaton     | Rep. Egan      |                    |

Jennifer Horgan 271-7875

Sharon M Carson  
Chairman

**Senate Judiciary Committee**  
*Jennifer Horgan 271-7875*

**SB 344**, relative to the quorum requirements under the right to know law of meetings open to the public.

**Hearing Date:** January 25, 2022

**Time Opened:** 2:54 p.m.

**Time Closed:** 3:11 p.m.

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

**Members of the Committee Absent :** Senator Kahn

**Bill Analysis:** This bill removes the physical presence quorum requirement for meetings under RSA 91-A.

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**Sponsors:**

Sen. Daniels

Sen. Hennessey

Sen. Cavanaugh

Sen. Perkins Kwoka

Rep. Long

Rep. Eaton

Rep. Egan

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**Who supports the bill:** Senator Daniels; Senator Cavanaugh; Senator Watters; Senator Sherman; Hon. Polly Campion, State Commission on Aging; Asst. Mayor Clifton Below, CPCNH; Natch Greyes, Municipal Association; Kate Horgan, NHAC; Mary Sargent; Candace Dochstader; Kristen Kelley

**Who opposes the bill:** Laurie Ortolano, RTKNH

**Summary of testimony presented in support:**

**Senator Daniels** (provided written testimony)

- This bill authorizes municipal bodies to have non-emergency virtual meetings.
- When remote meetings were taking place during the pandemic, the public became more involved in attending.
- Has served 19 years on the Milford Board of Selectmen, and during that they have rarely had more than five members of the public attend a regularly scheduled meeting.
- During virtual meetings, the Board regularly had 40-50 members of the public tuning in.
- Virtual school board meeting participation was even higher, far exceeding what they were in person.

- The Governor's Executive Order allowed for boards to meet virtually without a physical quorum present in the same location.
- When the Executive Order expired, they lost the ability to continue to hold virtual meetings.
- Currently, the statute only allows municipalities to have virtual meetings without a quorum present in the same place in cases of emergency.
- This bill would allow a governing body to place public disclosure and participation at a higher level of importance and authorize the body to conduct virtual meetings without the need for an emergency or an in-person quorum in the same place.
- This benefits the governing body by not having to reschedule if the majority of the board cannot find the ability to be in the same place.
- This benefits the public by enabling them to keep current with local government proceedings from the comfort of their homes, and allowing them to provide input, ask questions, and otherwise participate in those meetings.
- This is a win-win for public officials and the voting public.
- Senator Whitley asked how this bill fits in with SB322.
  - This bill takes it a little step further. In SB322, noticed that even if you had virtual meetings, one person had to go to a particular location. In the middle of the ice storm does not think that is the thing to ask our board members to do. There is also a clause at the end of SB322 that distracts from the open meeting concept we are trying to focus on.

**Honorable Polly Champion (State Commission on Aging)**

- Reiterates testimony from SB322.
- The Commission has managed to sort out the technology to allow members of the public to participate virtually.
- Believes the Committee received testimony from the NH Nurses Association.
- They also support this because the nurses, who have been the backbone of this state and our ability to survive during the pandemic, continue to want to be involved in the process but committees all occur during the middle of a workday.
- That makes it almost impossible for them to participate.
- Being able to testify virtually would allow them the opportunity to be a part of the process.

**Assistant Mayor Clifton Below (Community Power Coalition of NH) (provided written testimony)**

- The Coalition is a governmental instrumentality subject to 91-A and the quorum requirement.
- The Coalition has 18 members: three cities, 14 municipalities and one county.
- Most of the board members are volunteers.
- Finding there are a lot of people who want to do the work of the Coalition but it is real challenge to meet the in-person quorum requirement because the members are spread across the state.

- Under the current law, a committee of eight people would require five to come together in person.
- This means members are spending more time driving to the meeting than they are in attendance of the meeting.
- This is not a good use of time and thinks it will wear down the volunteer base.
- Believes this bill will greatly improve efficiency and productivity.
- Senator Carson asked how he feels about SB322.
  - Supports that as well but prefers this bill. When the Coalition was working on draft organizational documents, they set the board quorum at  $\frac{1}{4}$ , which is not bad with 16 members because only one member would really have to drive a distance. With the smaller committees it is a challenge to get the quorum. Does not have a problem with requiring at least one person be at a location. The Coalition had very good technology during the Executive Order, which did allow for a lot more participation. Currently, the Coalition continues to allow observation and participation from the public remotely. However, some town halls and other meeting locations don't have those technologies in place. The in-person quorum requirement has meant we have to shut down public access unless the public drives to Pembroke. Has no problem with a provision to require the public to be allowed to participate remotely. The intent is to be open and transparent but also productive. Also, there is a provision in existing law that says, "Any member participating in such fashion shall identify the persons present in the location from which the member is participating." Tried to do that during the pandemic, but it never really worked, and it never got recorded in the minutes. Thinks this was from a time when there were not video capabilities and there were concerns about someone hidden in the room asserting undue influence. Would suggest that could be taken out.

**Natch Greys (NH Municipal Association)**

- Reiterates his testimony from SB322.
- The experiences of Senator Daniels and Asst. Mayor Below are not unique in terms of public participation and access.
- Heard from dozens of municipalities with the same type of experiences.
- Senator Carson asked if he believes the location identification aspect should be taken out.
  - Thinks it should be.

**Kate Horgan (NH Association of Counties)**

- Supports the bill and assisted on its construction.
- Reiterates testimony from SB322
- In her eight years with the Association, the only time they have had public participation was when there was a remote option.
- Senator Carson asked if she believes the location identification aspect should be taken out.

- Thinks it should be.

**Summary of testimony presented in opposition:**

None

jch

Date Hearing Report completed: January 26, 2022

# Speakers



# Senate Remote Testify

## Judiciary Committee Testify List for Bill SB344 on 2022-01-25

Support: 56    Oppose: 4

| <u>Name</u>                    | <u>Title</u>           | <u>Representing</u>                        | <u>Position</u> |
|--------------------------------|------------------------|--|-----------------|
| Lentz, Colin                   | State Agency Staff     | Strafford Regional Planning Commission     | Neutral         |
| Kudlik, Cindy                  | An Elected Official    | Myself                                     | Oppose          |
| Howland, Curtis                | A Member of the Public | Myself                                     | Oppose          |
| Domenico, William              | A Member of the Public | Myself                                     | Oppose          |
| Ferrantello, Anthony           | A Member of the Public | Myself                                     | Oppose          |
| Cavanaugh, Senator Kevin       | An Elected Official    | Myself                                     | Support         |
| Perkins Kwoka, Senator Rebecca | An Elected Official    | Myself                                     | Support         |
| Hennessey, Sen. Erin           | An Elected Official    | Myself                                     | Support         |
| Topham, Dave                   | A Member of the Public | Myself                                     | Support         |
| Fenner-Lukaitis, Elizabeth     | A Member of the Public | Myself                                     | Support         |
| Bates, David                   | A Member of the Public | Myself                                     | Support         |
| O'Neill, Kevin                 | A Member of the Public | Myself                                     | Support         |
| O'Neill, Nan                   | A Member of the Public | Myself                                     | Support         |
| Mulholland, Shaun              | A Member of the Public | City of Lebanon                            | Support         |
| Manseau, Joline                | A Member of the Public | Myself                                     | Support         |
| Emus, Joanne                   | A Member of the Public | Myself                                     | Support         |
| Coon, Kate                     | A Member of the Public | Myself                                     | Support         |
| Foley, Joseph                  | A Member of the Public | Lamprey River (Local) Advisory Committee   | Support         |
| Deschaine, Paul                | A Member of the Public | Myself                                     | Support         |
| Rhoades, Chuck                 | A Member of the Public | Myself                                     | Support         |
| Golding, Samuel                | A Member of the Public | Myself                                     | Support         |
| Dargie, Paul                   | An Elected Official    | Myself                                     | Support         |
| Lucas, Janet                   | A Member of the Public | Myself                                     | Support         |
| Hirai, Barbara                 | A Member of the Public | Myself                                     | Support         |
| Oxenham, Evan                  | A Member of the Public | Myself                                     | Support         |
| Campbell, Karen                | A Member of the Public | Myself                                     | Support         |
| Sweet, Lisa                    | A Member of the Public | Myself                                     | Support         |
| Miller, Matthew                | A Member of the Public | Myself                                     | Support         |
| Hodson, Andrea                 | An Elected Official    | Town of Harrisville                        | Support         |
| LaMois, Leslie                 | A Member of the Public | Myself, Member of a Town Committee         | Support         |
| Courtney, Jo-Ellen             | A Member of the Public | Myself                                     | Support         |
| Drachman, Dori                 | A Member of the Public | Myself                                     | Support         |
| Jodoin, David                  | A Member of the Public | Myself                                     | Support         |
| Putnam, Craig                  | A Member of the Public | Myself                                     | Support         |
| hatch, sally                   | A Member of the Public | Myself                                     | Support         |
| Hennessey, Sen Erin            | An Elected Official    | Myself                                     | Support         |
| kalet, howard                  | A Member of the Public | Myself                                     | Support         |
| Berner, Roberta                | A Member of the Public | Myself                                     | Support         |
| Hamon, Kathleen                | A Member of the Public | Myself                                     | Support         |
| Hulbert, Edward                | A Member of the Public | Myself                                     | Support         |
| Smith, Jennifer                | A Member of the Public | Myself                                     | Support         |
| Looney, Paul                   | A Member of the Public | Myself                                     | Support         |
| Berry, Jake                    | A Lobbyist             | New Futures                                | Support         |
| Fraysse, Michael               | A Member of the Public | Myself                                     | Support         |
| Balch, Nathaniel               | A Member of the Public | Community Power Coalition of New Hampshire | Support         |
| St Laurent, Kristi             | A Member of the Public | Myself                                     | Support         |
| Messner, Katherine             | A Member of the Public | Myself                                     | Support         |



|                                  |                        |   |         |
|----------------------------------|------------------------|---|---------|
| weeks, janet                     | State Agency Staff     | Myself  | Support |
| Richter, Barbara                 | A Lobbyist             | NHACC- New Hampshire Assoc. of Conservation Commissions | Support |
| Buxton, Susan                    | State Agency Staff     | Myself  | Support |
| Wengenroth, Richard              | A Member of the Public | Myself  | Support |
| Raff, Alan                       | A Member of the Public | Myself  | Support |
| Catt, Carol                      | A Member of the Public | Myself  | Support |
| Dunham, Bonnie                   | A Member of the Public | Myself  | Support |
| Griffin, Julia                   | A Member of the Public | Town of Hanover   | Support |
| Clark, Terry                     | An Elected Official    | Cheshire County Board of Commissioners                  | Support |
| Egan, Timothy                    | An Elected Official    | Grafton 2   | Support |
| Marks, Nisa                      | A Member of the Public | Myself  | Support |
| Tremblay, RMAC Chair, Michele L. | A Member of the Public | Rivers Management Advisory Committee                    | Support |
| Tentarelli, Liz                  | A Member of the Public | Myself  | Support |
| Anastasia, Patricia              | A Member of the Public | Myself  | Support |

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# Testimony



**COMMUNITY  
POWER COALITION**  
OF NEW HAMPSHIRE  
*For communities, by communities.*

**January 25, 2022**

Hon. Sharon Carson  
Chair, Judiciary Committee  
New Hampshire Senate  
107 North Main St.  
Concord, NH 03301

Dear Chair Carson and members of the Senate Judiciary Committee,

The Community Power Coalition of New Hampshire (CPCNH) strongly supports passage of Senate Bill 344.

- Our seventeen municipal members<sup>1</sup> – comprising 18% of the state population – are in the process of launching a competitive power agency, which was incorporated as a nonprofit government instrumentality operating under joint powers agreement pursuant to RSA 53-A and 53-E on October 1<sup>st</sup>, 2021.
- Designing and launching a power agency to supply electricity to over 100,000 customers requires substantial engagement and oversight on the part of our Board of Directors, Risk Management Committee, Finance Committee, and Member Operations & Engagement Committee.
- Current in-person quorum requirements for public meetings creates practical challenges for our members, many of whom are volunteers and represent communities across the state.
- The amendment to RSA 91-A:2, III proposed by SB 344 would allow for (1) more regular and expedient meetings and (2) more efficient conduct of our business.

Your support in expediting this critical legislation would be greatly appreciated.

## **Background & Market Context**

In 1996, New Hampshire led the nation in being the first state to pass an Electric Utility Restructuring Act ([RSA 374-F](#)).

Unfortunately, New Hampshire's competitive market has seen little growth since 2013. Four out of five customers remain on default service provided by the distribution utilities – Eversource, Unitil, Liberty Utilities and the N.H. Electric Cooperative – and the customers on competitive supply, mostly large C&I customers only account for about half of our total electricity usage.

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<sup>1</sup> CPCNH's current members are the cities of Lebanon, Nashua, and Dover, Cheshire County, and the towns of Durham, Enfield, Exeter, Hanover, Harrisville, Hudson, New London, Newmarket, Pembroke, Plainfield, Rye, Walpole, Warner, and Webster.





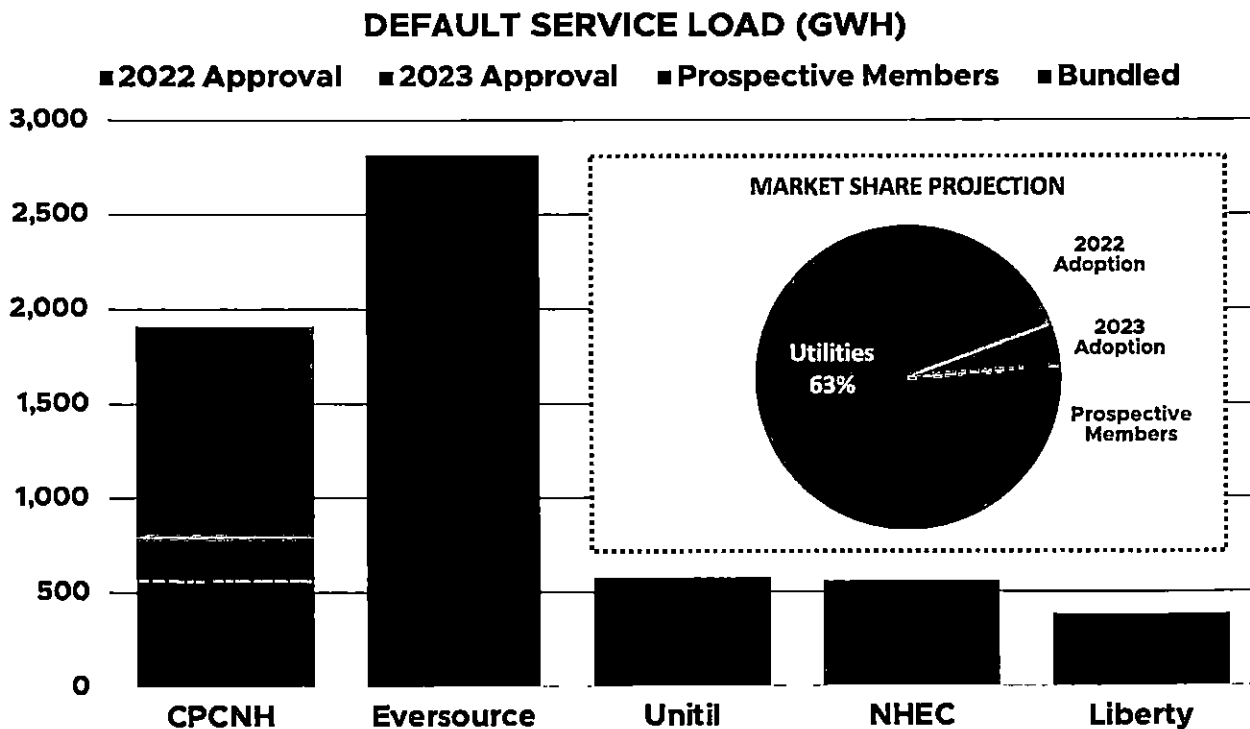
residents and businesses, particularly right now, given that utility supply rates have recently increased dramatically across the state: up 21% to 31% for Eversource and Liberty — and an astounding ~150% increase for customers taking supply from Unitil.

Consequently, in the recent article *"As Your Electric Bill Soars, Some Ideas for Fighting Back"*, the Consumer Advocate strongly encouraged voters across New Hampshire to "get your city or town to become a CPCNH municipality, and then work hard to launch these community power programs"

## The Community Power Coalition of New Hampshire

CPCNH was created to streamline the launch and operation of Community Power programs on a statewide basis. Our goal is to ensure that for every community, regardless of size or geographic location, will be able to benefit from sharing services and procuring electricity supply at an advantageous economy of scale.

- Our current membership consists of seventeen municipalities and one county, all of which are preparing to launch Community Power Aggregation programs in 2023 and 2024.
- More than 20 other local governments have already expressed interest in joining CPCNH.
- To put the scale of this competitive market transition in context, the graph below presents the estimated electricity usage that will be served CPCNH compared with the customers that would remain served by state's four distribution utilities (in gigawatt-hours, each of which is 1 million kilowatt-hours):





As a Joint Powers Agency, CPCNH is governed “for communities, by communities”.

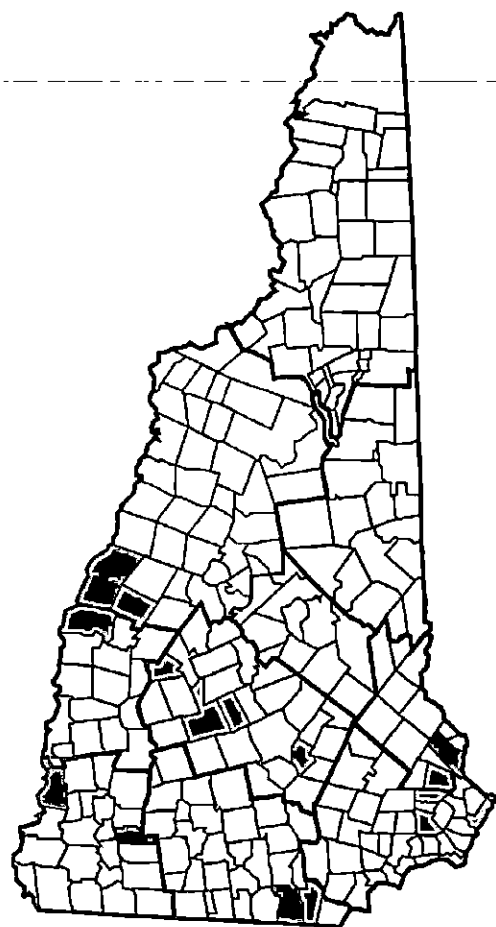
After incorporating last October, our Board moved quickly to:

- Elect officers and establish an Executive Committee, Finance Committee, Risk Management Committee, and Member Operations & Engagement Committee.
- Put in place the structures, protocols and work plans required to design and launch our competitive power agency.

Our meeting calendar is publicly noticed [online at CPCNH.org](http://CPCNH.org). In brief, CPCNH conducts its business through the following bodies:

- **Board of Directors:** monthly and as-needed meetings with 18 directors and up to 18 alternate directors, each of whom has been appointed by their respective town, city, or county governing body: the cities of Lebanon, Nashua, and Dover, Cheshire County, and the towns of Durham, Enfield, Exeter, Hanover, Harrisville, Hudson, New London, Newmarket, Pembroke, Plainfield, Rye, Walpole, Warner, and Webster.
- **Executive Committee:** bi-weekly and as-needed meetings of 5 members representing Hanover, Harrisville, Lebanon, Nashua and Plainfield.
- **Member Operations & Engagement Committee: 7** bi-weekly and as-needed meetings of 7 members representing Dover, Durham, Hanover, Pembroke, Rye and Walpole, with additional advisors based in Peterborough and Hanover.
- **Risk Management Committee:** bi-weekly and as-needed meetings of 8 members representing Dover, Enfield, Exeter, Hanover, Harrisville, Lebanon and Pembroke, with an additional advisor based in Concord.
- Additionally, both our **Regulatory & Legislative Affairs Committee** and **Governance Committee** are pending formation.

### CPCNH Membership



Our work is complex and requires nimble decision-making to be carried out in public meetings with representatives drawn from across the state.

Additionally, CPCNH is working on a tight timeline to ensure that we can transition our communities to competitive supply as soon as market rules are approved. (The Public Utilities Commission recently approved CPCNH’s petition for rulemaking and adopted our suggested text for its initial proposal for administrative rules on January 10<sup>th</sup>, 2022.)



## Public Benefits of Senate Bill 344

Current in-person quorum requirements have proven to be unduly burdensome and a hindrance to carrying out our duties on behalf of our constituent member communities:

- CPCNH meetings will typically last for one to two or three hours – but often require some members to drive an hour or more each way to attend in-person.
- CPCNH's directors and member representatives are primarily elected officials, local government staff, and volunteer members of local energy committees, many of whom have day jobs and other competing demands for their time.
- There have been instances where meetings had to be postponed or cancelled, and our business decisions delayed, because of difficulties in ensuring sufficient attendance to meet in-person quorum requirements and because of related unforeseen circumstances (such as difficulty traveling long distances due to winter storms, the need to quarantine due to COVID pandemic risks, etc.).
- We expect these practical challenges will only continue to grow as more and more communities continue to join CPCNH – four of which have done so in the last four months since incorporation – further increasing our in-person quorum requirements for Board of Directors and committee meetings.

Our members are dedicating significant time, talent, and dedication in support of the launch of our new power enterprise – traveling across the state to enable Community Power and working hundreds of hours for the benefit of our customers, local government members, and our great State of New Hampshire.

We appreciate the Committee's consideration of our unique and compelling meeting requirements and respectfully ask for your support in streamlining and modernizing RSA 91-A:2, III by passing Senate Bill 344.

It would really make a difference for us – thank you!

*Clifton Below*

Clifton Below  
Vice Chair, Community Power Coalition of New Hampshire  
Assistant Mayor, Lebanon City Council  
[Clifton.Below@LebanonNH.gov](mailto:Clifton.Below@LebanonNH.gov)



**COMMUNITY  
POWER COALITION**  
OF NEW HAMPSHIRE  
*FOR COMMUNITIES, BY COMMUNITIES*

<https://www.cpcnh.org/>  
[info@cpcnh.org](mailto:info@cpcnh.org)

# As Your Electric Bill Soars, Some Ideas for Fighting Back

By DONALD M. KREIS | October 9, 2021

*Power to the People is a column by Donald Maurice Kreis, New Hampshire's Consumer Advocate. Kreis and his staff of four represent the interests of residential utility customers before the NH Public Utilities Commission and elsewhere.*

By DONALD M. KREIS, Consumer Advocate

Readers of this column are an astute and empowered lot. It turns out that many of you took me seriously when I promised, in the last installment, that I would have some suggestions for what New Hampshire ratepayers could do in the face of looming increases to their electric bills.

And, just to recap, those increases are significant.

Unitil just got permission to hike its default energy service rate – what the company charges for energy for residential customers not buying their electricity from a third-party, non-utility supplier – from slightly below 7.1 cents per kilowatt-hour to 17.5 cents on December 1.

Although these are not the only charges on customer bills, a typical Unitil electric customer will see a total increase of about 60 percent. Expect increases of that magnitude in the default service rates of Eversource and Liberty when they make similar filings with the Public Utilities Commission (PUC) for effect on February 1.

There is no convenient and easy way to avoid or even to blunt the effect of these increases. But I have a few ideas.

My first one – and please forgive me for seeming glib – would be to move into the service territory of the New Hampshire Electric Cooperative. Because it is owned by its customers rather than profit-maximizing shareholders, the Co-op is almost entirely out from under PUC oversight. My office, representing the state's residential utility customers, likewise has few if any reasons to scrutinize what the Co-op does.

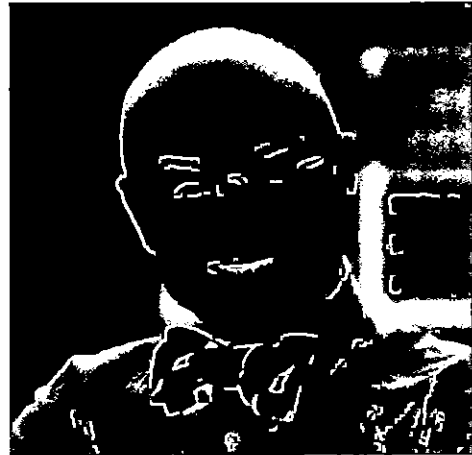
But I get their press releases and I fell right out of my chair when I learned that as of November 1 the price of "Co-op Power" – their version of default energy service – will be 9.8 cents per kilowatt-hour. That will still mean an overall increase of about 17 percent for a typical Co-op member, but, good grief, does that ever compare favorably for what Unitil is about to charge for energy!

"We actively manage our portfolio," explained Michael Licata, the Co-op's Vice President of Member Services and Public Affairs, as I climbed back into my chair. He also mentioned the "risk premium" that is built into the default energy service prices of Eversource, Liberty, and Unitil, our state's three electric IOUs (investor-owned utilities).

The IOUs do not actively manage the power portfolios used to provide their default energy service. They simply seek competitive bids, twice a year, from wholesale power suppliers that agree to charge the IOU a predetermined price during each month of the contract. The prices get locked in over the six months even as wholesale market prices fluctuate – and, as my friend from the Co-op suggested, the suppliers thereby take on considerable market risk that nudges their bids to the IOUs upward.

My *other* friend – Samuel Golding, president of Community Choice Partners – made the same point Michael Licata did, upon reading my column about Unitil's new default energy service rate. Golding is a consultant to the Community Power Coalition of New Hampshire (CPCNH), which officially launched itself on October 1.

With the municipalities of Dover, Enfield, Exeter, Hanover, Harrisville, Lebanon, Nashua, Newmarket, Plainfield, Rye, Walpole, Warner (along with Cheshire County), as its initial members, the CPCNH plans to combine the buying power of energy users in those municipalities via community power aggregation. Basically, as authorized by statute, the CPCNH would replace the local utility's default energy service as the electricity you get if you don't migrate to a non-utility supplier or otherwise opt out of the community power.



**POWER TO THE PEOPLE**

**BY DONALD M. KREIS**



**According to Golding, a “diversified supply portfolio” created for the CPCNH communities “would have avoided rate-shocking customers.” How?**

“No portfolio manager would be dumb enough to go naked into the winter at the best of times, and would instead be expected to track all the fundamentals 24/7, perform all sorts of probabilistic forecasting, see all this coming over the horizon way before the headlines get written up, inform the Coalition’s Risk Committee on a regular basis, and lock in positions when it made sense in order to meet margin targets on a risk-adjusted basis,” Golding wrote in response to my column. And, he added, it would all be “in accordance with the Coalition’s Enterprise Risk Management policy, which will be written up with a lot of input from competitive talent and thereafter modified in response to changing market fundamentals in a nimble fashion.”

**I think Golding has the right idea. So there’s my second suggestion: Live in a CPCNH municipality, or get your city or town to become a CPCNH municipality, and then work hard to launch these community power programs.**

If you can’t move to the Co-op territory, or get your community to be part of the CPCNH, you can always spurn your utility’s default energy service in favor of energy provided by a so-called “competitive supplier.” The information you’d need is on the PUC’s web site.

But, beware. These are unregulated prices, not reviewed by our office and certainly not approved by the PUC. Competitive suppliers have a habit of luring new customers in with ‘teaser’ rates, hoping customers won’t notice when those rates are later replaced by much higher prices. Data gathered in Massachusetts suggests that such ‘migrating’ customers tend to do worse – i.e., end up paying more – than their neighbors who stuck with the utility’s default energy service.

In other words, there is no guarantee that you will save money by spurning default energy service for a non-utility supplier. If you go that route, always read your monthly bill and everything you receive from your energy supplier very carefully.

Of course the best way to save money on megawatts is by purchasing “negawatts” – energy efficiency – instead. All Eversource, Liberty, and Unitil customers – and all members of the New Hampshire Electric Cooperative – have the right to take advantage of the NHSaves energy efficiency programs, are funded by all ratepayers.

Alas, depending on which utility or utilities you use, you may or may not be able to participate in the NHSaves programs of interest. That’s because PUC’s order on the proposed 2021-2023 energy efficiency plan is now more than nine months overdue, and counting. Other major PUC proceedings in which orders are long overdue include grid modernization, and plans for a statewide energy customer data platform.

What if you just plain can’t afford your electric bill?

Approval of the proposed budget for this winter’s Electric Assistance Program (EAP) – ratepayer-funded help for people in an affordability crisis – has in previous years been a routine matter. Not this year!

Although each electric utility submitted its EAP budget over the summer, the EAP Advisory Board unanimously approved those budgets in August, and the newly created state Department of Energy endorsed the budgets on September 29, the PUC announced on September 30 that it “must develop a more complete record” before deciding. There will apparently be a hearing for that purpose, but it has not been scheduled.

Given that the new program year began on October 1, at least the PUC allowed the utilities to implement the EAP program on an interim basis for October and November. So, if you feel you cannot afford your monthly electric bill, contact your local Community Action Agency for more information.

Those are my best ideas. But, make no mistake: It is shaping up to be a long and expensive winter for New Hampshire’s residential electric customers.

From: <http://indepthnh.org/2021/10/09/as-your-electric-bill-soars-some-ideas-for-fighting-back/>

**CORRECTIONS** (by CPCNH Vice Chair Clifton Below, 11/12/21): 1) Durham was also a founding member of CPCNH and Pembroke joined as of 10/21. 2) Samuel Golding is not and has not been a paid consultant to CPCNH. He is currently a volunteer advisor and earlier in 2021, through Community Choice Partners, Inc., he was a consultant to the City of Lebanon under grant funding to assist in the development of Lebanon Community Power and the Community Power Coalition of New Hampshire. See also [www.cpcnh.org](http://www.cpcnh.org).

Dear Honorable members of the Senate Judiciary Committee;

My name is Laurie Ortolano. I live in Nashua. I am the Vice President of Right to Know New Hampshire and we are opposed to this bill to strike the language defining a quorum to be present at a meeting of a public body.

There is quite a bit of legislation this year regarding remote meetings and quorums. RTKNH has opposed all of these bills.

We believe a quorum of the Board should be present to conduct public business and believe the language described in item (b) should remain in the Right to know law. Elected and appointed officials performing public business should be in a physical location accessible to the public, unless there is an emergency determined by the Chairman of the Board that prevents the quorum from being present.

Intrapersonal contact and face to face communication is an important part of meeting with your constituents and doing business. Physical locations with the quorum of the body present is important in allowing the public to see, hear and connect with the representative.

Please do not strike the language of (b) and keep our public officials in the physical presence of their constituents.

The amended language supported by RTKNH is below.

Sincerely,

Laurie Ortolano  
41 Berkeley St.  
Nashua, NH 03064

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

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

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

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

1/25/22 SH Rm 100 @ 2:00 pm

## SB344 – Quorum Requirements

(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.]

## **SB344 – Virtual Meetings**

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 SB344, which is relative to remote meetings.

SB344 authorizes municipal governing bodies to have non-emergency virtual meetings.

Amid the challenges 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 19<sup>th</sup> 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 while under the Governor's Executive Order averaged between 40-50 people.

The participation in virtual school board meetings was even higher, far exceeding attendance at most Deliberative Sessions. That Executive Order enabled municipal Boards to conduct their regular meetings virtually, without a majority of Board members present in-person at the same location

When that State of Emergency terminated, however, we lost the ability to continue virtual meetings as structured under the Governor's Executive Order. Currently the statute only allows municipalities to have virtual meetings without a quorum present at one location in cases of emergency. This bill would allow a governing body to place public disclosure and participation at a higher level of importance and authorize that governing body to conduct virtual meetings without there being an emergency, and without a majority of the Board members in-person at the same location. The ability to do this benefits the governing board by not having to reschedule meetings that otherwise may have to be canceled if a majority of members do not have the ability to gather in-person at a specific location. 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, ask questions, and otherwise participate in those meetings.

For the year prior to the termination of the State of Emergency, virtual meetings had become the norm, 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 respectfully ask that you continue your support of virtual meetings, as you did last year, and vote SB344 as OTP.

Thank you, Madame Chair.

**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



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

**Immediate Past President**  
Chuck Weed  
Cheshire County Commissioner

**Treasurer**  
Suzanne Collins  
Coos County Treasurer

**Bylaws Chair**  
Chris Coates  
Cheshire County Administrator

January 24, 2022

The Honorable Sharon Carson  
Chair  
Senate Judiciary  
State House  
Concord, NH 03031

Chairman Carson and Members of the Senate 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 has gone. The ability to meet virtually allowed the association to conduct their 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 reducing travel time and decreasing 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](mailto:khorgan@dupontgroup.com).

Sincerely,

Wendy Piper  
President  
NH Association of Counties

January 25, 2022

Senate Judiciary Committee  
State House Room 100

Re: In support of SB 322 and SB 344, both relating to remote meeting access under the right-to-know law

Dear Chair Carson and Members of the Committee,

My name is Polly Campion. I am a former state representative and a retired RN. I come to you today, however, as the Chair of the State Commission on Aging in support of SB 322 and SB 344.

The Commission on Aging was established in 2019 to continue the good work of the State Committee on Aging but with a broader scope. Our membership includes representatives from multiple state agencies as well as public members serving as subject matter experts and representative of all ten counties. We are charged with advising the Governor and the general court on policy and planning related to aging.

Both our membership and our constituency include many individuals who may live at a distance, be challenged to access transportation, may be actively working in the field and/or may be immunocompromised. Any one of these circumstances may prevent an individual from full participation in the work of the Commission.

During the State of Emergency when our meetings were fully remote, we had quorums at every meeting. Every participant, whether they were one of the 26 Commission members, or a member of the public, was on equal footing regarding access. And we typically had between 40 and 60 individuals "remotely attending" our meetings.


With the expiration of the executive order allowing fully remote meetings of public bodies, we have been challenged to execute our work due to a lack of a quorum. For example, we held our monthly Commission meeting yesterday at the Audubon Center, with 11 members present in person. We needed 13 to act on proposals having to do with transportation, legislative positions, as well as the regular business of the Commission. We have had no public attendees at the physical locations of our meetings since the end of the executive order. We believe this is because we still enable remote participation, which the public prefers.

SB 322 would allow us to require only seven members to be physically present. This would improve our ability to gather a quorum and accomplish our work. SB344, removing the requirement for a physical location, would allow us to move to 100% remote meetings, creating equity of access between and among all participants, maximizing our effectiveness.

While I am primarily focused on the needs of one public body, the Commission on Aging, older adults have a great deal to offer as well as tremendous interest in participating in the activities of the General Court and other public bodies. As you know, we have also been among the most vulnerable during the Covid-19 pandemic. Enabling all of us to continue to participate in civic activities as we age would benefit all.

Thank you for your time and attention, and on behalf of the State Commission on Aging, I ask that you find SB 322 and SB344 Ought to Pass.

Sincerely,

  
Hon. Polly Campion, MS, RN  
Chair, NH State Commission on Aging

## Jennifer Horgan

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**From:** Jennifer Horgan  
**Sent:** Sunday, January 23, 2022 10:41 AM  
**To:** ~Senate Judiciary Committee  
**Subject:** FW: SB95

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**From:** Michael Cutting <mike@smglted.net>  
**Sent:** Friday, January 21, 2022 4:38 PM  
**To:** Jennifer Horgan <jennifer.horgan@leg.state.nh.us>  
**Subject:** Re: SB95

Please include my memo in SB344

Thank you

Michael Cutting  
Chairman  
Warner Budget Committee

On Jan 21, 2022, at 4:19 PM, Jennifer Horgan <jennifer.horgan@leg.state.nh.us> wrote:

Good Afternoon Chairman Cutting,

Happy to be of assistance! Please find the bills attached and let me know which ones you would like your testimony included.

Best,

Jenny

**Jennifer C. Horgan**  
NH State Senate  
Legislative Office Building  
Room 5  
Concord, NH 03301  
(603) 271-7875

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**From:** Michael Cutting <mike@smglted.net>  
**Sent:** Friday, January 21, 2022 4:16 PM  
**To:** Jennifer Horgan <jennifer.horgan@leg.state.nh.us>  
**Subject:** Re: SB95

Thank you for the up-date

I was unaware of the bill's death last year  
But

YES, please include my memo into this years file.



Thank you for your support  
Mike Cutting

On Jan 21, 2022, at 3:43 PM, Jennifer Horgan <[jennifer.horgan@leg.state.nh.us](mailto:jennifer.horgan@leg.state.nh.us)> wrote:

Good Afternoon Chairman Cutting,

Thank you very much for reaching out to the Committee regarding your thoughts on SB95. I did want to make sure that you were aware that SB95 died on June 10, 2021 because the House refused to accede to the Senate's position of the bill.

The Senate Judiciary Committee is holding hearings on SB322, SB342, and SB344 however next week, and they all have to do with remote meetings of public bodies. Please let me know if you would like your comments or any other comments to be added to the bill files of those pieces of legislation.

---

If you have any questions about this, I would be happy to attempt to address them.

Thank you very much,

Jenny

**Jennifer C. Horgan**  
NH State Senate  
Legislative Office Building  
Room 5  
Concord, NH 03301  
(603) 271-7875

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**From:** Michael Cutting <[mike@smgltd.net](mailto:mike@smgltd.net)>  
**Sent:** Friday, January 21, 2022 1:16 PM  
**To:** Sharon Carson <[Sharon.Carson@leg.state.nh.us](mailto:Sharon.Carson@leg.state.nh.us)>; William Gannon <[William.Gannon@leg.state.nh.us](mailto:William.Gannon@leg.state.nh.us)>; Harold French <[Harold.French@leg.state.nh.us](mailto:Harold.French@leg.state.nh.us)>; Becky Whitley <[Becky.Whitley@leg.state.nh.us](mailto:Becky.Whitley@leg.state.nh.us)>; Jay Kahn <[Jay.Kahn@leg.state.nh.us](mailto:Jay.Kahn@leg.state.nh.us)>; Jennifer Horgan <[jennifer.horgan@leg.state.nh.us](mailto:jennifer.horgan@leg.state.nh.us)>  
**Subject:** SB95

As Chairman of the Town of Warner NH Budget Committee, I strongly support SB95, part II of the bill.

This option allows for full virtual meetings.

During the period that full virtual meetings were allowed we observed a stronger participation from the public in our meeting, than that which occurred with only in person attendance was possible.

We also found that members of our meeting were able to attend virtually when in person presence was not possible, because of circumstances that found them out of town during a meeting schedule, allowing for a more complete meeting.

The ability to have complete virtual meetings offered us the ability to not reschedule meetings as a result of inclement weather conditions, and thereby not require rescheduling and re-posting of meeting dates.

Regards

Michael Cutting  
Chairman  
Warner Budget Committee  
Warner, New Hampshire 03278  
603-731-0033  
[mike@smg!td.net](mailto:mike@smg!td.net)

<SB322.pdf><SB342.pdf><SB344.pdf>

# Voting Sheets

**Senate Judiciary Committee**  
**EXECUTIVE SESSION RECORD**  
*2021-2022 Session*

Bill # 344

Hearing date: \_\_\_\_\_

Executive Session date: \_\_\_\_\_

Motion of: OTP Vote: 2-3

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

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report



**JUDICIARY**

**SB 344**, relative to the quorum requirements under the right to know law of meetings open to the public.

Interim Study, Vote 3-2.

Senator Bill Gannon for the committee.

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# SB344

## Bill Details

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

**Sponsors:** *(Prime)* Daniels (R), Erin Hennessey (R), Cavanaugh (D), Perkins Kwoka (D), Long (D), Eaton (D), Egan (D)

LSR Number: **22-3101**

General Status: **HOUSE**

House:

**Committee:** Judiciary

**Due Out:** 4/28/2022

**Status:** INEXPEDIENT TO LEGISLATE

Senate:

**Committee:** Judiciary

**Floor Date:** 3/31/2022

**Status:** PASSED/ADOPTED WITH AMENDMENT

### Bill Docket

| Body | Description  |
|------|--|
| S    | To Be Introduced 01/05/2022 and Referred to Judiciary; <b><u>SJ1</u></b>                       |
| S    | Hearing: 01/25/2022, Room 100, SH, 02:00 pm; <b><u>SC3</u></b>                                 |
| S    | Committee Report: Referred to Interim Study, 02/16/2022; <b><u>SC7</u></b>                     |
| S    | Special Order to the Next Session, Without Objection, MA; 02/16/2022; <b><u>SJ3</u></b>        |
| S    | Committee Report: Referred to Interim Study, 02/24/2022; <b><u>SC8</u></b>                     |
| S    | Special Order to Next Session, Without Objection, MA; 02/24/2022; <b><u>SJ4</u></b>            |
| S    | Committee Report: Referred to Interim Study, 03/17/2022; <b><u>SC11</u></b>                    |
| S    | Refer to Interim Study, RC 11Y-13N, MF; 03/17/2022; <b><u>SJ5</u></b>                          |
| S    | Sen. Daniels Moved Ought to Pass: 03/17/2022; <b><u>SJ5</u></b>                                |
| S    | Sen. Daniels Floor Amendment # 2022-1135s; 03/17/2022; <b><u>SJ5</u></b>                       |
| S    | Special Order to the next session, Without Objection, MA; 03/17/2022; <b><u>SJ5</u></b>        |
| S    | Pending Motion: Sen. Daniels Floor Amendment # 2022-1135s, 03/24/2022; <b><u>SC12</u></b>      |
| S    | Special Order to the next session, Without Objection, MA; 03/24/2022; <b><u>SJ6</u></b>        |
| S    | Pending Motion: Sen. Daniels Floor Amendment # 2022-1135s, 03/31/2022; <b><u>SC13</u></b>      |
| S    | Sen. Daniels Withdraws Floor Amendment #2022-1135s; 03/31/2022; <b><u>SJ7</u></b>              |
| S    | Sen. Perkins Kwoka Floor Amendment # 2022-1301s, RC 13Y-11N, AA; 03/31/2022; <b><u>SJ7</u></b> |
| S    | Ought to Pass with Amendment 2022-1301s, RC 13Y-11N, MA; OT3rdg; 03/31/2022; <b><u>SJ7</u></b> |
| H    | Introduced 03/31/2022 and referred to Judiciary  |
| H    | Public Hearing: 04/13/2022 11:15 am SH Reps Hall   |
| H    | Executive Session: 04/14/2022 09:00 am LOB 206-208   |
| H    | Majority Committee Report: Inexpedient to Legislate <b><u>(Vote 11-10; RC)</u></b>             |
| H    | Minority Committee Report: Refer for Interim Study   |
| H    | Inexpedient to Legislate: MA RC 176-155 05/05/2022 <b><u>HJ12</u></b>                          |



# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB344

Senate Committee: Judiciary

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 # 1135  - amendment # 1301

- 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:

*Janet Haeger*  
Committee Aide

8/12/22  
Date

Senate Clerk's Office AK