HOUSE BILL 1689-FN

AN ACT relative to the minutes in nonpublic session under the right-to-know law.


COMMITTEE: Judiciary

ANALYSIS

This bill requires that minutes of meetings in nonpublic session shall be verbatim.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the minutes in nonpublic session under the right-to-know law.

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

1 Nonpublic Sessions; Minutes; Right-to-know Law. Amend RSA 91-A:3, III to read as follows:
   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 be verbatim and shall record all actions in such a manner that the vote of each member is ascertained and recorded. For the purposes of this paragraph, minutes may be recorded by video with audio or audio only. 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.

2 Effective Date. This act shall take effect January 1, 2021.
AN ACT relative to the minutes in nonpublic session under the right-to-know law.

FISCAL IMPACT:  [ X ] State  [ ] County  [ X ] Local  [ ] None

<table>
<thead>
<tr>
<th>STATE:</th>
<th>Estimated Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FY 2020</td>
</tr>
<tr>
<td>Appropriation</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue</td>
<td>$0</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
</tr>
</tbody>
</table>

Funding Source:  [ X ] General  [ ] Education  [ ] Highway  [ ] Other

LOCAL:  

| Revenue                  | $0      | $0      | $0      | $0      |
| Expenditures             | $0      | $0      | Indeterminable Increase | Indeterminable Increase |

METHODOLOGY:

This bill requires that minutes of meetings in nonpublic session shall be verbatim. The Legislative Branch indicates nonpublic session meetings in the Branch occur very infrequently and any fiscal impact to the Branch would be less than $10,000.

The New Hampshire Municipal Association indicates this bill is likely to require significant additional staff time because many of the individuals taking minutes for public bodies are part-time employees paid by the hour. The amount of additional expense is indeterminable and would vary by municipality depending on the hourly rate of pay and the number of nonpublic sessions. There would be no impact on municipal revenues.

The Department of Justice indicates it is unlikely that this bill would have a significant fiscal impact on the Department.

AGENCIES CONTACTED:

Department of Justice, Legislative Branch and New Hampshire Municipal Association