HOUSE BILL

**1202-LOCAL**

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


COMMITTEE: Judiciary

ANALYSIS

This bill clarifies the rights of an individual being discussed in a nonpublic session under the right-to-know law.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to matters discussed in nonpublic session under the right-to-know law.

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

1 Right-to-Know Law; Nonpublic Sessions. Amend RSA 91-A:3, II(c) to read as follows:

   (c)(1) 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. The person to be discussed shall be notified, in writing, at least 48 hours prior to the nonpublic session; provided, that notification may be waived upon written agreement of the parties. Such person shall be afforded the opportunity to:

   (A) Be present at the session during discussions and decisions which involve that person.

   (B) Have counsel or a representative of his or her own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the session.

   (C) Speak on his or her own behalf.

   (D) At the person's option, record the session by audio recording or transcription, at the person's expense.

(2) 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.

2 Effective Date. This act shall take effect January 1, 2021.