Amendment to HB 1559

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

1 New Subparagraph; Right-to-Know-Law; Nonpublic Sessions. Amend RSA 91-A:3, II by inserting after subparagraph (l) the following new subparagraph:

   (m) Consideration of whether to unseal minutes after one year due to a change in circumstances under paragraph III.

2 Right-to-Know Law; Nonpublic Minutes. 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 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 voting in nonpublic session, the aforesaid circumstances no longer apply. An exception shall apply to those minutes generated from subparagraph II(d), which may be unsealed at any time but which will automatically be unsealed after one year unless a majority of the members vote that the minutes should remain sealed.

3 Effective Date. This act shall take effect January 1, 2021.
AMENDED ANALYSIS

This bill declares that sealed minutes in nonpublic sessions under the right-to-know law may be unsealed if in the opinion of a majority of members voting in nonpublic session determine that circumstances have changed. The minutes sealed pursuant to RSA 91-A:3, II(d) would become public after one year.