

1 Committee of Conference Report on HB 108-FN-LOCAL, relative to minutes and decisions in
2 nonpublic sessions under the right-to-know law.

3

4 Recommendation:

5 That the House recede from its position of nonconcurrency with the Senate amendment, and
6 concur with the Senate amendment, and

7 That the Senate and House adopt the following new amendment to the bill as amended by the
8 Senate, and pass the bill as so amended:

9

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

11

12 1 Right-to-Know Law; Nonpublic Sessions. Amend RSA 91-A:3, III to read as follows:

13

14 III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall
15 be promptly made available for public inspection, except as provided in this section. Minutes of such
16 sessions shall record all actions in such a manner that the vote of each member is ascertained and
17 recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72
18 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session,
19 it is determined that divulgence of the information likely would affect adversely the reputation of
20 any person other than a member of the public body itself, or render the proposed action ineffective,
21 or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying
22 out of all emergency functions, developed by local or state safety officials that are directly intended
23 to thwart a deliberate act that is intended to result in widespread or severe damage to property or
24 widespread injury or loss of life. This shall include training to carry out such functions. In the event
25 of such circumstances, information may be withheld until, in the opinion of a majority of members,
26 the aforesaid circumstances no longer apply. ***For all meetings held in nonpublic session, where
27 the minutes or decisions were determined to not be subject to full public disclosure, a list of
28 such minutes or decisions shall be kept and this list shall be made available as soon as
29 practicable for public disclosure. This list shall identify the public body and include the
30 date and time of the meeting in nonpublic session, the specific exemption under paragraph
31 II on its face which is relied upon as foundation for the nonpublic session, the date of the
32 decision to withhold the minutes or decisions from public disclosure, and the date of any
33 subsequent decision, if any, to make the minutes or decisions available for public
disclosure. Minutes related to a discussion held in nonpublic session under subparagraph***

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1 ***II(d) shall be made available to the public as soon as practicable after the transaction has***
2 ***closed or the public body has decided not to proceed with the transaction.***

3 2 New Paragraph; Right To Know; Exemptions. Amend RSA 91-A:5 by inserting after
4 paragraph XI the following new paragraph:

5 XII. Records protected under the attorney-client privilege or the attorney work product
6 doctrine.

7 3 Committee Established. There is established a committee to review authorizing governing
8 bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA
9 91-A.

10 4 Membership and Compensation.

11 I. The members of the committee shall be as follows:

12 (a) Two members of the senate, appointed by the president of the senate.

13 (b) Three members of the house of representatives, appointed by the speaker of the
14 house of representatives.

15 II. Members of the committee shall receive mileage at the legislative rate when attending to
16 the duties of the committee.

17 5 Duties. The committee shall review authorizing governing bodies of municipalities to hold
18 virtual meetings and to study remote access to meetings under RSA 91-A.

19 6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
20 among the members. The first meeting of the committee shall be called by the first-named senate
21 member. The first meeting of the committee shall be held within 45 days of the effective date of this
22 section. Three members of the committee shall constitute a quorum.

23 7 Report. The committee shall report its findings and any recommendations for proposed
24 legislation to the president of the senate, the speaker of the house of representatives, the senate
25 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

26 8 Effective Date.

27 I. Section 1 of this act shall take effect January 1, 2022.

28 II. Sections 3-7 of this act shall take effect 60 days after its passage.

29 III. The remainder of this act shall take effect upon its passage.

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The signatures below attest to the authenticity of this Report on HB 108-FN-LOCAL, relative to minutes and decisions in nonpublic sessions under the right-to-know law.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Carson, Dist. 14

Rep. Gordon, Graf. 9

Sen. Daniels, Dist. 11

Rep. McLean, Hills. 44

Sen. Perkins Kwoka, Dist. 21

Rep. Wuelper, Straf. 3

Rep. M. Smith, Straf. 6

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AMENDED ANALYSIS

This bill:

I. Requires that for meetings in nonpublic session where the minutes or decisions were determined to not be subject to public disclosure, a list shall be kept which shall include certain information. The list shall be made available for public disclosure.

II. Exempts materials falling within the attorney-client privilege or attorney work product doctrine from the provisions of RSA 91-A.

III. Establishes a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.