SB 250 - AS AMENDED BY THE SENATE

03/16/2023 1040s

2023 SESSION

23-0965
05/08

SENATE BILL ***250***

AN ACT relative to remote participation in government meetings.

SPONSORS: Sen. Lang, Dist 2; Sen. Gray, Dist 6; Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15; Sen. Pearl, Dist 17; Rep. B. Boyd, Hills. 12

COMMITTEE: Judiciary

ANALYSIS

This bill revises the criteria and procedures for holding public meetings under RSA 91-A.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [bracketed and struck through.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03/16/2023 1040s 23-0965
05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to remote participation in government meetings.

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

1 Access to Governmental Records and Meetings; Remote Meetings; When Authorized. 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.
(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 member is not reasonably able to attend in person. ***[Such]*** ***The*** reason that such attendance is not reasonably practical, ***as described in subparagraph (b),*** shall be stated in the minutes of the meeting.

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.

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

(d) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

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

(f) In person attendance at meetings is encouraged. Attendance other than in person shall be limited. In person attendance shall not be allowed for a member meeting by the following: (1) Attendance by the majority of members; (2) Attendance by a majority of members of any committee or subcommittee; (3) Attendance by a member who has previously participated in 3 consecutive meetings by the same means, unless the member's absence from the meeting for the 3 meetings was for reasons such as military service, illness, or childcare. Medical reasons, childcare, and military service shall not be limited under the terms of this paragraph. Attendance by the same means shall not exceed 28 consecutive days.

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

CONSENT CALENDAR

May 3, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Judiciary to which was referred SB 250,

AN ACT relative to remote participation in government meetings. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Richard Tripp

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Judiciary**
Bill Number:	**SB 250**
Title:	**relative to remote participation in government meetings.**
Date:	**May 3, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill is an example of a solution is search of a problem. The Judiciary Committee was unanimously of the view that the current law concerning the circumstances under which a public body may allow one or more members to participate in a meeting remotely subject to the requirement (except in emergencies) that a quorum be physically present at the meeting location is working well and that there is no need for the additional restrictions this bill would impose. Passage of this bill would impact municipalities that have already dealt with a remote attendance problem in their own fashion.

Vote 20-0.

Rep. Richard Tripp
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

SB 250, relative to remote participation in government meetings. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Judiciary. This bill is an example of a solution is search of a problem. The Judiciary Committee was unanimously of the view that the current law concerning the circumstances under which a public body may allow one or more members to participate in a meeting remotely subject to the requirement (except in emergencies) that a quorum be physically present at the meeting location is working well and that there is no need for the additional restrictions this bill would impose. Passage of this bill would impact municipalities that have already dealt with a remote attendance problem in their own fashion. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: SB 250 Date: 4/12/23 2:30

Committee: Judiciary

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 250

BILL TITLE: **relative to remote participation in government meetings.**

DATE: **April 12, 2023**

LOB ROOM: **206-208** **Time Public Hearing Called to Order:** **2:34 p.m.**

Time Adjourned: **3:00 p.ml**

Committee Members: Reps. Lynn, Wallace, Kuttab, Alexander Jr., Testerman, Stapleton, Tripp, K. Perez, M. Smith, Horrigan, DiLorenzo, Kenney, Devine, Lanza and Manos

Bill Sponsors:

Sen. Lang	**Sen. Gray**	**Sen. Watters**
Sen. Perkins Kwoka	**Sen. Whitley**	**Sen. Pearl**
Rep. B. Boyd		

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. Sen. Gray, Supports
- Amended the current statue to state that in person attendance is expected and remote attendance should only be occasional.
- A member of Rochester council takes a 3 month vacation to Florida and participates remotely, and is doing so for the second year now.
- The reason the bill was written in the first place was to allow for less than a quorum in person, but the majority of the Senate decided that the better way to provide that would be in the legislation that is creating the committee in the first place and allowing for alternates.
- Rep. Testerman stated that it's difficult to serve remotely and he doesn't feel anyone should be able to participate remotely and vote.

Sen. Gray said this bill recognizes medical needs, work and childcare, but also recognizes the importance of being in person.
- Rep. Horrigan asked why it only has to be a medical reason out of state? Sen. Gray stated that it's for 28 days or more, so he can't think of a reasonable reason to be out of state for more than 28 days.

2. Rep. Dan McGuire, Supports - Finds this bill fits a situation he's having on the Planning Board in Epsom perfectly. He has a PB member who has been attending remotely for months because he's out of the state. - It takes much longer for things to happen remotely. Feels this one person attending the PB meeting remotely adds an extra half hour to every meeting. - It's difficult for the chair to say no, and easier for the legislature to be the bad guy for not allowing unproductive meetings.

3. Natch Greyes, Opposes - Concerned that this modifies some of the same provisions as HB308 in regard to statewide boards and committees and isn't sure how this would effect that. - Would like the committee to ITL or Retain.
- Rep. Testerman asked how many work full time at NHMA. Atty Greyes stated they have 9 employees.
- Rep. Manos asked how this would effect municipals currently.

Atty Greyes said this would really only effect the 28 day piece. If people aren't showing up and doing their elected duties, the public can vote them out at the next election.

4. Katherine Koko, Right to Know NH, Opposes - Is opposed to the initial bill and how it is currently written. Feels that it complicates the current law. - Does think some things need to change in the law, but these are not any of them. Is happy to work together to address them.

5. Kate Horgan, NH Assoc of Counties, Opposes - Is happy to work with the committee over the summer to come up with amenable language if the committee decides to retain this.

-Respectfully Submitted, Rep. Katelyn Kuttab, Clerk

House Remote Testify

Judiciary Committee Testify List for Bill SB250 on 2023-04-12

Support: 27 Oppose: 2 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Gray, Senator James	Rochester-Senate Dist #6, NH James.Gray@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/29/2023 1:47 PM
Tentarelli, Liz	Newbury, NH LWV@kenliz.net	A Member of the Public	Myself	Support	No	No	3/31/2023 3:13 PM
Maldonado, Ursula	Concord, NH ursula.m.maldonado@gmail.com	A Member of the Public	Myself	Support	No	No	3/31/2023 6:16 PM
Farnum, Ellen	Tamworth, NH ellenlynnfarnum@gmail.com	A Member of the Public	Myself	Support	No	No	4/1/2023 3:12 PM
Maldonado, Luis	Concord, NH nh_ocs@yahoo.com	A Member of the Public	Myself	Support	No	No	4/2/2023 6:49 AM
Watters, David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/4/2023 1:12 PM
Perkins Kwoka, Rebecca	Portsmouth, NH rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/4/2023 1:21 PM
Emus, Joanne	Hollis, NH jremus0322@aol.com	A Member of the Public	Myself	Support	No	No	4/5/2023 8:56 PM
Emus, David	Hollis, NH dhemus@aol.com	A Member of the Public	Myself	Support	No	No	4/5/2023 8:58 PM
Perry, Bob	Strafford, NH perry4nh@gmail.com	A Member of the Public	Myself	Support	No	No	4/6/2023 1:40 PM
Podlipny, Ann	Chester, NH apodlipny57@comcast.net	A Member of the Public	Myself	Support	No	No	4/7/2023 12:31 PM
Zollo, Linda	Concord, NH L.zollo@comcast.net	A Member of the Public	Myself	Support	No	No	4/7/2023 1:26 PM
Kingston, Bill	New Castle, NH dc9guy@comcast.net	A Member of the Public	Myself	Support	No	No	4/7/2023 2:00 PM

Naylor, Claire	Peterborough, NH cnaylor714@gmail.com	A Member of the Public	Myself	Support	No	No	4/7/2023 2:45 PM
Casey, Wayne	Nottingham, NH wtcret@gmail.com	A Member of the Public	Myself	Support	No	No	4/7/2023 2:53 PM
Casey, LaDonna	Nottingham, NH llcret@hotmail.com	A Member of the Public	Myself	Support	No	No	4/7/2023 2:54 PM
Desmarais, Doreen	Northwood, NH doreend@netzero.net	A Member of the Public	Myself	Support	No	No	4/8/2023 12:14 PM
Cahill-Yeaton, Miriam	Epsom, NH, NH nmyeaton.mims@yahoo.com	A Member of the Public	Myself	Support	No	No	4/9/2023 8:14 AM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	4/9/2023 9:35 PM
Kinney, Rev. Dr. Gail	Canaan, NH gailhrdi@aol.com	A Member of the Public	Myself	Support	No	No	4/10/2023 1:01 PM
Davidson, Geri	Nashua, NH geridavidson15@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2023 1:22 PM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2023 1:43 PM
Cote, Lois	Manchester, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	4/11/2023 8:21 AM
Bundy, Linda	Antrim, NH n_bundy@mcttelecom.com	A Member of the Public	Myself	Support	No	No	4/11/2023 9:00 AM
Tremblay, RMAC Chair, Michele L.	Penacook, NH MLT@naturesource.net	A Member of the Public	Rivers Management Advisory Committee	Oppose	No	No	4/11/2023 9:25 AM
saad, david	rumney, NH davidsaad2017@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/11/2023 9:56 AM
Hakken-Phillips, Mary	Hanover, NH Mhp4nhrep@gmail.com	An Elected Official	Myself	Support	No	No	4/11/2023 10:42 AM
Moody, katie	Newington, NH ktfmoody@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2023 5:11 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	4/12/2023 11:16 AM

VOTING MEMBERS

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Vice Chair
Conservation
Commissions

Christopher Hodgdon
NH Fish & Game
Commission

Frederick J. McNeill
Municipal Officer

Madeleine Mineau
Granite State
Hydropower Assoc.

Cory Ritz
Local River Management
Advisory Committees

Robert M. Roseen
Recreational Interests

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Vacant
Business & Industry
Association

Vacant
Historic/Archeological
Interests

NON-VOTING MEMBERS

Peter Bowman
NH Dept. of Natural and
Cultural Resources

Natasha Cole
NH Department of
Safety

Jennifer Gilbert
NH Dept. of Business
and Economic Affairs

Mark Hemmerlein
NH Department of
Transportation

Shawn Jasper
NH Dept. of Agriculture,
Markets & Food

John Magee
NH Fish & Game
Department

STAFF

Tracie Sales
Program Administrator

Vacant
Program Assistant

NH Rivers Management Advisory Committee

NH Rivers Management and Protection Program

April 12, 2023

The Honorable Bob Lynn, Chair
House Judiciary Committee
Legislative Office Building, Room 208
Concord, NH 03301

RE: SB 250 *An act relative to remote participation in government meetings.*

Dear Chair Lynn and Members of the Committee,

The Rivers Management Advisory Committee (RMAC) is writing to express its **opposition to Senate Bill 250**, which states that in-person attendance is expected at the meetings of public bodies.

The RMAC opposes this bill because

- Our experience was that remote meetings during the pandemic increased attendance and participation at public meetings,
- The state's local river management advisory committees and other state and municipal groups have reported similar experiences,
- Many volunteers in New Hampshire are experiencing issues with driving during inclement weather and after sundown,
- Remote participation increases the ability for elderly or disabled volunteers who are unable to drive to still participate in civic life, and
- Current technology allows bodies to conduct meetings effectively and efficiently in a remote setting.

Several of the local advisory committees for the 19 designated rivers in the state have difficulty meeting quorum requirements or have lost members who are unable to drive an hour or more to meetings, including at night or in inclement weather. Having a remote attendance option that could apply to all public bodies in the state would allow greater participation in New Hampshire's culture of volunteer-based civic engagement. This bill increases the burden on the chairs to enforce in-person attendance of members.

The RMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is composed of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests.

Should you have any questions regarding our testimony in opposition to SB 250, feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay, Chair

cc: Representative B. Boyd
RMAC Representatives
Robert R. Scott, Commissioner, NHDES

Liz Tentarelli

In a state with an aging population we need to encourage people to stay involved with local boards, even if their health sometimes presents obstacles to attending meetings. This bill as amended in the Senate makes sense, not just for oldsters but for families with childcare issues and work obligations. A quorum will still be there, so allowing remote attendance when necessary makes sense and keeps boards functioning.

Susan Moore

Daniel Richardson

Remote legislating is a real problem that should be minimized.

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on SB 250

BILL TITLE: relative to remote participation in government meetings.

DATE: May 3, 2023

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Tripp Seconded by Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Katelyn Kuttab, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:53:34 AM
Roll Call Committee Registers Report

2023 SESSION

Judiciary

Bill #: SB250 **Motion:** ITL **AM #:** N/A **Exec Session Date:** 3May23

Members	YEAS	Nays	NV
Lynn, Bob J. Chairman	20		
Wallace, Scott Vice Chairman	1		
Alexander, Joe H.	2		
Andrus, Louise	3		
Testerman, Dave	4		
Stapleton, Walter A.	5		
Tripp, Richard P.	6		
Greeson, Jeffrey	7		
Kuttab, Katelyn Clerk	8		
Perez, Kristine	9		
Smith, Marjorie K.	10		
Horrigan, Timothy O.	11		
DiLorenzo, Charlotte I.	12		
Kenney, Cam E.	13		
Paige, Mark	14		
~~McBeath, Rebecca Susan~~ Eaton, Daniel	15		
Devine, Shelley	16		
Lanza, Judi	17		
Manos, Zoe R	18		
Turer, Eric S	19		
TOTAL VOTE:	20	0	