

HB 1233 - AS INTRODUCED

2026 SESSION

26-3007

12/05

HOUSE BILL **1233**

AN ACT relative to the minutes of non-public sessions.

SPONSORS: Rep. Beaulier, Graf. 1

COMMITTEE: Judiciary

ANALYSIS

This bill modifies the right-to-know law by requiring that the only minutes or decisions withheld from public disclosure are those portions covered by the motion to enter nonpublic session. The bill also adds start times and end times in the list of nonpublic session minutes available 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the minutes of non-public sessions.

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

1 1 Right-to-Know; Nonpublic Sessions; Availability of Minutes and Decisions. Amend RSA 91-
2 A:3, III to read as follows:

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

27 2 Effective Date. This act shall take effect 60 days after its passage.