

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 80, allowing a public body member's presence at a meeting by electronic or other means of communication only if physical presence is unavoidable.

Hearing Date: May 13, 2025

Time Opened: 2:07 p.m.

Time Closed: 2:24 p.m.

Members of the Committee Present: Senators Gannon, McConkey and Reardon

Members of the Committee Absent : Senators Abbas and Altschiller

Bill Analysis: This bill requires a public body's member to be physically present at a meeting unless physical presence is unavoidable.

Sponsors:

Rep. Turcotte

Rep. Ankarberg

Rep. Burnham

Rep. Potenza

Rep. Granger

Rep. Bailey

Who supports the bill: Rep. Len Turcotte.

Who opposes the bill: Sarah Burke Cohen, Mo Baxley, Linda Barnes, Wiliam Copeland Jr, Diane Arsenault, Jonathan Hall, Sheila Guinther, Eric Pauer, Janet Lucas, Andrew Harmon, and Michele L. Tremblay.

Who is neutral on the bill: N/A

Summary of testimony:

Representative Len Turcotte

Strafford – District 4

- Rep. Turcotte clarified that HB 80 was amended to remove a provision preventing the ability to vote remotely.
- The most important element of the bill remained, that being the increased threshold for remote participation.
- In Strafford County, the county delegation routinely had remote participants at an increasing rate following COVID.
- Rep. Turcotte maintained that those who made the effort and fulfilled their duty ought to vote, and that those participating remotely when they could appear physically shouldn't.
- Rep. Turcotte used to negotiate for the pilot's union and learned the importance of being in the room.

- When participating remotely, the quality of the audio and video must be clear, which did not often happen.
- The word unavoidable is a higher threshold than reasonable according to Rep. Turcotte.
- The bill is necessary for fully transparent governance and communications.
- Public bodies should not change the nature of participation which has been relied on for hundreds of years.
- Sen. Gannon asked for Rep. Turcotte to elaborate on the definition for unavoidable.
 - Rep. Turcotte said that unreasonable and unavoidable were both subjective.
 - If the meeting is scheduled in advance, non-attendance is avoidable.

Sarah Burke Cohen

New Hampshire Municipal Association

- Ms. Cohen and the Municipal Association did not support the bill.
- Most committees and commissions had public input on what was reasonable or practical for the committee.
- The unavoidable standard may limit those with disabilities.
- There is too much subjectivity with the standard which may cause problems.
- Public bodies already can prevent non-in-person participation, given that RSA 91-A said that they may allow remote participation.
- Ms. Cohen clarified that the bill ought to be rewritten to enable remote attendance only when non-in-person attendance cannot be avoided.
- Sen. McConkey asked Ms. Cohen if a county delegation had to have a formal participation policy or if it was set each meeting.
 - Ms. Cohen said that the entity in question would determine how they ought to proceed. They could adopt and vote on a general policy at the beginning of the year. Different entities did it differently.
- Sen. McConkey asked if in the absence of a formal policy, if the presiding officer governed attendance.
 - Ms. Cohen said that a public body may govern participation, which meant that the body as a whole would have to decide.
- Sen. Reardon noted that the bill concerned county delegations and maintained that RSA 91-A affected far more than just county delegations. Sen. Reardon asked if the decision would be wide in its scope.
 - Ms. Cohen said that the policy before the committee would be wide-ranging in its effects.

Mo Baxley

Director – Granite State Independent Living

- Ms. Baxley and Granite State Independent Living opposed the bill.
- Transportation was a big hurdle for those with disabilities.
- It could cost \$22 an hour and \$2 a mile to pay for transportation.
- It can ultimately cost \$400 to bring someone to the statehouse. The State should not make participation difficult.