HB 1461-FN - AS INTRODUCED

2024 SESSION

24-2562
11/08

HOUSE BILL ***1461-FN***

AN ACT relative to live-streaming all properly noticed meetings and hearings of elected and appointed municipal bodies.

SPONSORS: Rep. Damon, Sull. 8; Rep. Cormen, Graf. 15; Rep. Merchant, Sull. 6; Rep. Read, Rock. 10; Rep. Lane, Merr. 16; Rep. Ebel, Merr. 7; Rep. Darby, Hills. 11; Rep. Calabro, Hills. 45; Rep. LaMontagne, Straf. 17; Rep. Grote, Rock. 24

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires all meetings and hearings conducted by all elected and appointed municipal bodies to be live-streamed or recorded.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to live-streaming all properly noticed meetings and hearings of elected and appointed municipal bodies.

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

1 New Section; Livestreaming or Recording Meetings. Amend RSA 31 by inserting after section 31:103-b the following new section:

31:103-c Livestreaming or Recording Meetings.

I. All properly noticed meetings and hearings of all municipal agencies or bodies shall be livestreamed on a platform that is accessible to the general public. If neither adequate bandwidth to maintain uninterrupted transmission nor technological equipment to livestream the meeting is available, the body conducting the meeting shall cause such meeting to be video recorded in a manner accessible to the public, once archived.

II. Recordings shall be posted within 72 hours on the public body's or agency's website. If the body does not have a website, it shall cause the recording to be posted on the website of the relevant town, city, municipality, or district and archived as a matter of public record for a minimum of 5 years.

III. If the meeting is held under emergency provision of RSA 91-A:2,III or under adverse circumstances as outlined in paragraph I, the chair of the public body will acknowledge the reason for not livestreaming or recording and it shall be noted in the minutes.

IV. This section shall not be construed to amend any portion of RSA 91-A.

V. This section does not mandate that the public body or agency must make remote participation available for the public or make participation part of its meeting protocol.

VI. This section does not, by itself, permit public body or agency members to appear by video at any meeting.

VII. This act does not alter or diminish the requirements of written meeting minutes.

VIII. Municipalities shall present a warrant article at the next regularly scheduled annual town meeting to raise and appropriate funds for the purpose of providing live broadcast of properly noticed public meetings and hearings. Municipalities already providing livestreaming of public meetings and hearings shall be exempt from proposing the warrant article.

IX. Any verified expenditure shall be submitted to the governor for reimbursement. The source of reimbursement shall be the general fund. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 2025.

LBA
24-2562
11/6/23

HB 1461-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to live-streaming all properly noticed meetings and hearings of elected and appointed municipal bodies.

FISCAL IMPACT: [X] State [ ] County [X] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source(s)	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] Yes
- Does this bill authorize new positions to implement this bill? [X] N/A

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Local Revenue	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Local Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires all properly noticed meetings and hearings conducted by all elected and appointed municipal bodies to be live-streamed or recorded and posted within 72 hours on the public body's or agency's website. Municipalities must introduce a warrant article at the upcoming annual town meeting to allocate funds for live broadcasting of duly announced public meetings and hearings. Municipalities already livestreaming such events are exempt from proposing this article. Verified expenditures shall be submitted to the governor for reimbursement from the general fund, with the governor authorized to draw funds from the treasury as needed.

The New Hampshire Municipal Association (NHMA) states the bill, while not explicitly mandating municipalities to create websites, effectively necessitates website development. Costs

for website development vary widely, and numerous state and federal regulations govern website design, functionality, and security. According to the U.S. Department of Justice, the estimated upfront cost per municipality for building a compliant website is approximately $90,847. For municipalities with existing websites, additional costs may arise for setting up web pages, but specific cost estimates are unavailable.

Based on available information, NHMA cannot determine a fixed cost for municipalities. Estimates range from $0 for those already live streaming meetings to over $120,000 annually for municipalities needing to create websites, acquire IT equipment for video recording/livestreaming, and upload videos as per legislation requirements. If the provision for "verified costs" ensures 100% reimbursement by the State for livestreaming/recording public meetings, municipalities may incur temporary expenses related to equipment, infrastructure, staffing, and associated legislation-related costs.

AGENCIES CONTACTED:

New Hampshire Municipal Association