**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 remote public meetings under RSA 91-A.

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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 attendance is not reasonably practical***, as described in subparagraph (f)***. [~~Any~~] ***The*** reason that such attendance is not reasonably practical shall be stated in the 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 deemed to be 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 expected. Attendance of a member other than in person shall be not more than occasional and shall not be allowed for successive meetings by the chair without justification. Attendance in person is not reasonably practical when, in the opinion of the chair, the member is away from the location of the meeting for a legitimate reason, including but not limited to, work, medical reasons, weather conditions, or childcare. Except for a medical reason, a legitimate reason shall not include a member who is absent from the state or plans to be absent from the state for 28 or more consecutive days.***

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