

Amendment to HB 460

1 Amend RSA 91-A:2, II as inserted by section 1 of the bill by replacing it with the following:

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3 II. Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means
4 of telephone or electronic communication, or in any other manner, shall be open to the public.
5 Except for town meetings, school district meetings, and elections, no vote while in open session may
6 be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not
7 limited to, tape recorders, cameras, and videotape equipment, at such meetings. Minutes of all such
8 meetings, including nonpublic sessions, shall include the names of members, persons appearing
9 before the public bodies, and a brief description of the subject matter discussed and final decisions.
10 ***Minutes of all such meetings, including nonpublic sessions, shall also include any***
11 ***objections made to any discussion in a meeting of such body if a member of a public body***
12 ***believes that the discussion in a meeting of such body is in violation of the provisions of***
13 ***this chapter. If such an objection is made in nonpublic session, the same information***
14 ***regarding such an objection shall also be specifically recorded in the public minutes. The***
15 ***objection shall include the name of the person objecting to the discussion and a***
16 ***description of the specific violation. If such member's objections to the discussion in the***
17 ***meeting are overruled by the majority of those present, such member may continue to***
18 ***participate in such meeting, provided he or she has complied with the duties imposed***
19 ***upon him or her by this chapter, he or she shall not be subject to the penalties under RSA***
20 ***91-A:8, IV for such action.*** Subject to the provisions of RSA 91-A:3, minutes shall be promptly
21 recorded and open to public inspection not more than 5 business days after the meeting, except as
22 provided in RSA 91-A:6, and shall be treated as permanent records of any public body, or any
23 subordinate body thereof, without exception. Except in an emergency or when there is a meeting of
24 a legislative committee, a notice of the time and place of each such meeting, including a nonpublic
25 session, shall be posted in 2 appropriate places one of which may be the public body's Internet
26 website, if such exists, or shall be printed in a newspaper of general circulation in the city or town
27 at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency
28 shall mean a situation where immediate undelayed action is deemed to be imperative by the
29 chairman or presiding officer of the public body, who shall post a notice of the time and place of
30 such meeting as soon as practicable, and shall employ whatever further means are reasonably
31 available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly
32 spell out the need for the emergency meeting. When a meeting of a legislative committee is held,

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1 publication made pursuant to the rules of the house of representatives or the senate, whichever
2 rules are appropriate, shall be sufficient notice. If the charter of any city or town or guidelines or
3 rules of order of any public body require a broader public access to official meetings and records
4 than herein described, such charter provisions or guidelines or rules of order shall take precedence
5 over the requirements of this chapter. For the purposes of this paragraph, a business day means
6 the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.