

HB 1576-FN - AS INTRODUCED

2022 SESSION

22-2046

10/08

HOUSE BILL ***1576-FN***

AN ACT repealing the law relative to certain discrimination in public workplaces and education.

SPONSORS: Rep. Espitia, Hills. 31; Rep. Cushing, Rock. 21; Rep. Query, Hills. 16; Rep. Myler, Merr. 10; Rep. Cote, Hills. 31; Rep. Mangipudi, Hills. 35; Rep. Harriott-Gathright, Hills. 36; Rep. DiLorenzo, Rock. 17; Rep. Piedra, Hills. 9; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15; Sen. Kahn, Dist 10; Sen. Soucy, Dist 18; Sen. Rosenwald, Dist 13

COMMITTEE: Education

ANALYSIS

This bill repeals provisions of the law relating to the right to freedom from discrimination in public workplaces and education and the prohibition on teaching discrimination.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT repealing the law relative to certain discrimination in public workplaces and education.

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

1 1 Repeals; Right to Freedom from Discrimination in Public Workplaces and Education;
2 Prohibition on Teaching Discrimination. The following are repealed:

3 I. RSA 354-A:29 through 354-A:34, relative to the right to freedom from discrimination in
4 public workplaces and education.

5 II. RSA 193:40, relative to the prohibition on teaching discrimination.

6 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1576-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT repealing the law relative to certain discrimination in public workplaces and education.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill repeals provisions of the law relating to the right to freedom from discrimination in public workplaces and education and the prohibition on teaching discrimination.

The Judicial Branch indicates this bill would repeal RSA 354-A:29 through 354-A:34 relative to the right to freedom from discrimination in public workplaces and education and RSA 194:40 relative to the prohibition on teaching discrimination. RSA 354-A:29 through 354-A:34 provides for certain restrictions on certain educational programs by public employers and allows any person aggrieved by an act made unlawful to pursue all of the remedies available under RSA 354-A, RSA 491, RSA 275-E, or RSA 98-E, or any other applicable common law or statutory cause of action. RSA 194:40 provides for certain restrictions on certain educational programs by public schools and provides for disciplinary sanctions to be taken by the Board of Education against educators who violate the statute. It also authorizes the Attorney General to initiate a civil action against a school or school district in superior court for legal or equitable relief, or with the Commission for Human Rights as provided in RSA 354-A:34. The remedies under current law could result in cases or appeals being filed in the Superior or Supreme Courts. The Branch indicates the current law has not been in effect long enough to know how many cases will be filed in the courts arising out of violations. The Branch is, therefore, unable to determine how many fewer cases, if any, would be filed if the sections referenced are repealed.

The Department of Justice states the Attorney General is empowered to bring enforcement actions under RSA 354-A, including to redress these recently enacted provisions. Repeal of these provisions would likely save the Department the cost of investigating and litigating certain

claims, which would likely reduce litigation costs related to these provisions. Because provisions are new, any potential cost reduction is indeterminate. There would be no impact on state revenues.

The Human Rights Commission indicates the fiscal impact is indeterminable because it is uncertain if there would be fewer cases due to a repeal of these sections.

The Department of Labor indicated it would not be impacted by this bill as it does not administer the statutes being repealed.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

Departments of Justice and Labor, Judicial Branch and Human Rights Commission