2023 SESSION

23-0644
02/04

HOUSE BILL *543-FN*

AN ACT relative to discrimination against veterans and prioritization among other protected classes.

SPONSORS: Rep Hynes, Hill 2

COMMITTEE: Judiciary

ANALYSIS

This bill adds veteran status to the list of protected classes under the state law against discrimination. It also allows for businesses to provide veteran discounts on goods or services, while prohibiting discrimination in pricing against protected classes.

- -

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [in brackets and struck through.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0644
02/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to discrimination against veterans and prioritization among other protected classes.

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

1 Legislative Findings. The general court finds that veterans should be protected by and not be discriminated against. Businesses should not discriminate among protected classes by charging different prices based upon class, unless there is a bona fide difference in the class that does not restrict the type of reward, veteran should be able to be given a veteran discount on goods or services to thank them for their service to the country.

2 State Commission for Human Rights; Rights and Purposes of Chapter. Amend RSA 354-A:1 to read as follows:

354-A:1 Title and Purposes of Chapter. This chapter shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights, and to execute the general policy of the state with respect to all its inhabitants, to assure to all individuals within the state freedom from discrimination because of age, sex, gender identity, race, creed, color, marital status, familial status, ***veteran status,*** physical or mental disability or national origin, as a matter of state concern, that such discrimination threatens the rights and proper privileges of its inhabitants and menaces the institutions and foundation of a free democratic state and therefore the state peace, order, health, safety and general welfare of the state and its inhabitants. It is hereby declared to be the policy of this state, with power to eliminate and prevent discrimination in employment, in places of public accommodation or public housing accommodations because of age, sex, gender identity, gender, creed, color, marital status, familial status, ***veteran status,*** physical or mental disability, or national origin as herein provided, and the establishment of commissio

hereunder is hereby given general jurisdiction and power for such purposes. In addition, the agencies and councils so created shall exercise their authority to assure that no person be discriminated against on account of sexual orientation.

3 Opportunity for Employment Without Discrimination a Civil Right. Amend RSA 354-A:6 to read as follows:

354-A:6 Opportunity for Employment Without Discrimination a Civil Right. The opportunity to obtain employment without discrimination because of age, sex, gender identity, race, creed, color, marital status, ***veteran status,*** physical or mental disability or national origin is hereby recognized and declared to be a civil right. In addition, no person shall be denied the benefits of the rights afforded by this section on account of that person's sexual orientation.

4 Unlawful Discriminatory Practices. Amend RSA 354-A:7, I-III to read as follows:

I. For an employer, because of the age, sex, gender identity, race, color, marital status, ***veteran status,*** physical or mental disability, religious creed, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

II. For a labor organization, because of the age, sex, gender identity, race, color, marital status, ***veteran status,*** physical or mental disability, creed, or national origin of any individual, to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, gender identity, race, color, marital status, ***veteran status,*** physical or mental disability, religious creed or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, gender identity, race, color, marital status, ***veteran status,*** physical or mental disability, religious creed or national origin, unless based upon a bona fide occupational qualification; provided, however, that nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring into and keeping records of any existing or pre-existing physical or mental conditions. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

5 Equal Housing Opportunity Without Discrimination a Civil Right. Amend RSA 354-A:8 to read as follows:

354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to obtain housing without discrimination because of age, sex, gender identity, race, creed, color, marital status, familial status, ***veteran status,*** physical or mental disability or national origin is hereby recognized and declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

6 Civil Rights Violations; Real Estate Transactions. Amend RSA 354-A:10 to read as follows:

354-A:10 Civil Rights Violations; Real Estate Transactions. It shall be an unlawful discriminatory practice because of age, sex, gender identity, race, religion, color, marital status, familial status, ***veteran status,*** physical or mental disability or national origin to:

I. Refuse to engage in a real estate transaction with a person or to discriminate in making available such a transaction.

II. Alter the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.

III. Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person.

IV. Refuse to negotiate for a real estate transaction with a person.

V. Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit him or her to inspect real property.

VI. Make, print, or publish, or cause to be made, printed, or published, any notice, statement, advertisement, or sign, with respect to the sale or rental of a dwelling, or commercial structure, that indicates any preference, limitation, or discrimination based on race, color, religion, sex, marital status, familial status, ***veteran status,*** physical or mental disability, sexual orientation, or national origin, or an intention to make any such preference, limitation, or discrimination.

VII. Offer, solicit, accept, use or retain a listing of real property with knowledge that unlawful discrimination or discrimination on the basis of familial status***, veteran status,*** or an arrest record in a real estate transaction is intended.

7 Fair Housing; Blockbusting. Amend RSA 354-A:12 to read as follows:

354-A:12 Blockbusting. It is a civil rights violation for any person to:

I. Solicit for sale, lease, listing or purchase any residential real estate within this state, on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, familial status***, veteran status*** or disability.

II. Distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in this state to sell or lease his or her property because of any present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, familial status***, veteran status*** or disability of residents in the vicinity of the property involved.

III. Intentionally create alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any owner of residential real estate in this state to sell or lease his or her property because of any present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, familial status***, veteran status*** or disability.

IV. Evict a tenant solely on the grounds that the person has acquired immune deficiency syndrome (AIDS) or is regarded to have acquired immune deficiency syndrome.

8 Restrictive Covenants.. Amend RSA 354-A:13 to read as follows:

354-A:13 Restrictive Covenants.

I. Every provision in an oral agreement or a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof on the basis of race, color, religion, ***veteran status,*** or national origin is void.

II.(a) Every condition, restriction or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, color, religion, ***veteran status,*** or national origin is void.

(b) This section shall not apply to a limitation of use on the basis of religion of real property held by a religious institution or organization or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.

III. It is a civil rights violation to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

9 Equal Access to Public Accommodations a Civil Right. Amend RSA 354-A:16 to read as follows:

354-A:16 Equal Access to Public Accommodations a Civil Right. The opportunity for every individual to have equal access to places of public accommodation without discrimination because of age, sex, gender identity, race, creed, color, marital status, ***veteran status,*** physical or mental disability or national origin is hereby recognized and declared to be a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

10 Unlawful Discriminatory Practices in Public Accommodations. Amend RSA 354-A:17 to read as follows:

354-A:17 Unlawful Discriminatory Practices in Public Accommodations. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, because of the age, sex, gender identity, race, creed, color, marital status, ***veteran status,*** physical or mental disability or national origin of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of age, sex, gender identity, race, creed, color, marital status, ***veteran status,*** physical or mental disability or national origin; or that the patronage or custom thereat of any person belonging to or purporting to be of any particular age, sex, gender identity, race, creed, color, marital status, ***veteran status,*** physical or mental disability or national origin is unwelcome, objectionable or acceptable, desired or solicited***; or***

provide a price discount, admission discount, price increase, or admission increase, to any person because of their race, sex, or gender identity, unless that price difference is based specifically upon the amount of time, difficulty, or cost of providing the services, or based specifically on the labor, materials, tariffs, or other sex-neutral, race-neutral, or gender identity-neutral reasons for having differential cost for providing the goods. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

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

LBA
23-0644
Revised 1/23/23

HB 543-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to discrimination against veterans and price discrimination among other protected classes.

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

	Estimated Increase/(Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	**$0**	**$0**	**$0**	**$0**
Revenue	**$0**	**$0**	**$0**	**$0**
Expenditures	**$0**	**Indeterminable Increase**	**Indeterminable Increase**	**Indeterminable Increase**
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

METHODOLOGY:

This bill adds veteran status to the list of protected classes under the state law against discrimination. It also allows for businesses to provide veterans discounts on goods or services, while prohibiting discriminatory pricing against protected classes.

The Department of Justice states the Attorney General has the authority to file charges of discrimination with the New Hampshire Commission for Human Rights and the Attorney General's Civil Rights Unit alleging violations of discrimination. Regarding veteran status, the Department is not aware of any discrimination on the basis of veteran status in New Hampshire. Given that the bill would add a protected characteristic, the Department anticipates an increase in complaints received by the Civil Rights Unit, but any cost increase would result in indeterminable ranges depending on the frequency in the five

the Civil Rights Unit was created, it has not received any complaints alleging discrimination in pricing of services. Accordingly, the Department anticipates little increase in the number of complaints received as a result of this part of the bill.

The New Hampshire Commission on Human Rights states this bill seeks to change RSA 354-A to add Veterans as a protected class. The Human Rights Commission states the fiscal impact is indeterminable at this time because it is unknown how many cases may result from this legislation. Therefore, the Commission has no information at present to determine if additional resources or staff will be needed.

The Judicial Branch indicates that adding a new class of persons protected by the laws would result in additional cases filed in the courts. The Judicial Branch is unable to determine how many cases this would add, and the fiscal impact is therefore indeterminable.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

New Hampshire Commission on Human Rights, Department of Justice and Judicial Branch

CONSENT CALENDAR

February 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Judiciary to which was referred HB 543-FN,

AN ACT relative to discrimination against veterans and price discrimination among other protected classes.

Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Dave Testerman

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Judiciary**
Bill Number:	**HB 543-FN**
Title:	**relative to discrimination against veterans and price discrimination among other protected classes.**
Date:	**February 8, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill proposes to amend the New Hampshire Law Against Discrimination, RSA Chapter 354-A, to add status as a veteran as a protected class. Although the committee, which includes a number of veterans as members, has the highest regard and respect for veterans, the committee also was unanimously of the view that this legislation is not needed. Simply put, there is no evidence that discrimination against veterans is a problem that requires legislative attention. Quite the contrary, like the committee, the overwhelming majority of the public believe that veterans should be honored for their service to their country; and for the legislature to suggest otherwise would do our veterans a great disservice.

Vote 20-0.

Rep. Dave Testerman
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 543-FN, relative to discrimination against veterans and price discrimination among other protected classes. **INEXPEDIENT TO LEGISLATE.**

Rep. Dave Testerman for Judiciary. This bill proposes to amend the New Hampshire Law Against Discrimination, RSA Chapter 354-A, to add status as a veteran as a protected class. Although the committee, which includes a number of veterans as members, has the highest regard and respect for veterans, the committee also was unanimously of the view that this legislation is not needed. Simply put, there is no evidence that discrimination against veterans is a problem that requires legislative attention. Quite the contrary, like the committee, the overwhelming majority of the public believe that veterans should be honored for their service to their country; and for the legislature to suggest otherwise would do our veterans a great disservice. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB 543-FN Date: 1/26/23

Committee: Judiciary

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Anni Malachi Human Rights Commission					
Kat Lord	Northwood		Self		X
Ron René	Manchester		Self		X
William Gaudreau NH Division of Veteran Services			DMAVS		
Paul Lloyd	SVAC			X	

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 543-FN

BILL TITLE: **relative to discrimination against veterans and price discrimination among other protected classes.**

DATE: **January 26, 2023**

LOB ROOM: **206-208** **Time Public Hearing Called to Order:** **2:23 p.m.**

Time Adjourned: **2:40 p.m.**

Committee Members: Reps. Wallace, Kuttab, Alexander Jr., Andrus, Testerman, Stapleton, Tripp, Greeson, K. Perez, M. Smith, Horrigan, DiLorenzo, Kenney, McBeath, Devine, Lanza, Manos and Turer

Bill Sponsors:
Rep. Hynes

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. **Rep Hynes**, **Sponsor.**
- This bill gives protection to veterans from discrimination.
- Unsure if this is currently happening, but feels we provide protections to people who are born under certain categories, but not to veterans and seeks to protect them.
2. **William Goudreau, Neutral**, Dir for NH Div of Veterans Services
- Would like amendment to clarify who veteran status applies to.
- Veterans as defined in RSA 21:50.
- Hasn't personally seen veterans discrimination, but won't speak on behalf of all veterans.
*submitted written testimony
3. **Paul Lloyd, Support**, SVAC
- Does agree that bill should be amended to define Veterans as defined in RSA 21:50.

Respectfully submitted,

Rep. Kaitlin Kuttab, Clerk

House Remote Testify

Judiciary Committee Testify List for Bill HB543 on 2023-01-26

Support: 0 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Sne !
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	1

HB 543-FN (2)

DEPARTMENT OF MILITARY AFFAIRS AND VETERANS' SERVICES WRITTEN TESTIMONY TO THE HOUSE JUDICIARY COMMITTEE ON HB543 RELATIVE TO DISCRIMINATION AGAINST VETERANS AND PRICE DISCRIMINATION AMONG OTHER PROTECTED CLASSES.

For Committee Hearing,
January 26, 2023
William Gaudreau, Director, NH Division of Veteran Services

I'd like to thank the Chair and Committee members for allowing me to provide testimony on HB543.

For the record, my name is William Gaudreau, and I am the Director, for the NH Division of Veteran Services, here today to represent the Adjutant General and the Deputy Adjutant General and the NH Department of Military Affairs and Veteran Services.

The Department reviewed HB543 and decided not to take a position either for or against the Bill, however as a result of our review, we would like to recommend that the Bill be amended to clarify the definition of "Veteran status".

Without a standard definition of Veteran being sited in this Legislation, we feel there will be confusion as to who the Bill applies to.

We have passed along our recommendation for an amendment to HB543 to the primary sponsor of this Bill, which we also provided to each of the members of this committee.

What we would recommend is, that the term "veteran Status" throughout the Bill, be changed to the phrase "Veterans as defined in RSA 21:50". This amendment would make this Bill consistent with the State's own definition of Veteran.

The reason for this recommendation, is that the State's definition of Veteran; which is defined in NH RSA 21:50; is unique and vastly different from the Federal definition of Veteran as defined in the Combined Federal Regulations Title 38

Specifically:

NH RSA 21:50 defines a Veteran as any person who:

(1) Served in the United States Armed Forces for more than 4 years and continues to serve; or

(2) Has been discharged or released from duty in the United States Armed Forces with

(A) An Honorable discharge; or

(B) An uncharacterized discharge based on a service-connected injury, illness, or disability

Title 38, Chapter 1, Subpart A, Paragraph 3.1. defines a Veteran as a person who served in the active military, naval, air, or space service and who was discharged or released under conditions other than dishonorable.

Note: Discharges that would be considered dishonorable would be:

- Other Than Honorable Discharge
- Bad Conduct Discharge
- Dishonorable Discharge

So, NH Law states that we only consider and individual a Veteran only if you have an Honorable discharge (or were discharged for medical reasons shortly after joining), while the Federal Law states a Veteran is someone who was not discharged dishonorably.

The way HB543 is written, individuals who were discharged dishonorably would be afforded the same rights and protections under this Law as individuals who served honorably and we feel that is not consistent with the State statute defining a Veteran.

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 543-FN

BILL TITLE: relative to discrimination against veterans and price discrimination among other protected classes.

DATE: February 8, 2023

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Testerman Seconded by Rep. Greeson Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Katelyn Kuttab, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2023 SESSION

1/10/2023 9:53:34 AM
Roll Call Committee Registers Report

Judiciary

Bill #: ~~HB543-FN~~ **Motion:** ITL **AM #:** _____ **Exec Session Date:** 8Feb23

Members	YEAS	Nays	NV
Lynn, Bob J. Chairman	20		
Wallace, Scott Vice Chairman	1		
Alexander, Joe H.	2		
Andrus, Louise	3		
Testerman, Dave	4		
Stapleton, Walter A.	5		
Tripp, Richard P.	6		
Greeson, Jeffrey	7		
Kuttab, Katelyn Clerk	8		
Perez, Kristine	9		
Smith, Marjorie K.	10		
Horrigan, Timothy O.	11		
DiLorenzo, Charlotte I.	12		
~~Kenney, Cam E.~~ Eaton, Daniel	13		
Paige, Mark	14		
McBeath, Rebecca Susan	15		
Devine, Shelley	16		
Lanza, Judi	17		
Manos, Zoe R	18		
Turer, Eric S	19		
TOTAL VOTE:	20	0	—