

SB 420 - AS INTRODUCED

2026 SESSION

26-2212

07/05

SENATE BILL        **420**

AN ACT            relative to the state commission for human rights.

SPONSORS:        Sen. Ward, Dist 8

COMMITTEE:      Executive Departments and Administration

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ANALYSIS

This bill makes changes to the state commission for human rights.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT                   relative to the state commission for human rights.

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

1           1 Trade and Commerce; State Commission for Human Rights; General Powers and Duties of the  
2 Chair. Amend RSA 354-A:4 to read as follows:

3           354-A:4 General Powers and Duties of the Chair. The chair shall serve as the chief executive  
4 officer of the commission. [~~The chair shall be a licensed attorney admitted or eligible to practice law~~  
5 ~~in this state.~~] The chair shall promote the efficient transaction of its business and the orderly  
6 handling of complaints and other matters before the commission. The chair shall designate  
7 commissioners to investigate and commissioners to hold hearings pursuant to RSA 354-A:21 and  
8 shall fix the times and places of public hearings. In the event of the chair's absence or inability to  
9 act, the vice-chair, or if no vice-chair has been designated, a commissioner designated by the chair  
10 shall act in the chair's stead. Otherwise a commissioner shall be designated by the governor to act as  
11 chair.

12           2 New Paragraphs; Trade and Commerce; State Commission for Human Rights; General Powers  
13 and Duties of the Commission. Amend RSA 354-A:5 by inserting after paragraph III the following  
14 new paragraphs:

15           III-a. To nominate an executive director and assistant executive director for appointment by  
16 the governor, with the consent of the council. The executive director shall serve a term of 5 years.  
17 The assistant executive director shall serve an initial term of as stated in paragraph III-b and then  
18 terms of 5 years. Any vacancy shall be filled for the unexpired term. The executive director and  
19 assistant executive director shall be qualified to hold the position by reason of education and  
20 experience. The executive director, under the supervision of the commissioners, shall be responsible  
21 for the daily administration and management of the commission and execution of its duties, among  
22 other responsibilities. The assistant executive director shall operate under the supervision of the  
23 executive director and shall, among other duties, act as executive director whenever the latter is  
24 absent or unable to act from any cause, or whenever there is a vacancy in the office, provided that  
25 the assistant executive direction shall not so act when the commission has nominated and the  
26 governor and council have appointed an acting executive director.

27           III-b. The commission shall nominate for appointment by the governor and executive council  
28 an assistant executive director for an initial term of 2 years. All subsequent terms shall be 5 years.

29           3 Trade and Commerce; State Commission for Human Rights; General Powers and Duties of the  
30 Commission. Amend RSA 354-A:5, X-XI to read as follows:

SB 420 - AS INTRODUCED  
- Page 2 -

1           ~~[X. To render annually to the governor, president of the senate, speaker of the house of~~  
2 ~~representatives, senate clerk, house clerk, legislative fiscal committee, and council a full written~~  
3 ~~report of its activities and of its recommendations. The report shall include:~~

4           ~~(a) A detailed summary of actions taken to address and remediate findings identified in~~  
5 ~~the most recent performance audit issued by the legislative budget assistant in February 2025,~~  
6 ~~including but not limited to:~~

7           ~~(1) Timeliness of case investigations and resolutions, the number of cases resolved,~~  
8 ~~the number of outstanding cases before the commission, whether the commission has a backlog of~~  
9 ~~cases, and the average time it takes to close a case;~~

10           ~~(2) Implementation of a case management system;~~

11           ~~(3) Development of strategic planning, internal controls, and performance metrics;~~

12           ~~(4) Training and oversight of staff and commissioners;~~

13           ~~(5) Adoption and enforcement of administrative rules;~~

14           ~~(6) Correction of prior audit findings;~~

15           ~~(7) Confidentiality and data management improvements; and~~

16           ~~(8) Definitions and processes related to legal standards in investigations.~~

17           ~~(b) Quantitative performance measures including average time to assign and close cases,~~  
18 ~~number of cases exceeding statutory time limits, and comparison to prior years.~~

19           ~~(c) Progress updates on administrative rulemaking, strategic plan implementation, and~~  
20 ~~IT modernization initiatives.~~

21           ~~(d) Status of required statutory filings including biennial reports, statements of financial~~  
22 ~~interests, and reconciliations with federal data systems.~~

23           ~~(e) Any additional recommendations or needs for legislative action.~~

24           ~~II. The report shall be made publicly available online on the TransparentNH website in~~  
25 ~~accordance with executive order 2014-03.]~~

26           XI. To adopt an official seal.

27           4 Trade and Commerce; State Commission for Human Rights; Procedure on Complaints.  
28 Amend RSA 354-A:21, I(a)-II(a) to read as follows:

29           I.(a) Any person claiming to be aggrieved by an unlawful discriminatory practice may make,  
30 sign and file with the commission a verified complaint in writing which shall state the name and  
31 address of the person, employer, labor organization, employment agency or public accommodation  
32 alleged to have committed the unlawful discriminatory practice complained of and which shall set  
33 forth the particulars thereof and contain such other information as may be required by the  
34 commission. *If, and only if, a verified complaint fails to allege that a person has been*  
35 *aggrieved by an unlawful discriminatory practice, the commission may refuse to accept*  
36 *and docket such complaint and may make appropriate referrals to other agencies.* The

1 attorney general or one of the commissioners may, in like manner, make, sign, and file such  
2 complaint.

3 (b) In connection with the filing of such complaint, the attorney general is authorized to  
4 take proof, issue subpoenas and administer oaths in the manner provided in the civil practice law  
5 and rules. Any employer whose employees, or some of them, refuse or threaten to refuse to  
6 cooperate with the provisions of this chapter, may file with the commission a verified complaint  
7 asking for assistance by conciliation or other remedial action.

8 II.(a) After the filing of any complaint, one of the commissioners designated by the chair  
9 shall make, with the assistance of the commission's staff, prompt investigation in connection  
10 therewith; during the course of the investigation, the commission shall encourage the parties to  
11 resolve their differences through settlement negotiations; and if such commissioner shall determine  
12 after such investigation that probable cause exists for crediting the allegations of the complaint, the  
13 commissioner, ***with the assistance of the commission's staff***, shall immediately endeavor to  
14 eliminate the unlawful discriminatory practice complained of by conference, conciliation and  
15 persuasion. The members of the commission and its staff shall not disclose what has occurred in the  
16 course of such endeavors, provided that the commission may publish the facts in the case of any  
17 complaint which has been dismissed, and the terms of conciliation when the complaint has been so  
18 disposed of. When the investigating commissioner finds no probable cause to credit the allegations  
19 in the complaint, the complaint shall be dismissed, subject to a right of appeal to superior court. To  
20 prevail on appeal, the moving party shall establish that the commission decision is unlawful or  
21 unreasonable by a clear preponderance of the evidence. The findings of the investigating  
22 commissioner upon questions of fact shall be upheld as long as the record contains credible evidence  
23 to support them. If it reverses the finding of the investigating commissioner, the superior court shall  
24 remand the case for further proceedings in accordance with RSA 354-A:21, II, unless the  
25 complainant or respondent elects to proceed with a hearing in superior court pursuant to RSA 354-  
26 A:21-a.

27 5 Repeals. The following are repealed:

28 I. 2025, 141:369, relative to establishing a temporary human rights commission advisory  
29 committee.

30 II. 2025, 141:370, relative to the membership of the temporary human rights commission  
31 advisory committee.

32 6 Effective Date. This act shall take effect 60 days after its passage.