

HB 64 - AS INTRODUCED

2023 SESSION

23-0185

07/08

HOUSE BILL **64**

AN ACT requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire.

SPONSORS: Rep. Gallager, Merr. 20; Rep. Horrigan, Straf. 10

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire.

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

- 1 1 Commission on Demographic Trends. Amend RSA 12-O:55-a, I to read as follows:
- 2 I. There is established a commission on demographic trends. The commission shall develop
- 3 long-term net migration goals, review and recommend programs and legislation designed to meet the
- 4 net migration goals, ***consider racial and ethnic data with the aim of increasing racial and***
- 5 ***ethnic diversity in the state***, and monitor the success of any such programs.
- 6 2 Effective Date. This act shall take effect 60 days after its passage.

CONSENT CALENDAR

February 16, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 64,

AN ACT requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Dianne Schuett

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 64
Title:	requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire.
Date:	February 16, 2023
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

While the goals of the sponsors of this bill are laudable, there does not seem to be an appetite on the part of the legislature or the executive branches to support the statutory commission the bill seeks to amend as evidenced by the lack of appointments to it. Testimony indicates that the University of New Hampshire has been and is continuing to study this issue and there is nothing to prevent them from doing so. And this committee encourages the university to continue sharing its findings with the state government.

Vote 16-0.

Rep. Dianne Schuett
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 64, requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Dianne Schuett for Executive Departments and Administration. While the goals of the sponsors of this bill are laudable, there does not seem to be an appetite on the part of the legislature or the executive branches to support the statutory commission the bill seeks to amend as evidenced by the lack of appointments to it. Testimony indicates that the University of New Hampshire has been and is continuing to study this issue and there is nothing to prevent them from doing so. And this committee encourages the university to continue sharing its findings with the state government.

Vote 16-0.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 64

BILL TITLE: requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire.

DATE: February 16, 2023

LOB ROOM: 306-308

Time Public Hearing Called to Order: 10:02 a.m.

Time Adjourned: 10:30 a.m.

Committee Members: Reps. C. McGuire, Simon, Sirois, T. Lekas, Bailey, T. Dolan, Abare, Gerhard, Grote, P. Schmidt, Goley, Schuett, O'Brien, F. Davis, Fitzpatrick and S. Gould

Bill Sponsors:

Rep. Gallager

Rep. Horrigan

TESTIMONY

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

- Rep. Eric Gallager
 - Merrimack 20
 - Believes New Hampshire is not currently diverse enough to retain “First in the Nation.” He proposes the bill because he believes this would give us the demographics for “First in the Nation” consideration.
- Rep. Tim Horrigan
 - Stafford 10
 - Co-sponsor. Believes a bill that could increase ethnic diversity is “a good one.”

Respectfully Submitted,

Rep Shane Sirois, Clerk

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB64 on 20
Support: 1 Oppose: 2 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>...</u>
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	...
Horrigan, Timothy	DURHAM, NH timothy.horrigan@leg.state.nh.us	An Elected Official	Strafford #10 (co sponsor)	Support	No	No	...
Sabourin, Matt	Hampton, NH nhipac@protonmail.com	A Member of the Public	New Hampshire Independence Political Action Committee	Oppose	No	No	...

Testimony in Favor of HB 64:

“AN ACT requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire.”

Rep. Timothy Horrigan (Strafford 10); February 16, 2023
House Executive Departments and Administration Committee

HB 64 is a very simple bill which calls on the Commission On Demographic Trends to do something which costs nothing and which it should be doing anyway: i.e., considering racial and ethnic data, with the goal of increasing New Hampshire's ethnic diversity. Ours is the second-oldest state in the union with an average age of 43.1 when the 2020 Decennial census was taken, just ahead of Vermont (43.0) and Maine (45.0). We are also one of the less diverse states in the union, although we are not quite as White as some people believe we are. Our “BIPOC” population percentage is about 10%.

To keep our economy growing, we need to attract more ambitious young working people to our state, from other states or even other countries. Younger working adults in general are more ethnically diverse than older generations, and the places they come from are much more diverse than New Hampshire. Even White New Hampshire-born people generally prefer to live in a place where everyone of any color is welcome. We Granite Staters are having trouble encouraging our young people, of any color, to stay here: more diversity would make New Hampshire a more attractive place for ambitious young adults to pursue their dreams.

Please vote “Ought to Pass” on HB 64 to help make New Hampshire a younger and more vibrant state.



HCS

New Hampshire House of Representatives
House Committee Services

Brad Greenland, Committee Researcher

(603) 271-3097
bradley.greenland@leg.state.nh.us

TO: Representative Carol McGuire, Chair, House Executive Departments and Administration

FROM: Brad Greenland, Committee Researcher

DATE: February 10, 2023

SUBJ: HB 64, requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire

You asked: What is the history of previous legislation pertaining to requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire?

Current Legislation:

HB 64 would require the commission on demographic trends to consider racial and ethnic data with the aim of increasing racial and ethnic diversity in the state.

Previous Legislation:

- I. **HB 1294 (2022)** would have required the commission on demographic trends to consider racial and ethnic data with the aim of increasing racial and ethnic diversity in the state. The House Executive Departments and Administration committee recommended the bill be found Inexpedient to Legislate.

- i. House Committee Report
Majority: Inexpedient to Legislate, Vote 17-0

Rep. Jennifer Rhodes for Executive Departments and Administration. The Executive Departments and Administration Committee unanimously recommended that this bill be recommended inexpedient to legislate due to a plethora of concerns surrounding the language and intent of this proposed legislation. For one issue, the statute amended had been repealed on July 1, 2021. Additionally, during the committee's executive session

several members raised concerns about the idea of NH would creating and setting a goal as to how many people of a specific demographic would be welcomed into our great state. The notion of gathering information about a person's race and ethnicity for the sole purpose of setting a migration goal does not support the values of Granite Staters and in itself is insulting, concerning and dangerous.

Final Disposition: Inexpedient to Legislate, Voice Vote.

If I can provide additional information, please do not hesitate to contact me.



HCS

New Hampshire House of Representatives
House Committee Services

Brad Greenland, Committee Researcher

(603) 271-3097
bradley.greenland@leg.state.nh.us

TO: Representative Carol McGuire, Chair, House Executive Departments and Administration Committee

FROM: Brad Greenland, Committee Researcher

DATE: February 10, 2023

SUBJ: HB 359, relative to legal holidays

You asked: What is the history of previous legislation regarding proclaiming election days legal state holidays.

Current NH Statutes:

RSA 288:1 (State Holidays) has included “the day on which the biennial election is held” among the state holidays since this section was first adopted in 1899. There is currently no requirement for public or private employers to close their offices on state holidays. In fact, two of the eleven days listed in RSA 288:1 (Columbus Day and Election Day) are not included in the collective bargaining agreement with state employees and are not paid state holidays. School boards and administrators establish the school calendars for their districts.

The New Hampshire election laws include a provision that permits voters who are unable to be at the polling place during voting hours due to employment obligation to vote using an absentee ballot. This provision, **RSA 657:1**, was adopted in 2006. It was expanded in 2016 to state that “employment”, for the purposes of this section, includes the care of children and infirm adults with or without compensation.

Previous Legislation:

- I. **HB 1562 (2014)** would have clarified the biennial election day holiday is held in November on even-numbered years and would have required employers to grant employees leave for the purpose of voting. The House Executive Departments and Administration committee recommended the bill be found Inexpedient to Legislate.

i. Summary of Testimony

Rep. Theberge, the prime sponsor of the bill, testified that the intent of the bill was to encourage voter participation in elections and to increase voter turnout. Rep. Theberge also testified their support for amending the bill to either limit the holiday to the general election in presidential election years only or making the day a half day holiday. One person signed in opposition to the bill but did not speak.

ii. House Committee Report

Majority: Inexpedient to Legislate, Vote 18-0

Rep. Romeo Danais for Executive Departments and Administration. This bill states that “an employer shall permit employees to take leave on the state biennial election day in November of even-numbered years for the purpose of voting”. The committee determined that current law already fulfills this need.

Final Disposition: Inexpedient to Legislate, Voice Vote.

- II. **HB 625 (2017)** this bill would have added the state primary election day to the list of state holidays in RSA 288:1. This bill would have also required state office, city, school district or community college or university supported by the state to close on the day of a state primary and general election and would have established an exception to the office closure requirement for governmental units necessary for the function of government or needed to carry out the election. The House Executive Departments and Administration committee recommended the bill be found Inexpedient to Legislate.

i. Summary of Testimony

Rep. Read, the prime sponsor of the bill, testified that the most common reason for not voting is a busy schedule. Rep. Read believed that election day should be celebrated with a focus on participation in democracy. Rep. Read also noted that cost is usually cited by opponents of this type of legislation. HB 625 does not mandate private businesses to close. Offices that remain open on holidays, often do more business. Historically, Tuesday was designated as election day because state officials determined that this would encourage the largest number of participants. One person signed in opposition to the bill but did not speak.

- ii. House Committee Report
Majority: Inexpedient to Legislate, Vote 14-6
Minority: Ought to Pass

Rep. J.R. Hoell for the Majority of Executive Departments and Administration. This bill would add the state primary election to the list of state holidays. The general election is already included on this list. In addition, this bill would give non-essential state, municipal and school district employees a day off for both the general election and primary election. USNH estimated in the fiscal note that this would lead to \$1.25 million per day in lost productivity. These extra days off would give an advantage to the state workers versus those in the private industry. For a state that already has one of the highest voter participation rates, the committee felt that there is no issue to solve by giving employees more time off to vote.

Rep. Ryan Smith for the Minority of Executive Departments and Administration. The purpose of this bill is to recognize that elections are the very essence of our democracy. While New Hampshire's voter turnout rate is one of the highest in the nation, there is always room for improvement. Testimony presented showed evidence that this bill would likely increase participation and once again make our state number one in voter turnout. The state already recognizes the importance of general elections, but has failed to recognize the equal importance of state primaries. Choosing who will appear on the general ballot can be even more important than the election itself; based on the competitiveness of the district. In 2014, primary turnout was just 19 percent; the state can and should do more to encourage voting in all elections. For that reason, among several, this bill ought to pass.

Final Disposition: Inexpedient to Legislate, Voice Vote.

- III. **SB 153 (2019)** this bill would have amended RSA 288:1 by adding the biennial state primary and quadrennial presidential primary election to the list of state holidays. The Senate Election Law and Municipal Affairs committee recommended the bill be found Inexpedient to Legislate.

Final Disposition: Inexpedient to Legislate, Voice Vote

IV. **HB 506 (2019)** would have added the state primary election day to the list of state holidays in RSA 288:1. The bill would have required state office, city, town, school district, or community college or university supported by the state to close on the day of a state primary and general election. It also requires all other employers to allow up to 3 hours away from work to vote in the state primary and general elections. The House Executive Departments and Administration committee retained the bill and recommended the bill Ought to Pass with Amendment 2019-2854h. The amendment repealed the entire bill and replaced it to say, “All employers shall, when practicable, allow employees up to 3 hours away from work to cast ballots on biennial general election days.”

i. House Committee Report

Majority: Ought to Pass with Amendment, Vote 10-4

Rep. Jaci Grote for Executive Departments and Administration. This bill requires employers, if practical, to allow an employee up to three hours to vote. This bill applies only for biennial general elections and does not mandate pay to the employee during this time. The intent of the bill is to demonstrate civic commitment on the part of the employer and employee. Some workers do not know their schedule with enough notice to arrange for absentee balloting. This bill gives additional access to voting rights.

The recommendation of Ought to Pass with Amendment passed on the House Floor by a vote of 211-148.

Final Disposition: Laid on the Table in the Senate.

V. **HB 1213 (2022)** would have added the state primary election day to the list of state holidays in RSA 288:1. The bill would have required state office, city, town, school district, or community college or university supported by the state to close on the day of a state primary and general election and would have also required all other employers to allow up to 3 hours away from work to vote in the state primary and general elections. The House Executive Departments and Administration committee recommended the bill be found Inexpedient to Legislate.

i. House Committee Report

Majority: Inexpedient to Legislate, Vote 17-0

Rep. Jaci Grote for Executive Departments and Administration. ED&A has heard this bill in the previous session and we are still unconvinced that this is an acceptable means to recognize elections days. First, contract

negotiations determine the holidays many employees receive as part of their compensation. Adding election day to this list could pose a problem to these NH residents. Secondly, those employees that are not bound by a contract could have up to 3 hours to vote but it is not stipulated that they be paid and the committee is concerned that this would allow employers to give up to 3 hours without pay to individuals who cannot afford a loss of those hours. As one of the committee members stated “good ideas are difficult to put into legislation”.

Final Disposition: Inexpedient to Legislate, Voice Vote

If I can provide further information, please do not hesitate to contact me.

Testimony in Favor of HB 64:

“AN ACT requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire.”

Rep. Timothy Horrigan (Strafford 10); February 16, 2023
House Executive Departments and Administration Committee

HB 64 is a very simple bill which calls on the Commission On Demographic Trends to do something which costs nothing and which it should be doing anyway: i.e., considering racial and ethnic data, with the goal of increasing New Hampshire's ethnic diversity. Ours is the second-oldest state in the union with an average age of 43.1 when the 2020 Decennial census was taken, just ahead of Vermont (43.0) and Maine (45.0). We are also one of the less diverse states in the union, although we are not quite as White as some people believe we are. Our “BIPOC” population percentage is about 10%.

To keep our economy growing, we need to attract more ambitious young working people to our state, from other states or even other countries. Younger working adults in general are more ethnically diverse than older generations, and the places they come from are much more diverse than New Hampshire. Even White New Hampshire-born people generally prefer to live in a place where everyone of any color is welcome. We Granite Staters are having trouble encouraging our young people, of any color, to stay here: more diversity would make New Hampshire a more attractive place for ambitious young adults to pursue their dreams.

Please vote “Ought to Pass” on HB 64 to help make New Hampshire a younger and more vibrant state.

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 64

BILL TITLE: requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire.

DATE: February 16, 2023

LOB ROOM: 306-308

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Schuett

Seconded by Rep. S. Gould

Vote: 16-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Shane Sirois, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:25:09 PM
Roll Call Committee Registers
Report

2023 SESSION

Executive Departments and Administration

Bill #: 64 Motion: ITL AM #: _____ Exec Session Date: 2-16-23

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman			
Simon, Matthew J. Vice Chairman	✓		
Lekas, Tony	✓		
Bailey, Glenn	✓		
Santonastaso, Matthew			
True, Chris			
Dolan, Tom	✓		
Abare, Kimberly L	✓		
Gerhard, Jason	✓		
Sirois, Shane A	✓		
Grote, Jaci L.	✓		
Schmidt, Peter B.	✓		
Goley, Jeffrey P.	✓		
Schuett, Dianne E.	✓		
O'Brien, Michael B.	✓		
Wilhelm, Matthew B.			
Davis, Fred E.	✓		
Fitzpatrick, Daniel W	✓		
Gould, Sherry L	✓		
Smith, Juliet L			
TOTAL VOTE:			

16

16-0