

Senate Executive Departments and Administration Committee

Kevin Condict 271-7875

HB 142, relative to Gold Star Mother's Day.

Hearing Date: April 9, 2025

Time Opened: 1:00 p.m.

Time Closed: 2:06 p.m.

Members of the Committee Present: Senators Pearl, McGough, Gannon, Altschiller and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill changes the observance of Gold Star Mother's Day to the last Sunday in September and designates the Honor and Remember Flag as a state symbol of remembrance for those who died in the line of duty or as a result of service.

Sponsors:

Rep. Moffett

Rep. Balboni

Rep. Creighton

Rep. Edwards

Rep. Grote

Rep. Rollins

Rep. Terry

Sen. Avarad

Sen. Pearl

Who supports the bill: Rep. Micheal Moffett (Merr. 4), Rep. Jaci Grote (Rock. 24), Steve Grone, Erica Grone, Rep. Peggy Balboni (Rock. 38), Margie Fleischhauer, Bill Fleischhauer, Jean Durgin, Stephanie Willette, Nancy Marston, Brian Miller (H&R), Janet Lucas, Sarahlynn Williams, and Eric Pauer.

Who opposes the bill: Kevin Grady (SVAC).

Who is neutral on the bill: Rep. Greg Hill (Merr. 2), and Terry Pfaff (GCNH).

Summary of testimony presented:

Representative Michael Moffett, Merrimack 4

- Rep. Moffett introduced House Bill 142.
- Rep. Moffett explained that this measure has previously been before the legislature. He said it started in the Senate before, but that bill did not make it through the House.
- Rep. Moffett said this bill includes new language and compromises based on earlier testimony.

- Rep. Moffett explained that the flag is from Honor and Remember, a national organization. The flag can be personalized with the name of a veteran.
- Rep. Moffett noted earlier concerns regarding this flag detracting from displays of other flags, particularly the American flag.
- Rep. Moffett stated his support for the flag and for Gold Star Families. He said the flag helps to keep the memories and spirits of fallen service members alive.
- Rep. Moffett said this bill sends an important message that military service is valued and that those who make the ultimate sacrifice will be remembered.
- Rep. Moffett said this flag also honors those who have been lost after they have returned from active duty. He stated that veterans' lives are shortened due to service-related physical and psychological experiences.
- Rep. Moffett said that his brother John was a Marine and is buried at the New Hampshire Veterans Cemetery in Boscawen. He said that an Honor and Remember flag with his brother's name on it would be a great gift for his brother's family. He said the State sanctioning of that flag would be meaningful.
- Rep. Moffett said there are several flags and symbols that contribute to veteran culture. He noted that the American Legion flag is often flown alongside the American flag at Memorial Day parades.
- Rep. Moffett said this bill passed the House easily, as it simply calls for the date of Gold Star Mother's and Family's Day to be switched from April to September to get in synch with the national day. He explained that the bill also asks the veterans cemetery to fly the flag, which they are already doing.
- Rep. Moffett noted that Governor Ayotte has already signed the 2025 April Gold Star Proclamation.
- Rep. Moffett said it was important to note that most other states have officially recognized this flag.
- Sen. Reardon asked if there are any rules about flags that fly over the state house.
 - o Rep. Moffett said there are protocols in place where the legislative body would need to approve a flag before it can fly over the state house. He mentioned that the Marine Corps flag flies on November 10th. The Marine Corps flag had to be approved by the legislature before it could be flown over the capitol.

Representative Greg Hill, Merrimack 2

- Rep. Hill explained that he is the Chair of the Legislative Administration Committee, which heard this bill in the House.
- Rep. Hill explained that the Legislative Administration Committee voted this bill inexpedient to legislate with the intention of requesting that it be tabled for the purpose of doing a study over the summer on an ad hoc basis. He said that study would look at the guidelines and protocols because there are several places where there are conflicts within the RSAs.
- Rep. Hill said this bill has been heard several times and it has always been on a bipartisan basis.

- Rep. Hill pointed to RSA 17-I:2, which deals with the responsibilities of the Joint Legislative Historical Committee. They have the responsibility to purchase and restore historical items, as well as the responsibility for the placement of portraits and flags. He noted that they also have the responsibility to recommend legislation needed to implement a policy to administer and enforce the collections policy established by the committee in 1990. He said he has not been able to find a copy of that policy.
- Rep. Hill said he has been made aware of Section 4:13-h, which lists Gold Star Mother's Day.
- Rep. Hill stated that the list of observances proclaimed by the governor is extensive. He questioned whether those proclamations, which include flags, conflict with what the Joint Legislative Historical Committee and the Joint Committee on Legislative Facilities do.
- Rep. Hill noted that there is no language in the bill saying who would purchase this flag. He said that would set a new precedent. He said the State has never had a copywritten flag before.
- Rep. Hill said the bill does not state what happens if the date happens to fall during a time when flags are at half-mast. He said if that was the case then one flag would be dragging on the ground.
- Rep. Hill stated that there are things that need to be fixed within the legislation and within policies and guidelines.
- Rep. Hill said he was unsure if this bill is necessary or if the governor, in their proclamation, could indicate that a flag be flown and name which flag.

Representative Jaci Grote, Rockingham 24

- Rep. Grote explained that she has Gold Star Families that are constituents.
- Rep. Grote said this is the furthest this bill has ever gone.
- Rep. Grote said there are people who care very much about the flag being flown over the state house.
- Rep. Grote explained there were many conversations about where this bill could go after last year's version failed.

Steve and Erica Grone

- Ms. Grone explained that they are the parents of Staff Sgt. Tanner Grone, who died in a helicopter crash in 2023.
- Ms. Grone said that they love Gold Star Mother's Day, but it should be Gold Star Families' Day. She said she raised Tanner with her husband and would like to hear the word family in the day's name.
- Mr. Grone said that he would not have had much of an opinion on this prior to seventeen months ago. He explained that his son died on November 10, 2023, at the age of 25.

- Mr. Grone said that they have since learned about his son's Distinguished Flying Cross medal. He said that their son's wanted to fly helicopters and was on one final mission before flight school at the time of his death.
- Mr. Grone explained that they honor their son the best they can every day. He said he and his wife climbed Gold Star Peak and honored their son and his fallen comrades. He said that his wife plans to run a 5k in Gorham to honor their son's memory.
- Mr. Grone said that all Gold Star Families are living in the nightmare of losing a child. He said they have met many other great families who are going through the same things as them.
- Mr. Grone stated that this bill holds meaning. He said it is owed to the families that have or had someone join the military. He said there has been a hole left in their life, and it is their duty to honor and remember the fallen loved ones daily.

Representative Peggy Balboni, Rockingham 38

- Rep. Balboni explained that she is a cosponsor of this bill. She said her attention to this issue was brought to her by a constituent, Nancy Marston, whose son was killed in action in 2015. She said that she has met other Gold Star Parents as well.
- Rep. Balboni said this bill addressed many concerns of previous versions of the bill.
- Rep. Balboni said that families may have different values and political beliefs, but they are united in this effort.
- Rep. Balboni said that it is significant that the cosponsors of this bill have come together in a bipartisan way to support this bill.
- Rep. Balboni noted that Rye raised this flag last Memorial Day.
- Rep. Balboni urged the Committee to help New Hampshire join the other states who have adopted and display this flag.

Jean Durgin

- Ms. Durgin explained that she is the mother of Sergeant Russell Durgin, who was killed in action in June 2006.
- Ms. Durgin said that he son had previously served in Iraq for a year that was hell. She said her son saw terrible things, but reenlisted because he felt he owed it to his country and his brothers in arms.
- Ms. Durgin said that on June 13, 2006, two officers arrived at her door to inform her family of the passing of her son Russell. She said the love and support they received during that time helped her to survive.
- Ms. Durgin said that this flag is a reminder of that time and the love her family received.
- Ms. Durgin had someone say to her at that time "your son was a soldier and there is a war, didn't you expect this could happen." She said that she prayed

every day that it would not, but other people had the opinion of “oh well.” She stated that she did not want any of the sacrifices made by service members to be thought of as an “oh well.”

- Ms. Durgin said that these fallen service members sacrificed their lives and their futures. She said they made a commitment for all. She said this flag serves as a reminder to those brave men and women that they are not “oh wells.”

Stephanie Ouellette

- Ms. Oullette said that she is a Gold Star Sister.
- Ms. Oullette said that each Gold Star Family had attended a military funeral and watched the American flag be folded. She said they could all feel the air shift and the silence set in as that flag was folded.
- Ms. Oullette explained that her brother, Corporal Michael Ouellette died in Afghanistan in 2009. She said that his death was what sacrifice looks like, and that those left behind sacrifice too.
- Ms. Oullette stated that Gold Star Families do not vanish, and neither does their grief. She said they speak the names of those fallen service members and tell their stories.
- Ms. Oullette said what this bill does is not small. She said it takes important steps of honoring service members. She said it is not purely a symbolic gesture, but gestures that hold great meaning.
- Ms. Oullette said the effort to raise the Honor and Remember flag has been going on for a decade, and that each time the families are told that others know better than they did.
- Ms. Oullette said this bill is not just about a date or a flag. She said it is about whether or not New Hampshire recognizes that the cost of freedom is written in lives. She said it shows whether the State will do something small but significant so that future generations will know the cost of their freedom.
- Ms. Oullette stated that this flag does not replace or diminish the American flag. She said the Honor and Remember flag has one purpose: to acknowledge the price paid and those left behind.
- Ms. Oullette said if not now then when. She questioned what would be good enough and if not for fallen veterans, then who. She urged the Committee to not let the memory of those who have fallen die.

Nancy Marston

- Ms. Marston explained that she is a Gold Star Mother of William Blake Marston, who was a Navy Seal who died on January 10, 2015.
- Ms. Martson said that Gold Star Families have been telling their stories for thirteen years. She said it is important to recognize that this flag is for all New Hampshire citizens. She said that Gold Star Families are fighting for everyone

to have pride in the New Hampshire citizens who have left their families to perform heroic actions for everyone's safety and freedom.

- Ms. Marston said it is important for everyone to learn about the cost of war. She said that many New Hampshire citizens have given their lives. She noted that ninety-six New Hampshire citizens have given their lives in the Global War on Terrorism.
- Ms. Marston noted that there have been insulting comments made that the Honor and Remember flag diminishes the American flag. She said that her son had an American flag on his shoulder when he went to war and there was an American flag on his coffin.
- Ms. Marston said that she flies the American flag six days a week, and that on Sundays she flies the Honor and Remember flag.

Margie and Bill Fleischhauer

- Mr. Fleischhauer explained that he and his wife are Gold Star Parents.
- Mr. Fleischhauer mentioned the parable of the bacon and egg sandwich, a story about the difference between contribution versus commitment. To build a sandwich the chicken must lay eggs and to provide the bacon the pig must sacrifice its life.
- Mr. Fleischhauer explained that their fallen son James "Jimi" Fleischhauer was a full-time member of the Army National Guard who served two tours in the Middle East before he passed away in 2015.
- Mr. Fleischhauer shared information about his son with the Committee.
- Mr. Fleischhauer stated his belief that most American are patriotic. He said everyone contributes to our country and to each other.
- Mr. Fleischhauer said that less than two percent of the population are willing to wear the uniform. Those who do swear an oath to protect and defend the constitution. He said that those who sign up write a blank check to be cashed in full, and die, in the service to this country.
- Mr. Fleischhauer said that soldiers fight for, and are willing to die for, the American flag. He said that for those who have perished, their names are etched onto the Honor and Remember flag to be remembered by their family, friends, and the nation.
- Mr. Fleischhauer said that Gold Star Families are thankful for this bill. He said that it is not a club that people fill out an application for, but once you join their community you will meet some of the most amazing people.
- Mrs. Fleischhauer said that Gold Star Families would be honored for the State to fly this flag. He said the flag has helped create a fellowship of families.
- Mrs. Fleischhauer stated that if there is any problem with the budget for this flag then Gold Star Families would supply the flag.

Brian Miller, Honor and Remember

- Mr. Miller stated that he is a combat veteran of the Marine Corps. He said that he has been involved in this effort for thirteen years. He said he is the Chapter Director of the New England Chapter of Honor and Remember.
- Mr. Miller said that the Honor and Remember flag would be granted to the State of New Hampshire at no cost, and that they would work on a two-year basis to get the State a new flag.
- Mr. Miller said that this flag is not trying to replace the American flag. He said the American flag takes on a different context and meaning for whoever sees it. He provided some background on the different meanings of the American flag.
- Mr. Miller said that by flying the Honor and Remember flag, the State would say to service members and the families who loved them that they will be remembered for their sacrifice.
- Mr. Miller said that the Honor and Remember flag is a symbol for everyone to recognize the sacrifices that Gold Star Families must endure. He said that soldiers face sacrifices, and that these families live with that ultimate sacrifice.
- Mr. Miller said this bill would make New Hampshire the twenty-ninth state to fly the Honor and Remember flag.

Terry Pfaff, General Court of New Hampshire

- Mr. Pfaff said that there are some conflict in the way that the bill is written relative to flag placement. The General Court oversees the full complex, with the Governor, Executive Council, and Secretary of State only having control over their portions of the building.
- Mr. Pfaff said that the Joint Legislative Historical Committee has the authority under one RSA for placement of portraits and flags, as well as recommending placement for the executive branch and other branches of government. He said the construction of the bill may need some attention, specifically the bottom section.
- Mr. Pfaff said that if this bill passes in its current form, then two branches will be able to try to control what happens at the State House. He said that as the person in charge of the complex, his preference is to have that clarified. He said that he wants it made clear so that when the Joint Legislative Historical Committee makes a recommendation it is solid and the branch that oversees the complex has that authority clearly.
- Sen. Pearl asked Mr. Pfaff is he would be able to provide some guidance on this.
 - o Mr. Pfaff said that he would.

Kevin Grady, State Veterans Advisory Committee

- Mr. Grady stated that the State Veterans Advisory Committee (SVAC) opposes this legislation.

- Mr. Grady said that they respect the sacrifice of Gold Star Families, and that veterans are the next closest to being able to understand what they are going through.
- Mr. Grady explained that he has had to deliver the notification of the death of a squad member to their family, and that he thinks about it all the time.
- Mr. Grady said that the last Air Force casualty of the War in Afghanistan was Captain Ryan Phaneuf from Hudson. Mr. Grady explained that Captain Phaneuf was his student in junior Reserve Officers' Training Corps. (ROTC). He said he understands the sacrifice service members make.
- Mr. Grady said the SVAC applauds the work that Honor and Remember does. He said the SVAC supports the organization and the proclamation made by the governor each year.
- Mr. Grady said that this bill loses the SVAC when there is language used to say that the Honor and Remember flag is an official symbol honoring the service and sacrifice of New Hampshire's men and women who have serviced in the United States Armed Forces and given their lives. He said that to the SVAC, the official symbol of that is the American flag.
- Mr. Grady stated that the Honor and Remember flag always flies at the New Hampshire Veterans Cemetery in Boscawen. He said that they leave it hung through the winter. He said the SVAC would have no issue with legislation mandating that.
- Mr. Grady said that the American flag is the only flag that fits the bill for the SVAC. He said they would respect it if the Committee felt different.
- Sen. Pearl asked if SVAC's main objection was the use of the word symbol.
 - o Mr. Grady said that the official designation of fallen service members is an American flag at half-mast.
- Sen. Pearl asked for clarification that their issue is not a language issue.
 - o Mr. Grady said that the Honor and Remember flag is not recognized nationwide as an official symbol. He said that no one on the SVAC was willing to discuss this bill much.
- Sen. McGough pointed to line 10. He asked if SVAC finds the Prisoner of War (POW) Missing in Action (MIA) flag honors the service of individuals.
 - o Mr. Grady said that they do find that, but that flag has been an official symbol nationwide for years. He said they view the two flags as on different levels. He said the POW-MIA flag is to remind everyone that there are people out there who are unaccounted for.