



January 22, 2025
The Honorable Greg Hill
Chair, Legislative Administration Committee
State House
Concord, NH 03301

Dear Rep Hill and Members of the Committee,

I am writing to express my strong support for HB456, a bill that upholds the integrity of legislative processes by requiring state agency personnel and state employees to provide information to legislative committees only at the committee's request, and prohibiting them from taking positions in support of or opposition to matters before the committee.

This bill addresses a critical concern regarding the separation of powers as outlined in Part I, Article 37, and Part II, Articles 2 and 5 of the New Hampshire Constitution. The legislative branch holds the sole authority to make laws, while the executive branch's role is to execute them. Allowing agency employees, who work for the executive branch, to influence legislation through advocacy undermines this constitutional balance. Their participation must remain limited to providing technical and factual information requested by legislative committees to inform sound decision-making.

Further, state employees who testify in support of or opposition to legislation are, in essence, engaging in lobbying activities, funded by taxpayers. This creates an inequitable dynamic where state employees, paid with public funds, are given a platform to advocate—often with more time and weight—that eclipses the voices of private citizens. This practice can violate the free speech rights of members of the public whose viewpoints differ from those expressed by agency employees.

HB456 also aligns with principles established in *Wooster v. Plymouth* (1889), which clarified that employees of the state, acting in an official capacity, are not natural persons and do not possess the constitutional rights reserved to the people. Their powers and duties are granted by Part II of the Constitution, and they must act within those confines. Advocacy on legislation should be reserved for

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private citizens exercising their rights under Part I, Article 32, which guarantees the right to petition and instruct—a right reserved exclusively to the people, not the government.

In addition, lobbyists who testify before legislative committees are required to register, report their activities, and adhere to specific restrictions. State employees performing similar advocacy functions should not be held to a lesser standard or bypass these rules simply because they are employed by the government. HB456 ensures fairness and transparency by prohibiting state personnel from advocating for or against legislation while on taxpayer time and in an official capacity.

If state agency personnel wish to express their personal opinions on legislation, they should do so as private citizens, outside of their official roles, and on their own time. This approach maintains the integrity of our legislative process, respects the separation of powers, and ensures that the voices of New Hampshire citizens are not overshadowed by those of government employees.

Thank you for considering my testimony. I urge you to support HB456 and its vital protections for constitutional principles and citizen engagement in the legislative process.

Sincerely,

Hon. Melissa Blasek
Executive Director

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