

TESTIMONY IN SUPPORT OF HB 1114

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Members of the Legislative Administration Committee:

I gladly join hundreds of other NH citizens in our virtually unanimous support for this excellent bill. I frankly cannot imagine a principled objection to it, but I will watch tomorrow's hearing (I am currently out of the area and can't attend) and send in any supplemental testimony necessary to rebut any meritless objections that may arise.

As you know, HB 1114 does two things, one of which is already done in the House but is *inexplicably* ignored by the Senate. It gives everyone access to *most* (see item 3 on page 4 below!) public comments on proposed legislation. This is basic, minimal, "good government"; it is not only courteous and respectful to citizens, experts, lobbyists, and others who take their time to offer data and opinions, but it allows them to give the General Court *true dialogue* about controversial issues of fact and policy. Without access to the submissions of others, no one can correct the record to rebut misinformation, or modify their views based on the convincing testimony of others. Posting comments online as they are received, *as the House already does*, will SAVE the state money, as this is clearly less expensive than fulfilling 91-A requests in paper form! The Senate's refusal to mimic the House here is sad (I have personally discussed this problem with former Senate President Bradley several times, to no avail).

Secondly, it directs both chambers to write *useful* reports summarizing the public comment on each bill. There is little more annoying in government than to have appointed or elected officials say "we listened to you," when the record of such "listening" is merely "we disagree because we know better," with zero explanation or evidence of this.


I co-directed (at the University of Pennsylvania Law School) the largest project ever to study how executive agencies worldwide engage with their citizenry. Over and over, we heard from interested voters that while they value transparency, *they value more a quality called "apparency."* Apparency refers to the honesty with which government explains WHY it did what it did. In theory (and, we found, in practice), citizens are far more willing to accept that they didn't get the desired outcome when government takes the trouble to demonstrate that they did in fact listen, and disagreed *for good and explicit reasons*.

On the other side of the fence, having to say more than “because we say so, that is why” might even cause legislators to rethink their positions, which would be the best outcome of all regardless of which comments were heeded.


The value of “apparency,” and the dismal record of many NH state agencies (DES being the one I am most familiar with) in writing useless and arrogant response documents to public comment, is *exactly* why in 2024, many legislators in both chambers enacted HB 1622, resoundingly overriding the then-Governor’s veto.

This bill replicates the success of HB 1622 by extending it from the agencies to the legislature. In both cases, the governmental body is simply asked to say **why** significant issues raised by one or more members of the public were not accommodated.

Members may well ask how common the provisions of HB 1114 are among other U.S. state legislatures. I haven’t had time to search state-by-state, but a more generic search yielded this summary:

As of 2026, most U.S. state legislatures provide online access to public testimony on bills through live video streams, archived recordings, or public postings of written submissions. While all 50 states live-stream their main floor proceedings, the availability and format of committee testimony (where the public speaks) vary by state. 

States with Significant Online Testimony Portals

Several legislatures have advanced systems for the public to submit and view testimony online: 

- **Hawaii:** Operates a robust Submit Online Testimony feature where all received testimony is posted publicly on the legislature’s website for each bill.
- **Colorado:** Provides live committee video and archived audio/video. Written testimony is considered a public record and is included in staff summaries posted on the General Assembly’s website.
- **Washington:** Known for one of the most open legislatures, it allows the public to submit written testimony, note positions on bills, and testify remotely, with proceedings archived by [TVW](#).
- **Nevada:** Uses the NELIS system where citizens can submit comments and vote “Aye” or “Nay” on bills; these comments and votes are available for public viewing on the website.

But I urge the Committee not only to follow the leaders here, but ask itself the simple question: what is gained, and at what cost, by requiring the House and Senate to digest and take seriously public comment? **I think it's clear that the costs are minimal** (again, the House is already fulfilling the first half of what HB 1114 requires) and what is gained will be **a more engaged citizenry that doesn't rightly feel ignored and disrespected.**

I've gone to several hearings, notably in the Senate, where a committee Chair began the hearing with the appalling statement "I don't like this bill." Discouraging debate is bad enough, but it quickly became clear that the distaste was not based on any fact, evidence, or policy that the Senator was willing to articulate. HB 1114 will change that, and should be enacted.

I do have three suggestions for amendments to the bill's language:, which I'd appreciate if the sponsors and Committee would consider:

1) The important clause in lines 11-13—"The report shall state clearly why the arguments presented in the public comments did or did not influence the committee's recommendation on the bill"—is vague and too permissive. After all, one explanation of "why" could be the infamous "because we say so." HB 1622 had more detailed language for this issue: "If a comment was not incorporated into the bill, the Committee shall provide a detailed explanation that includes **evidence, data, interpretations, and policy choices** that justify why the Committee disagreed with the comment."

Perhaps it is too ambitious to ask legislative committees to provide evidence, data, etc. in a response document. If so, let me suggest compromise language for lines 11-13:

"The report shall give clear and specific reasons why each significant issue raised by one or more public comments did or did not influence the committee's recommendation on the bill."

2) The words in red/bold in this sentence below should be stricken. Comments from registered lobbyists should get MORE transparency, not none!

Comments that are duplicates, are from out of state, **are submitted by registered lobbyists**, or comments submitted in error, may be excluded from the reports.

More importantly, Committees should not be encouraged to agree or disagree with comments from lobbyists without having to explain themselves in the response document.

These comments should not be silently dismissed because they are “views for hire,” but neither should they be silently agreed to without the public being able to discern that.

3) The sentence above about lobbyists reveals a more significant problem with our current legislative system: **comments from special interests should not be hidden from scrutiny.** Of course lobbyists will have special access to legislators; but it’s simply not fair for “plain folks” to have to submit their comments for all to see while lobbyists **decline to attend hearings or submit formal testimony because they prefer to do so in private.**

The bill should require ALL comments that affect the content or disposition of bills to be visible to all. Lobbyists should be required to meet the same deadlines for submitting testimony as everyone else. Most crucially, if the comments of one or more lobbyists are received after the deadline for posting testimony (usually midnight on the hearing day), they should be promptly posted on the Internet and the Committee should allow a reasonable period of time (seven days?) for anyone else to rebut anything they deem incorrect or unwise in those comments.

For too long, lobbyists have gotten away with unsubstantiated or flatly untrue testimony, simply because they offer it away from the thoughtful eyes of citizens with equal or more expertise.

Thank you for the opportunity to offer these perspectives, from the POV of an NH voter with a lifelong belief in the nobility of public service.

Best regards,



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