



State of
New Hampshire

HOUSE RECORD

First Year of the 168th General Court Calendar and Journal of the 2023 Session

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Vol. 45

Concord, N.H.

Thursday, October 26, 2023

No. 18

HOUSE JOURNAL NO. 17 (Cont'd)

Thursday, June 29, 2023

Rep. Osborne moved that the House adjourn.
Motion was adopted.

HOUSE JOURNAL NO. 18

Thursday, October 26, 2023

The House assembled at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Bob Stewart, Pastor of St. Paul's United Methodist Church in Manchester.

Good morning God. Good morning, Mister Speaker. Good morning, New Hampshire House of Representatives. Let us be in a spirit of prayer. The Psalmist wrote in Psalm 46:10: "*Be still and know that I am God.*" We live in a noisy world, a world filled with distractions, frustrations, and complications. But if we allow the distractions of a world in chaos to separate us from Your peace, we do ourselves a profound disservice. Help us to be still on occasion so we can be in a faithful relationship with You, O God. We live in a violent world where there is hatred and war amongst countries. God help us all to be still so we can feel Your love and Your peace in our lives. God be with all the people that have been affected by war. Be with the people of Israel, the people of Gaza, the people of Palestine, the people of Ukraine and the people of Russia. We are all children of God. Help us to be mindful of that and when we do, we will find and experience Your peace. We need to be still and turn to You, O God. I ask You to bring a blessing to this New Hampshire House of Representatives today as they revisit previous legislation and complete their final work today. Bless each of these hard-working Representatives as they worked so diligently throughout the year to do their best for those they represent. We pray all this to Your glory, O God, that through Your Grace, we will receive the gifts of Your vision, Your listening ear, Your wisdom and Your guiding hand of leadership we need to do the business presented before us today. In gratitude we praise and glorify Your Holy Name. Amen.

Representative John Lewicke, member from Mason, led the Pledge of Allegiance.

The National Anthem was sung by Miss New Hampshire, Brooke Mills of Bedford.

LEAVES OF ABSENCE

Reps. Booras, Filiault, McBeath, Meuse, Alissandra Murray and Renzullo, the day, illness.

Reps. Brouillard, Connor, Cordelli, William Dolan, Leavitt, Lundgren, Moffett, Newton, Notter, Palmer, Sanborn, Seidel, Juliet Smith, Verville, Vincent and Wallace, the day, important business.

Reps. Hoell and Panek, the day, illness in the family.

INTRODUCTION OF GUESTS

Stephanie and Frederick Ryan, and Patricia Folsy, parents and grandmother of the singer, guests of Rep. Lundgren. Richard Wiechert, guest of Rep. Selig. Paige Beauchemin and Cathleen Fountain, guests of Rep. Telerski. Jim Ravan, guest of Rep. Elberger. Fourth-grade students from East Derry Memorial, guests of Rep. Stephen Pearson.

HOUSE RESOLUTION NO. 18**Honoring the victims of the October attack on Israel**

WHEREAS, the New Hampshire House of Representatives learned with great sorrow of the attack against Israel on October 7, 2023 by the terrorist organization Hamas; and

WHEREAS, American citizens were among the over one thousand casualties of, or hostages taken during that attack; and

WHEREAS, a long term plan for peace was being negotiated by many states in the region that would avert situations like this attack and its future now remains in serious doubt; and

WHEREAS, because of this attack, further civilian casualties among Israelis and Palestinians have increased; and

WHEREAS, the New Hampshire House has a long-standing history of affirming its support for communities, states and nations throughout the world, especially in times of distress; now, therefore, be it

RESOLVED, that the New Hampshire House of Representatives honors the victims and hostages of the Hamas attack and offers its condolences to the loved ones and families of the victims; and be it further

RESOLVED, that the House of Representatives in regular session convened, stands against terrorism, supports humanitarian aid for those civilians caught amid conflict, and hopes for a lasting peace in the region. Offered by the House of Representatives and adopted unanimously by a rising vote.

MOMENT OF SILENCE

A moment of silence was observed in honor and in memory of those affected by the October attack on Israel.

COMMUNICATION

July 5, 2023

VIA EMAIL

Dear Mr. Clerk-

Owing to the continuing failure to provide a remote option, or indeed any option, so as to permit the continued performance of my legislative duties, and the fact that ongoing litigation has to date not provided any indication of when or if any relief might be forthcoming, I cannot allow my constituents to continue indefinitely with fewer than three representatives. Accordingly, I hereby resign the office of Representative to the General Court, effective immediately. Permit me to take this opportunity to thank all members of the legislative staff for their many kindnesses to me over many years, and to further express thanks and best wishes to my colleagues, in the continuance of their important work, and to my constituents for the decades of confidence they reposed in me.

Yours Faithfully,
David E. Cote

COMMUNICATION

September 6, 2023

Mr. Paul Smith
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Paul:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Grafton County District No. 16

David Fracht, d, Enfield (PO Box 1065) 03748

Sincerely,
David M. Scanlan, Secretary of State

COMMUNICATION

September 18, 2023

VIA EMAIL

Dear Speaker Packard,

I am moving out of my residence in Coos County District 6 and with deep regret, I write to submit my resignation from the House of Representatives. It has been an honor and a privilege to represent the people of Gorham and surrounding communities for the past seventeen years. I wish all my House colleagues the best as you continue your work serving the people of New Hampshire.

Representative Bill Hatch
Coos County District 6

COMMUNICATION

September 19, 2023

VIA EMAIL

Dear Speaker Packard,

I write today to submit my resignation from the House of Representatives, effective immediately. Serving Lancaster and surrounding communities in Coos county in the legislature has been an honor. To my colleagues in the House, it has been an honor working with you to help make New Hampshire a better place. Respectfully submitted,

Representative Troy Merner
Coos County District 1

COMMUNICATION

October 4, 2023

Mr., Paul Smith
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Paul:

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham County District No. 1

Harold Rafter, d, Nottingham (22 N. River Lake Rd) 03290

Sincerely,
David M. Scanlan, Secretary of State

GOVERNOR'S VETO MESSAGE ON HB 35

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 29, 2023, I have vetoed House Bill 35, requiring student identification cards to include the National Eating Disorders Hotline. Since the legislature passed House Bill 35, the sponsor of the bill as well as numerous organizations, including the National Alliance on Mental Illness (NAMI), have written to me asking for me to veto it. According to NAMI and multiple public reports, the National Eating Disorders Hotline staff were terminated, the call line was later shut down. Given the uncertainty around the National Eating Disorders Hotline moving forward, it would not be prudent to put the call line information on student ID cards at this time. For the reasons stated above, I have vetoed House Bill 35.

Respectfully submitted, Christopher T. Sununu, Governor

The question being, notwithstanding the Governor's veto, shall **HB 35**, requiring student identification cards to include the National Eating Disorders Hotline, become law?

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 0 - NAYS 350**NAYS - 350****BELKNAP**

Bean, Harry
Comtois, Barbara
McCarter, Nikki
Smart, Lisa
Varney, Peter

Bogert, Steven
Dumais, Russell
Nagel, David
St. Clair, Charlie

Bordes, Mike
Huot, David
Ploszaj, Tom
Terry, Paul

Coker, Matthew
Harvey-Bolia, Juliet
Beaudoin, Richard
Trottier, Douglas

CARROLL

Avellani, Lino
Costable, Michael
McConkey, Mark

Belcher, Mike
Paige, David
Peternel, Katy

Buco, Thomas
MacDonald, John
Brown, Richard

Burroughs, Anita
McAleer, Chris
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Newell, Jodi
Santonastaso, Matthew
Weber, Lucy

Ames, Richard
Germana, Nicholas
Parshall, Lucius
Schapiro, Joe
Nutting, Zachary

Fox, Dru
Jones, Philip
Qualey, James
Thackston, Dick

Eaton, Daniel
Monteil, Renee
Rhodes, Jennifer
Toll, Amanda

COOS

Davis, Arnold
Ouellet, Mike

Cascadden, Corinne
King, Seth

Kelley, Eamon
Tierney, James

Noël, Henry

GRAFTON

Almy, Susan
Brown, Carroll
Fracht, David
Murphy, James
Massimilla, Linda
Sellers, John
Sykes, George

Baldwin, Heather
Cormen, Thomas
Greeson, Jeffrey
Sullivan, Jared
Morse, Corinne
Simon, Matthew

Berezhny, Lex
Coulon, Matthew
Hakken-Phillips, Mary
Ladd, Rick
Nordgren, Sharon
Stavis, Laurel

Bolton, Bill
Fellows, Sallie
Hoyt, Tommy
Lovett, Peter
Rocheftort, David
Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
Ammon, Keith
Berry, Ross
Bradley, Amy
Cole, Brian
Ford, Damond
Dutzy, Sherry
Fedolfi, Jim
Goley, Jeffrey
Hamer, Heidi
Herbert, Christopher
Juris, Louis
Foxx, Loren
Leapley, Nicole
Lloyd, Christal
Perez, Maria
McGhee, Kat
Mooney, Maureen
Noble, Kristin
Pedersen, Michael
Post, Lisa
Newman, Ray
Rung, Rosemarie
Sirois, Shane
Lekas, Tony
Tenczar, Jeffrey
Thomas, Wendy

Nutting-Wong, Allison
Boyd, Bill
Boehm, Ralph
Calabro, Karen
Cornell, Patricia
Darby, Will
Elberger, Susan
Freitas, Mary
Gorski, Ted
Harriott-Gathright, Linda
Infantine, William
Kennedy, Stephen
Gould, Linda
LeClerc, Daniel
Long, Patrick
MacKenzie, Mark
McGough, Tim
Morton, Jennifer
Nutter-Upham, Frances
Petrigno, Peter
Preece, David
Raymond, Heather
Newman, Sue
Sofikitis, Catherine
Mannion, Tom
Ulery, Jordan
Wheeler, Jonah

Abare, Kimberly
Baroody, Benjamin
Bouchard, Donald
Chretien, Jacqueline
Creighton, Jim
Devine, Shelley
Erf, Keith
Griffin, Gerald
Gregg, Alicia
Healey, Robert
Jack, Martin
Kenny, Catherine
Lanza, Judi
Leishman, Peter
Howard, Molly
Mangipudi, Latha
McLean, Mark
Moulton, Candace
O'Brien, Michael
Plamondon, Marc
Proulx, Mark
Reid, Karen
Seibert, Christine
Spier, Carry
Telerski, Laura
Vail, Suzanne
Wherry, Robert

Alexander, Joe
Beaulieu, Jane
Bouldin, Amanda
Colcombe, Riché
Cushman, Leah
DiSilvestro, Linda
Davis, Fred
Gagne, Larry
Grill, Jessica
Heath, Mary
Judy, Jean
Kofalt, Jim
Lascelles, Richard
Lewicke, John
Murray, Megan
Mazur, Lisa
Ming, Ben
Murphy, Nancy
Pauer, Diane
Plett, Fred
Prout, Andrew
Rombeau, Catherine
Sheehan, Vanessa
Staub, Kathy
Tellez, Trinidad
Veilleux, Daniel
Wilhelm, Matthew

MERRIMACK

Turcotte, Alisson
Brennan, Angela
Carey, Lorrie
Gerhard, Jason
Hill, Gregory
Mason, James
Polozov, Yury
Gould, Sherry
See, Alvin
Testerman, Dave

Andrus, Louise
McGuire, Carol
McGuire, Dan
Gibbs, Meryl
Lane, Connie
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Shurtleff, Steve
Wallner, Mary Jane

Aures, Cyril
Cambrijs, Jose
Ebel, Karen
Hall, Muriel
Luneau, David
Myler, Mel
Roesener, James
Schultz, Kristina
Soucy, Timothy
Wolf, Dan

Aylward, Deborah
Caplan, Tony
Gallager, Eric
Hicks, Matthew
MacKay, James
Payeur, Stephanie
Boyd, Stephen
Seaworth, Brian
Walsh, Thomas
Wood, Clayton

ROCKINGHAM

Balboni, Peggy
Thomas, Douglas
Doucette, Fred
Edwards, Jess
Grossman, Gaby
Harb, Robert
Janigian, John
Katsakiores, Phyllis
Walsh, Lilli
Cahill, Michael
Manos, Zoe
Milz, David
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Roy, Terry

Ball, Lorie
DeSimone, Debra
Drago, Mike
Emerick, Tracy
Grote, Jaci
Haskins, Linda
Janvrin, Jason
Khan, Aboul
Layon, Erica
Pearson, Mark
McDonnell, Valerie
Muns, Chris
Phillips, Emily
Potucek, John
Rafter, Hal
Pearson, Stephen

Bernardy, JD
DiLorenzo, Charlotte
Dunn, Ron
Foote, Charles
Guthrie, Joseph
Hobson, Deb
Murray, Kate
Knab, Allison
Love, David
Maggiore, Jim
McMahon, Charles
O'Neil, Candice
Piemonte, Tony
Pratt, Kevin
Raynolds, Ned
Simpson, Alexis

Mannion, Dennis
Donnelly, Tanya
Edgar, Michael
Gilman, Julie
Hamblet, Joan
Nelson, Jodi
Perez, Kristine
Kuttab, Katelyn
Lynn, Bob
Malloy, Dennis
Melvin, Charles
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Read, Ellen
Soti, Julius

Spillane, James
Cahill, Tim
Vallone, Mark
Ward, Gerald

Summers, James
Tripp, Richard
Vogt, Robin
Weyler, Kenneth

Sweeney, Joe
Tudor, Paul
Vose, Michael
Yokela, Josh

Sytek, John
Turer, Eric
MacDonald, Wayne

STRAFFORD

Ankarberg, Aidan
Bixby, Peter
Conlin, Bill
Grassie, Chuck
Horrigan, Timothy
Turcotte, Len
Schmidt, Peter
Selig, Loren

Bailey, Glenn
Burnham, Claudine
Fitzpatrick, Daniel
Howard, Heath
Howland, Allan
LaMontagne, Jessica
Pare, Gail
Southworth, Thomas

Bay, Luz
Rich, Cecilia
Smith, Geoffrey
Harrington, Michael
Kaczynski, Thomas
Levesque, Cassandra
Pitre, Joseph
Treleaven, Susan

Bickford, David
Cannon, Gerri
Granger, Michael
Horgan, James
Kenney, Cam
Smith, Marjorie
Potenza, Kelley
Wall, Janet

SULLIVAN

Aron, Judy
Drye, Margaret
Spillsbury, Walter

Sullivan, Brian
Merchant, Gary
Stapleton, Walter

Cloutier, John
Rollins, Skip
Stone, Jonathan

Damon, Hope
Smith, Steven
Tanner, Linda

and the veto was sustained.

GOVERNOR'S VETO MESSAGE ON HB 142

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on August 18, 2023, I have vetoed House Bill 142, relative to the operation of the Burgess Biopower plant. New Hampshire ratepayers have been taken for over \$200 million in order to subsidize the Burgess Biomass Plant in Berlin, NH. Enough is enough. New Hampshire has a strong economy and record low unemployment rate, in part because we realize that government should limit subsidies, taxes, and mandates. There are countless economic opportunities in the state that are sustainable without substantial government subsidization or bailouts. The Power Purchase Agreement with Burgess Biopower is a great example of what can go wrong when the good intentions of a sympathetic government get exploited and abused by opportunists in the private sector. The Burgess Biopower plant has been enormously expensive for New Hampshire ratepayers. After accounting for overmarket energy costs and Renewable Energy Certificate costs, Burgess Biopower has received over \$200 million in subsidies since 2014. \$200 million to support fewer than 40 full time jobs! All of these overmarket costs are paid by approximately 530,000 Eversource customers, forcing those families and businesses to bear additional unnecessary financial burden on top of already historically high electric bills. We have given considerable time to Burgess Biopower to find a long-term solution. In June of 2018, I signed Senate Bill 577 to provide a bridge to financial sustainability for Burgess Biopower, continuing the subsidies on the promise from their CEO that they could find a stable financial model that did not require continuous subsidies. They failed. Again in 2022, I signed a bill to continue that suspension for another year with the expectation a sustainable solution would be found. Again, they failed. It has now been 5 years since Senate Bill 577 was signed and the best idea brought forward to keep the plant going is to ask the state to forgive the approximately \$70 million that the plant owes back to ratepayers. Time and again the Burgess management and ownership team has made bad promise after bad promise to our elected officials. The only thing we have to show for it are more empty promises and false hope to the City of Berlin. To sign this bill would continue to allow Burgess Biopower to collect millions of dollars in ratepayer subsidies every month with no hope of a solution and wipe out their debt obligation to our ratepayers. After a decade of continuous government support with nothing to show for it, such an ask is unconscionable. To sign this bill would violate my obligation to protect the consumers of New Hampshire from perpetual adverse financial investments. This company has failed the City of Berlin, the region, and the ratepayers of New Hampshire. Enough is Enough! For the reasons stated above, I have vetoed House Bill 142.

Respectfully submitted, Christopher T. Sununu, Governor

The question being, notwithstanding the Governor's veto, shall **HB 142**, relative to the operation of the Burgess Biopower plant, become law?

Reps. Noel, Eamon Kelley and Cascadden spoke in favor.

Rep. Harrington spoke against.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 194 - NAYS 159

YEAS - 194

BELKNAP

Coker, Matthew
St. Clair, Charlie

Dumais, Russell

Huot, David

Ploszaj, Tom

CARROLL

Buco, Thomas
McConkey, Mark

Burroughs, Anita
Woodcock, Stephen

Paige, David

McAleer, Chris

CHESHIRE

Abbott, Michael
Faulkner, Barry
Newell, Jodi
Toll, Amanda

Ames, Richard
Germana, Nicholas
Parshall, Lucius
Weber, Lucy

Fox, Dru
Jones, Philip
Schapiro, Joe

Eaton, Daniel
Monteil, Renee
Thackston, Dick

COOS

Davis, Arnold
Ouellet, Mike

Cascadden, Corinne
Tierney, James

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Fellows, Sallie
Murphy, James
Massimilla, Linda
Rocheport, David

Baldwin, Heather
Fracht, David
Sullivan, Jared
Morse, Corinne
Stavis, Laurel

Bolton, Bill
Hakken-Phillips, Mary
Ladd, Rick
Muirhead, Russell
Stringham, Jerry

Cormen, Thomas
Hoyt, Tommy
Lovett, Peter
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Nutting-Wong, Allison
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Jack, Martin
Foxy, Loren
Leishman, Peter
Murray, Megan
Ming, Ben
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Sofikitis, Catherine
Tellez, Trinidad
Wheeler, Jonah

Baroody, Benjamin
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Judy, Jean
Lanza, Judi
Lloyd, Christal
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Preece, David
Rung, Rosemarie
Spier, Carry
Vail, Suzanne
Wilhelm, Matthew

Beaulieu, Jane
Calabro, Karen
Darby, Will
Elberger, Susan
Gregg, Alicia
Heath, Mary
Smith, Juliet
Leapley, Nicole
Long, Patrick
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Newman, Ray
Newman, Sue
Staub, Kathy
Veilleux, Daniel

Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Grill, Jessica
Herbert, Christopher
Juris, Louis
LeClerc, Daniel
Howard, Molly
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Seibert, Christine
Telerski, Laura
Thomas, Wendy

MERRIMACK

Turcotte, Alisson
Ebel, Karen
Hicks, Matthew
McWilliams, Rebecca
Roesener, James
Soucy, Timothy

Brennan, Angela
Gallager, Eric
Lane, Connie
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane

Caplan, Tony
Gibbs, Merryl
Luneau, David
Payeur, Stephanie
Schultz, Kristina
Wolf, Dan

Carey, Lorrie
Hall, Muriel
MacKay, James
Richards, Beth
Shurtleff, Steve

ROCKINGHAM

Balboni, Peggy
Gilman, Julie
Haskins, Linda
Maggiore, Jim
Muns, Chris
Read, Ellen
Vogt, Robin

Thomas, Douglas
Grossman, Gaby
Murray, Kate
Malloy, Dennis
O'Neil, Candice
Simpson, Alexis
Vose, Michael

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Manos, Zoe
Rafter, Hal
Turer, Eric
Ward, Gerald

Edgar, Michael
Hamblet, Joan
Cahill, Michael
McDonnell, Valerie
Raynolds, Ned
Vallone, Mark

STRAFFORD

Bay, Luz
Conlin, Bill
Howard, Heath
LaMontagne, Jessica
Pare, Gail
Wall, Janet

Bixby, Peter
Fitzpatrick, Daniel
Horrigan, Timothy
Levesque, Cassandra
Selig, Loren

Rich, Cecilia
Smith, Geoffrey
Howland, Allan
Smith, Marjorie
Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Treleaven, Susan

SULLIVAN

Sullivan, Brian
Stapleton, Walter

Cloutier, John
Tanner, Linda

Damon, Hope

Merchant, Gary

NAYS - 159**BELKNAP**

Bean, Harry
Harvey-Bolia, Juliet
Smart, Lisa

Bogert, Steven
McCarter, Nikki
Terry, Paul

Bordes, Mike
Nagel, David
Trottier, Douglas

Comtois, Barbara
Beaudoin, Richard
Varney, Peter

CARROLL

Avellani, Lino
Peternel, Katy

Belcher, Mike
Brown, Richard

Costable, Michael

MacDonald, John

CHESHIRE

Qualey, James

Rhodes, Jennifer

Santonastaso, Matthew

Nutting, Zachary

COOS

King, Seth

GRAFTON

Berezhny, Lex
Sellers, John

Brown, Carroll
Simon, Matthew

Coulon, Matthew

Greeson, Jeffrey

HILLSBOROUGH

Lekas, Alicia
Boyd, Bill
Cole, Brian
Kelley, Diane
Gagne, Larry
Kennedy, Stephen
Lascelles, Richard
McLean, Mark
Plett, Fred
Reid, Karen
Mannion, Tom

Abare, Kimberly
Berry, Ross
Corcoran, Travis
Erf, Keith
Gorski, Ted
Kenny, Catherine
Lewicke, John
Mooney, Maureen
Post, Lisa
Sheehan, Vanessa
Tenczar, Jeffrey

Alexander, Joe
Boehm, Ralph
Creighton, Jim
Fedolfi, Jim
Healey, Robert
Kofalt, Jim
Mazur, Lisa
Noble, Kristin
Proulx, Mark
Sirois, Shane
Ulery, Jordan

Ammon, Keith
Colcombe, Riché
Cushman, Leah
Griffin, Gerald
Infantine, William
Gould, Linda
McGough, Tim
Pauer, Diane
Prout, Andrew
Lekas, Tony
Wherry, Robert

MERRIMACK

Andrus, Louise
Cambriis, Jose
Mason, James
Seaworth, Brian
Wood, Clayton

Aures, Cyril
McGuire, Dan
Polozov, Yury
See, Alvin

Aylward, Deborah
Gerhard, Jason
Boyd, Stephen
Walsh, Thomas

McGuire, Carol
Hill, Gregory
Gould, Sherry
Testerman, Dave

ROCKINGHAM

Ball, Lorie
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janvrin, Jason
Kuttab, Katelyn
Lynn, Bob
Milz, David
Piemonte, Tony
Pratt, Kevin
Pearson, Stephen
Sweeney, Joe
True, Chris
Yokela, Josh

Bernardy, JD
Doucette, Fred
Emerick, Tracy
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Pearson, Mark
Ford, Oliver
Popovici-Muller, Daniel
Prudhomme-O'Brien, Katherine
Soti, Julius
Sytek, John
Tudor, Paul

Mannion, Dennis
Drago, Mike
Foote, Charles
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
McMahon, Charles
Osborne, Jason
Porcelli, Susan
Quaratiello, Arlene
Spillane, James
Cahill, Tim
MacDonald, Wayne

DeSimone, Debra
Dunn, Ron
Guthrie, Joseph
Janigian, John
Khan, Aboul
Love, David
Melvin, Charles
Phillips, Emily
Potucek, John
Roy, Terry
Summers, James
Tripp, Richard
Weyler, Kenneth

STRAFFORD

Ankarberg, Aidan
Granger, Michael
Turcotte, Len

Bailey, Glenn
Harrington, Michael
Pitre, Joseph

Bickford, David
Horgan, James
Potenza, Kelley

Burnham, Claudine
Kaczynski, Thomas

SULLIVAN

Aron, Judy
Stone, Jonathan

Drye, Margaret

Rollins, Skip

Spilsbury, Walter

and the veto was sustained lacking the necessary two-thirds vote.

MOTION TO PRINT DEBATE

Rep. Wilhelm moved that the debate on **HB 142**, relative to the operation of the Burgess Biopower plant, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 142

Representative Noel: Thank you, Mister Speaker. I come before you today to oppose the veto of HB 142, relative to the operation of the Burgess Biopower. Burgess Biopower has been operating in my hometown since 2013 and has been a terrific corporate citizen of Berlin. It is New Hampshire's only remaining biomass

plant providing renewable baseload power to Eversource under a 20-year power purchase agreement. Should this veto stand, the plant will close. Hundreds of people could lose their jobs and New Hampshire's forests products industry will be dealt a severe blow and what will then be known as an unforced error on the part of this legislature. To read the Governor's veto message, you would think we were dealing with a business that no one would miss, one that was poorly run, one that costs more than what it's worth. Knowing the plant as I do, I still cannot understand the impetus for this wrongheaded thinking. It could not be further from the truth. The Governor says New Hampshire ratepayers have been taken for \$200 million in subsidies for the Burgess Biomass plant. The fact is that Burgess Biopower's power purchase agreement with Eversource specifies what each megawatt hour of power is worth and that is all they have received in their 10 years under this agreement. The New Hampshire Department of Energy completed an audit of Burgess last year after we passed SB 271 in which they confirmed that no money beyond what is allowed in the power purchase agreement was paid to Burgess by ratepayers. Note, however, that Biomass is a renewable energy source, so Burgess is eligible for renewable energy credits, which are turned over to Eversource per New Hampshire law and renewable energy credits do not count as subsidies. The Governor goes on to say the power purchase agreement is an example of what can go wrong when government is exploited by opportunists in the private sector. The Governor is asking us to blame an award-winning state of the art powerplant who came to us for help and which both the House and Senate agreed that such help was appropriate, indeed necessary. In this case, the problem with the power purchase agreement came from the New Hampshire Public Utilities Commission, not the private sector. New Hampshire Public Utilities Commission imposed a condition on the deal that forced Burgess to carry the difference between any lower price in the day ahead energy market and the agreed upon contract price in the power purchase agreement as an obligation on the company's books. This imposition of a paper debt burden to the plant's cost structure changed the deal markedly. This paper debt is not an operating cost of the plant, but a calculation that carried on the books but with an obligation to pay if the amount exceeds a fixed cap. HB 142, as written and approved by us this Spring, excuses the accrued excess amount, the paper debt that Burgess Biopower will shortly be obliged to pay. The Governor goes on to blame Burgess Biopower for taking too long to find a long-term solution, but the long time that has elapsed has been mostly on us. Burgess first came to us in 2017 when we passed SB 577. Burgess could see that the accumulating obligation on their books was a compounding problem that they could not fix without renegotiating the contract or obtaining a waiver of the power purchase agreement with lawmakers to eliminate the paper debt. There is no truth to any rumor that the debt is a result of how the plant is run or that it has not operated to its fullest capability. To date Eversource has not been willing to come back to the table to negotiate any change of the power purchase agreement. Whether Burgess continues in operation with all the benefits of locally sourced renewable electric power and the jobs that it brings to the New Hampshire economy now falls to us here today for us to decide. In 2018, we suspended the paper debt for three years to provide time to find a way forward and we should have provided relief from the accumulating obligation then, but we did not. So, in 2021 we passed SB 271 to forgive the accumulating paper debt altogether, but a house amendment modified that bill and delayed forgiveness again until the New Hampshire Department of Energy could complete an audit of Burgess's books. The results of the audit were received in December 2022, and they concluded that the plant's finances were in fact as presented by Burgess and that the plant has been operated to the highest professional industry standards. With these results in hand, HB 142 was filed to finally give the plant the solution it had originally sought. We voted 269 to 109 in favor of that relief this past Spring and the Senate vote that followed was unanimous declaring that passing this bill was the right thing for New Hampshire. Then came the veto which brings us to where we are today. I'll cut my remarks short here to allow my fellow representative from Berlin to carry on but let me make one comment before I step away from the well. Burgess Biopower is good for the economy. Burgess Biopower is good for Berlin and the North country and Burgess Biopower is good for New Hampshire. Thank you.

Speaker Packard: The Chair recognizes Rep. Eamon Kelley.

Representative Eamon Kelley: Thank you, Mister Speaker. As my colleague alluded to in the Governor's veto message, he blames Burgess Biopower for taking too long to find a long-term solution, but finding a solution has always been the responsibility of this legislature. The reason it may seem that we have been asked to vote on this so many times because we, the legislature, have continued to kick the can down the road. Each time we have voted for a suspension, it has delayed repayment but not accrual of the CRF. Last year when this legislature voted to suspend the repayment for a fifth year, we did so with the understanding that it would give the Department of Energy time to complete a full financial audit of this facility. The agreement was that once we had that audit in hand, we would return with that long term solution. The audit which was exhaustive confirmed that the Biomass plant is one of the best in the country and now we are back to give the Governor the long-term solution he has been asking for. As this bill was so expertly amended by the Chair of the House Science and Technology Committee, it only resets the clock. It returns us to that \$100 million cap on the CRF and puts the responsibility squarely on Burgess for any future accruals. Today we vote on whether Burgess will continue to operate November 1st, when the current suspension expires. A lot has been

made about the benefit of the plant on the forest products industry, but the benefits extend to every corner of this state. The mom-and-pop gas stations that provide fuel and food to the hundred plus truckers who deliver chips to the plant every day. The family farms in all ten counties of this state who receive low price fertilizer made from the nutrient rich fly ash that comes exclusively from this plant. The machinists, the electricians, the pipefitters, none of whom are directly employed by Burgess but can rely on the plant for regular business. Let there be no mistake, if we do not vote to override the veto today, the result will be devastating for all of Coos County and others across this entire state. Please join me in voting Yea to overturn this veto. Thank you.

Speaker Packard: The Chair recognizes Rep. Harrington.

Representative Harrington: Thank you, Mister Speaker. This is kind of like déjà vu all over again. Here we are back again with the third in a never-ending series of bailout bills for the Burgess Biomass Plant. No one is going to stand here and say it's not a well-run, efficient plant, a well-run plant. It's not very efficient because the thermal efficiency of the plant is about 18%, less than half of an oil or coal or nuclear plant, less than a third of a combined cycle gas plant. It's just not an efficient way to make electricity. Let's go back in history just a little bit to see what happened and how we got here. The plant was proposed back in the 2010-2012 region, and it had to go in front of the site evaluation committee to get a permit. I was on that committee at the time. One of the things, obviously, a plant has to do is raise capital. Now because of the federal laws and under the Biden administration, Burgess was able to get their production tax credits paid up front. They were able to roll those up and get paid in advance and use it towards capital cost and they were also eligible for what's called a new market tax credit. These amounted to tens of millions from the taxpayers that went to Burgess in the form of those breaks. That still was not enough because these plants are very expensive to build. So, they had to get a purchase power agreement. Without that they could not get the capital to build their plant. They pursued, actively pursued the purchase power agreement with Eversource and they came to an agreement with Eversource. This agreement went to the PUC, the PUC then modified it to put in to what I refer to as a safety valve. Basically, it said we can pay you the terms of the contract, but if the amount being paid continues to go overmarket rate to the point where it comes over \$100 million that the ratepayers subsidize Burgess for, then Burgess will have to start paying back the money. That is simply where we are at. We passed two bailout bills in the past to put that off. We keep delaying it, like they said kick the can down the road, and now they want to change the contract completely. It's simple. Live up the contract that you signed. No one forced them to sign the contract. If you sign a contract for buying a house because you think the value of the house is going to go up over a period of time and you take out a loan and the value doesn't go up, you just can't go back to the bank and say well I'm only going to make half my mortgage payments because the house didn't go up in value like I expected it was. That's what they are trying to do here. Another misrepresentation that is often given is that somehow this is so important to the electric grid in New Hampshire. Burgess accounts for about .2% of the capacity in New England. That's .2%. It's about 75 megawatts. To put that into perspective with what's going on in the region, next Spring ISO New England is going to allow 1400 megawatts at the Mystic facility to go out permanently. They are going to go away permanently. It's 1400 megawatts versus 75. So, you look around and say who is supporting this and who isn't. Well, I can tell you that the Business and Industry Association is opposed to it. The environmental groups like the Sierra Club is one of them is not supporting it. Don Kreis, the consumer advocate for the State of New Hampshire is not supporting it. They all want the veto to be upheld. So, let's just look at what's going on right now. Right now, assuming that the Burgess Bioplant is running, they are going to get paid ratepayer subsidies of about \$4,000 an hour as we sit here so just put that out there. We are here for a couple of hours and that's \$8,000 in two hours and that's because the way the contract works. Eversource is required to pay them in the range of \$90 a megawatt hour for every megawatt they produce and then Eversource immediately sells that power into the daily markets, but the daily market price right now is about \$30. So, the difference is made up by that ratepayer subsidy. When the cap that was in the contract that they agreed to and signed was reached, which was the \$100 million, they were supposed to start paying that back and now they want to say no, we want to be forgiven that. We don't want to have to pay that back, but we'll go back to the terms of the contract once you wipe out our debt and it will continue to build up. But do you know what's going to happen next year, two years from now? They will be right back here again because they will still not be able to pay it back because they will still be getting massive subsidies and just running up the bill again. This does nothing but delay the inevitable. This plant may be well run and everything else, but it's just not an efficient way to make electricity and they are going to continue to run up that bill and the ratepayers are going to be responsible. So, nothing is going to change here. All we are doing is saying live up to the terms of the contract that you aggressively pursued and signed. Another little fact that I think most people don't realize is that this is only Eversource customers that are paying the subsidy. If this plant is so wonderful and so important to the state, then maybe we should pass a tax that would be more equitable way and then everybody in the state pay it. But if you're a Liberty, Unitil or Co-op customer. Even if you are a Co-op customer who lives in the North country who makes their living off of selling products to Berlin Biomass, you don't pay a dime in subsidies, but a retired school teacher living in Manchester on a fixed income pays a higher electric bill to support this.

So, I guess it comes down to this. You think the government should be picking winners and losers and decide which companies will be successful because of subsidies or do you think people should be free to make the choice of what type of electricity they want to buy. Please vote to uphold the veto.

Speaker Packard: The Chair recognizes Rep. Cascadden.

Representative Cascadden: Thank you, Mister Speaker. I have notes so I can give you the facts. The Burgess Biomass plant has produced power for New Hampshire consistently and reliably to the terms of the purchase power agreement for ten years now or midpoint. During that ten-year period, Burgess has contributed \$700 million to New Hampshire's economy. We made the right decision this Winter when we overwhelmingly passed HB 142. There has been a lot of misinformation about the management of this plant recently, yet there is no credible evidence that this is anything but a best-in-class management team. Burgess achieves availability and credibility percentages of over 90% when the industry average is 58%. They are a major partner in the forest product industry, and they support good jobs in the industry. Their impact on the North country economy is huge and their presence is felt throughout the region and throughout the state. Locally, Burgess pays 16% of Berlin's property taxes, provides 40% of the Berlin waterworks revenue. It will raise local and county taxes in North country communities, particularly Coos, if we let this veto stand. More fact, true facts. Burgess buys \$800,000 low grade wood per year from 154 communities in all ten counties of New Hampshire. The facility uses 1/3 of all the wood cut in New Hampshire's \$1.4 billion of forest products industry while providing steady well-paying jobs to 29 plant employees and supporting 240 jobs statewide. So, Burgess, by itself, injects nearly \$70 million into New Hampshire's economy each year. The economics of managing our timberlands will be upended if we allow this plant to close. We stand to lose these and many more economic benefits if we allow Burgess to cease operating. To lose our one remaining biomass plant, particularly a plant that is among the top three, top three, most efficient and well-run biomass facilities in the country would be a real failure by this legislature. That failure would be a caving into politics at a time when our fellow citizens look to us for help with New Hampshire's economy. In hearings, our constituents have asked us to save New Hampshire's forest economy and to also help continue to City of Berlin's economic recovery from previous mill shutdown. Overturning this veto is the right decision to deliver economic benefits for the North country and for the entire state. I am a Berlin native. I have a 40+ career in the entire northern region. I experienced the demise of the pulp and paper industry. My family owned a business that serviced the logging industry and I have been on the personal and professional downside of the city's declining economy. When the legislature voted overwhelmingly in favor of 142 this spring, we got it right. The reasons this bill passed originally are just as valid now as they were a few months ago. Let's show the people who elected us our foresters, our landowners, our fellow citizens that we can do the right thing for New Hampshire and overturn the Governor's veto of HB 142. Thank you.

Speaker Packard: The state constitution requires a roll call. A two-thirds vote is required to override a veto. This will be a roll call vote. Members take your seats. The House will be in order. This is a roll call vote. The Chair recognizes Rep. Summers for a parliamentary inquiry.

Representative Summers: Thank you, Mister Speaker. Mister Speaker, if I know that the Burgess Biomass Plant to date has already received over \$200 million in bailouts. And if I know HB 142 is for all intents and purposes, a bailout of upwards of \$70 million or more. And if I know that in two years a request for another \$70 million plus bailout will be made. And if I know the \$70 million every two years is quite expensive for 30+ employees. And if I know the states like Massachusetts and Massachusetts current law and environmental groups no longer view burning biomass as renewable energy. And if I generally believe just like Wall Street banks, no one is too big or too small to fail, then I would push the red button to concur with the Governor's veto? Thank you, Mister Speaker.

Speaker Packard: The Chair recognizes Rep. McGhee for a parliamentary inquiry.

Representative McGhee: Thank you, Mister Speaker. If I know that letting this veto stand forces a huge unjustified tax increase on the people of the North country and brings job losses and uncertainty. And if I know that this plant receives no other ratepayer money than what appears in the signed contract it entered into in 2013 and that renewable energy credits do not count as subsidies because they belong to the energy taker which in this case is Eversource and not the plant, the producer. And if I know that Burgess Biomass is the last in state plant buying New Hampshire's essential timber products and that upending the timberland economics chokes local economies, shrinks our energy independence and leaves New Hampshire more vulnerable to forest fires. And, finally, if I know the North country is saying enough is enough, they came to us for help, and we gave it to them by a veto proof vote. And they are still counting on us to see it through their eyes, then would I now press the green button to put an end to this out of step veto? Thank you.

Speaker Packard: This is a roll call vote. If you are in favor of having the bill become law, you will press the green button. If you are opposed and wish to sustain the Governor's veto, you will press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 194 voting Yea and 159 voting Nay, it fails to reach the two-thirds. The Governor's veto is sustained.

GOVERNOR'S VETO MESSAGE ON HB 337-FN

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on August 8, 2023, I have vetoed House Bill 337, relative to directing the Office of Professional Licensure and Certification to provide notice of public meetings and an opportunity for comment from the public and creating a new attorney II position. This bill creates different standards for the boards administratively attached to the Office of Professional Licensure and Certification (OPLC) than other public bodies subject to RSA 91-A. Currently, public bodies are required to post a public notice 24 hours in advance and records become available for public inspection after the completion of the meeting. This bill would require OPLC to notice meetings 14 days in advance and provide materials pertaining to those meetings seven days prior to the meeting. This bill would essentially require a legal review for every document this would need to be released in advance. While I believe more transparency is important in state government, House Bill 337 would be unreasonable and burdensome for OPLC to implement, especially while the office is still working on implementing the major legislative achievements we've passed this session. Additionally, there is no justification for singling out OPLC and holding them to a different standard than every other public entity in New Hampshire. This bill would open the door for carve-outs for other state agencies, eroding the uniformity among state and local governments that follow RSA 91-A. For the reasons stated above, I have vetoed House Bill 337.

Respectfully submitted, Christopher T. Sununu, Governor

The question being, notwithstanding the Governor's veto, shall **HB 337-FN**, relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public, and creating a new attorney II position, become law?

Rep. Carol McGuire spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 251 - NAYS 104**YEAS - 251****BELKNAP**

Bean, Harry
St. Clair, Charlie

Comtois, Barbara
Terry, Paul

Huot, David
Varney, Peter

McCarter, Nikki

CARROLL

Belcher, Mike
Paige, David

Buco, Thomas
McAleer, Chris

Burroughs, Anita
Peternel, Katy

Costable, Michael
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Faulkner, Barry
Newell, Jodi
Schapiro, Joe

Ames, Richard
Germana, Nicholas
Parshall, Lucius
Thackston, Dick

Fox, Dru
Jones, Philip
Qualey, James
Toll, Amanda

Eaton, Daniel
Monteil, Renee
Santonastaso, Matthew
Weber, Lucy

COOS

Davis, Arnold
King, Seth

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTON

Almy, Susan
Cormen, Thomas
Greeson, Jeffrey
Sullivan, Jared
Muirhead, Russell
Stavis, Laurel

Baldwin, Heather
Coulon, Matthew
Hakken-Phillips, Mary
Lovett, Peter
Nordgren, Sharon
Stringham, Jerry

Berezhny, Lex
Fellows, Sallie
Hoyt, Tommy
Massimilla, Linda
Rocheftort, David
Sykes, George

Bolton, Bill
Fracht, David
Murphy, James
Morse, Corinne
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia
Baroody, Benjamin
Bradley, Amy
Cornell, Patricia
Darby, Will
Elberger, Susan
Griffin, Gerald
Hamer, Heidi
Jack, Martin
Kennedy, Stephen

Nutting-Wong, Allison
Beaulieu, Jane
Calabro, Karen
Cushman, Leah
Devine, Shelley
Erf, Keith
Goley, Jeffrey
Harriott-Gathright, Linda
Judy, Jean
Foxx, Loren

Abare, Kimberly
Bouchard, Donald
Chretien, Jacqueline
Ford, Damond
DiSilvestro, Linda
Davis, Fred
Gregg, Alicia
Heath, Mary
Smith, Juliet
Lanza, Judi

Ammon, Keith
Bouldin, Amanda
Corcoran, Travis
Kelley, Diane
Dutzy, Sherry
Freitas, Mary
Grill, Jessica
Herbert, Christopher
Juris, Louis
Leapley, Nicole

LeClerc, Daniel
Long, Patrick
MacKenzie, Mark
Ming, Ben
Noble, Kristin
Pedersen, Michael
Preece, David
Reid, Karen
Seibert, Christine
Staub, Kathy
Tellez, Trinidad
Veilleux, Daniel

Leishman, Peter
Howard, Molly
Mangipudi, Latha
Morton, Jennifer
Nutter-Upham, Frances
Petrigno, Peter
Prout, Andrew
Rombeau, Catherine
Sirois, Shane
Lekas, Tony
Tenczar, Jeffrey
Thomas, Wendy

Lewicke, John
Murray, Megan
McGhee, Kat
Moulton, Candace
O'Brien, Michael
Plamondon, Marc
Newman, Ray
Rung, Rosemarie
Sofikitis, Catherine
Mannion, Tom
Ulery, Jordan
Wheeler, Jonah

Lloyd, Christal
Perez, Maria
McGough, Tim
Murphy, Nancy
Pauer, Diane
Post, Lisa
Raymond, Heather
Newman, Sue
Spier, Carry
Telerski, Laura
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Turcotte, Alisson
Brennan, Angela
Carey, Lorrie
Gerhard, Jason
Lane, Connie
Myler, Mel
Boyd, Stephen
Shurtleff, Steve
Wolf, Dan

Andrus, Louise
McGuire, Carol
McGuire, Dan
Gibbs, Merry
Luneau, David
Payeur, Stephanie
Gould, Sherry
Soucy, Timothy

Aures, Cyril
Cambilis, Jose
Ebel, Karen
Hall, Muriel
MacKay, James
Richards, Beth
Schuett, Dianne
Testerman, Dave

Aylward, Deborah
Caplan, Tony
Gallager, Eric
Hicks, Matthew
McWilliams, Rebecca
Roesener, James
Schultz, Kristina
Wallner, Mary Jane

ROCKINGHAM

Balboni, Peggy
Gilman, Julie
Haskins, Linda
Cahill, Michael
Manos, Zoe
Phillips, Emily
Rafter, Hal
Pearson, Stephen
Turer, Eric
Yokela, Josh

Thomas, Douglas
Grossman, Gaby
Murray, Kate
Pearson, Mark
McDonnell, Valerie
Pratt, Kevin
Raynolds, Ned
Simpson, Alexis
Vallone, Mark

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Maggiore, Jim
Muns, Chris
Prudhomme-O'Brien, Katherine
Read, Ellen
Soti, Julius
Vogt, Robin

Drago, Mike
Hamblet, Joan
Love, David
Malloy, Dennis
O'Neil, Candice
Quaratiello, Arlene
Roy, Terry
True, Chris
Ward, Gerald

STRAFFORD

Bailey, Glenn
Burnham, Claudine
Fitzpatrick, Daniel
Horrigan, Timothy
LaMontagne, Jessica
Pare, Gail
Southworth, Thomas

Bay, Luz
Rich, Cecilia
Smith, Geoffrey
Howland, Allan
Levesque, Cassandra
Pitre, Joseph
Treleaven, Susan

Bickford, David
Cannon, Gerri
Grassie, Chuck
Kenney, Cam
Smith, Marjorie
Potenza, Kelley
Wall, Janet

Bixby, Peter
Conlin, Bill
Howard, Heath
Turcotte, Len
Schmidt, Peter
Selig, Loren

SULLIVAN

Sullivan, Brian
Rollins, Skip

Cloutier, John
Stapleton, Walter

Damon, Hope
Tanner, Linda

Merchant, Gary

NAYS - 104

BELKNAP

Bogert, Steven
Harvey-Bolia, Juliet
Smart, Lisa

Bordes, Mike
Nagel, David
Trottier, Douglas

Coker, Matthew
Ploszaj, Tom

Dumais, Russell
Beaudoin, Richard

CARROLL

Avellani, Lino

MacDonald, John

McConkey, Mark

Brown, Richard

CHESHIRE

COOS

GRAFTON

Brown, Carroll

Ladd, Rick

Sellers, John

HILLSBOROUGH

Alexander, Joe
Colcombe, Riché
Gagne, Larry
Kenny, Catherine
Mazur, Lisa
Proulx, Mark

Boyd, Bill
Cole, Brian
Gorski, Ted
Kofalt, Jim
McLean, Mark
Sheehan, Vanessa

Berry, Ross
Creighton, Jim
Healey, Robert
Gould, Linda
Mooney, Maureen
Wherry, Robert

Boehm, Ralph
Fedolfi, Jim
Infantine, William
Lascelles, Richard
Plett, Fred

MERRIMACKHill, Gregory
See, AlvinMason, James
Walsh, ThomasPolozov, Yury
Wood, Clayton

Seaworth, Brian

ROCKINGHAMBall, Lorie
Donnelly, Tanya
Edwards, Jess
Harb, Robert
Janvrin, Jason
Kuttab, Katelyn
McMahon, Charles
Osborne, Jason
Potucek, John
Sytek, John
Vose, MichaelBernardy, JD
Doucette, Fred
Emerick, Tracy
Hobson, Deb
Perez, Kristine
Walsh, Lilli
Melvin, Charles
Piemonte, Tony
Spillane, James
Cahill, Tim
MacDonald, WayneMannion, Dennis
Dunn, Ron
Foote, Charles
Nelson, Jodi
Katsakiores, Phyllis
Layon, Erica
Milz, David
Popovici-Muller, Daniel
Summers, James
Tripp, Richard
Weyler, KennethDeSimone, Debra
Edgar, Michael
Guthrie, Joseph
Janigian, John
Khan, Aboul
Lynn, Bob
Ford, Oliver
Porcelli, Susan
Sweeney, Joe
Tudor, Paul**STRAFFORD**Ankarberg, Aidan
Kaczynski, Thomas

Granger, Michael

Harrington, Michael

Horgan, James

SULLIVANAron, Judy
Stone, Jonathan

Drye, Margaret

Smith, Steven

Spillsbury, Walter

and the veto was overridden by the necessary two-thirds vote.

GOVERNOR'S VETO MESSAGE ON HB 342-FN

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 29, 2023, I have vetoed House Bill 342, relative to lead testing in children. While I acknowledge the importance of blood lead level testing in children, this bill is redundant. Both RSA 130-A:-a and RSA 130-A:5-c require health care providers and parents or legal guardians to have blood lead level testing on children who are residing in New Hampshire at the ages of one and two. This bill raises the threshold for children who enroll in New Hampshire's public schools and is an unnecessary barrier to entry. This bill may also incentivize future legislatures to require additional blood testing requirements for New Hampshire's kids attending public school. All New Hampshire children shall have access to public education and the legislature should not require New Hampshire schools to place a redundant statutory requirement on a form for entry whereby creating an unnecessary check on parents. Blood lead level testing is incredibly important for both health care providers, parents, and guardians, but has no place on entry forms for schools and day cares. For the reasons stated above, I have vetoed House Bill 342.

Respectfully submitted, Christopher T. Sununu, Governor

The question being, notwithstanding the Governor's veto, shall **HB 342-FN**, relative to lead testing in children, become law?

Rep. Weber spoke in favor.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 184 - NAYS 171**YEAS - 184****BELKNAP**

Coker, Matthew

Huot, David

St. Clair, Charlie

CARROLLBuco, Thomas
Woodcock, Stephen

Burroughs, Anita

Paige, David

McAleer, Chris

CHESHIREAbbott, Michael
Faulkner, Barry
Newell, Jodi
Weber, LucyAmes, Richard
Germana, Nicholas
Parshall, LuciusFox, Dru
Jones, Philip
Schapiro, JoeEaton, Daniel
Monteil, Renee
Toll, Amanda**COOS**

Cascadden, Corinne

Kelley, Eamon

Noël, Henry

GRAFTONAlmy, Susan
Fellows, SallieBaldwin, Heather
Fracht, DavidBolton, Bill
Hakken-Phillips, MaryCormen, Thomas
Hoyt, Tommy

Murphy, James
Morse, Corinne
Stringham, Jerry

Sullivan, Jared
Muirhead, Russell
Sykes, George

Lovett, Peter
Nordgren, Sharon

Massimilla, Linda
Stavis, Laurel

HILLSBOROUGH

Nutting-Wong, Allison
Bouchard, Donald
Chretien, Jacqueline
Devine, Shelley
Davis, Fred
Grill, Jessica
Herbert, Christopher
Juris, Louis
LeClerc, Daniel
Howard, Molly
Mangipudi, Latha
Moulton, Candace
Pedersen, Michael
Newman, Ray
Newman, Sue
Staub, Kathy
Veilleux, Daniel

Boyd, Bill
Bouldin, Amanda
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Hamer, Heidi
Jack, Martin
Foxy, Loren
Leishman, Peter
Murray, Megan
McGhee, Kat
Murphy, Nancy
Petrigno, Peter
Raymond, Heather
Seibert, Christine
Tellerski, Laura
Thomas, Wendy

Baroody, Benjamin
Bradley, Amy
Ford, Damond
Dutzy, Sherry
Goley, Jeffrey
Harriott-Gathright, Linda
Jeudy, Jean
Lanza, Judi
Lloyd, Christal
Perez, Maria
Ming, Ben
Nutter-Upham, Frances
Plamondon, Marc
Rombeau, Catherine
Sofikitis, Catherine
Tellez, Trinidad
Wheeler, Jonah

Beaulieu, Jane
Calabro, Karen
Darby, Will
Elberger, Susan
Gregg, Alicia
Heath, Mary
Smith, Juliet
Leapley, Nicole
Long, Patrick
MacKenzie, Mark
Morton, Jennifer
O'Brien, Michael
Preece, David
Rung, Rosemarie
Spier, Carry
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Turcotte, Alisson
Ebel, Karen
Hicks, Matthew
McWilliams, Rebecca
Roesener, James
Shurtleff, Steve

Brennan, Angela
Gallager, Eric
Lane, Connie
Myler, Mel
Gould, Sherry
Soucy, Timothy

Caplan, Tony
Gibbs, Merryl
Luneau, David
Payeur, Stephanie
Schuett, Dianne
Wallner, Mary Jane

Carey, Lorrie
Hall, Muriel
MacKay, James
Richards, Beth
Schultz, Kristina
Wolf, Dan

ROCKINGHAM

Balboni, Peggy
Grossman, Gaby
Murray, Kate
Malloy, Dennis
Rafter, Hal
Turer, Eric

DiLorenzo, Charlotte
Grote, Jaci
Knab, Allison
Manos, Zoe
Raynolds, Ned
Vallone, Mark

Edgar, Michael
Hamblet, Joan
Cahill, Michael
Muns, Chris
Read, Ellen
Vogt, Robin

Gilman, Julie
Haskins, Linda
Maggiore, Jim
O'Neil, Candice
Simpson, Alexis
Ward, Gerald

STRAFFORD

Bay, Luz
Conlin, Bill
Howard, Heath
LaMontagne, Jessica
Pare, Gail
Wall, Janet

Bixby, Peter
Fitzpatrick, Daniel
Horrigan, Timothy
Levesque, Cassandra
Selig, Loren

Rich, Cecilia
Smith, Geoffrey
Howland, Allan
Smith, Marjorie
Southworth, Thomas

Cannon, Gerri
Grassie, Chuck
Kenney, Cam
Schmidt, Peter
Treleaven, Susan

SULLIVAN

Sullivan, Brian
Tanner, Linda

Cloutier, John

Damon, Hope

Merchant, Gary

NAYS - 171

BELKNAP

Bean, Harry
Dumais, Russell
Ploszaj, Tom
Trottier, Douglas

Bogert, Steven
Harvey-Bolia, Juliet
Beaudoin, Richard
Varney, Peter

Bordes, Mike
McCarter, Nikki
Smart, Lisa

Comtois, Barbara
Nagel, David
Terry, Paul

CARROLL

Avellani, Lino
McConkey, Mark

Belcher, Mike
Peternel, Katy

Costable, Michael
Brown, Richard

MacDonald, John

CHESHIRE

Qualey, James
Nutting, Zachary

Rhodes, Jennifer

Santonastaso, Matthew

Thackston, Dick

COOS

Davis, Arnold

Ouellet, Mike

King, Seth

Tierney, James

GRAFTON

Berezhny, Lex
Ladd, Rick

Brown, Carroll
Rocheffort, David

Coulon, Matthew
Sellers, John

Greeson, Jeffrey
Simon, Matthew

HILLSBOROUGH

Lekas, Alicia	Abare, Kimberly	Alexander, Joe	Ammon, Keith
Berry, Ross	Boehm, Ralph	Colcombe, Riché	Cole, Brian
Corcoran, Travis	Creighton, Jim	Cushman, Leah	Kelley, Diane
Erf, Keith	Fedolfi, Jim	Griffin, Gerald	Gagne, Larry
Gorski, Ted	Healey, Robert	Infantine, William	Kennedy, Stephen
Kenny, Catherine	Kofalt, Jim	Gould, Linda	Lascelles, Richard
Lewicke, John	Mazur, Lisa	McGough, Tim	McLean, Mark
Mooney, Maureen	Noble, Kristin	Pauer, Diane	Plett, Fred
Post, Lisa	Proulx, Mark	Prout, Andrew	Reid, Karen
Sheehan, Vanessa	Sirois, Shane	Lekas, Tony	Mannion, Tom
Tenczar, Jeffrey	Ulery, Jordan	Wherry, Robert	

MERRIMACK

Andrus, Louise	Aures, Cyril	Aylward, Deborah	McGuire, Carol
Cambrils, Jose	McGuire, Dan	Gerhard, Jason	Hill, Gregory
Mason, James	Polozov, Yury	Boyd, Stephen	Seaworth, Brian
See, Alvin	Walsh, Thomas	Testerman, Dave	Wood, Clayton

ROCKINGHAM

Ball, Lorie	Bernardy, JD	Mannion, Dennis	Thomas, Douglas
DeSimone, Debra	Donnelly, Tanya	Doucette, Fred	Drago, Mike
Dunn, Ron	Edwards, Jess	Emerick, Tracy	Foot, Charles
Guthrie, Joseph	Harb, Robert	Hobson, Deb	Nelson, Jodi
Janigian, John	Janvrin, Jason	Perez, Kristine	Katsakiores, Phyllis
Khan, Aboul	Kuttab, Katelyn	Walsh, Lilli	Layon, Erica
Love, David	Lynn, Bob	Pearson, Mark	McDonnell, Valerie
McMahon, Charles	Melvin, Charles	Milz, David	Ford, Oliver
Osborne, Jason	Phillips, Emily	Piemonte, Tony	Popovici-Muller, Daniel
Porcelli, Susan	Potucek, John	Pratt, Kevin	Prudhomme-O'Brien, Katherine
Quaratiello, Arlene	Roy, Terry	Pearson, Stephen	Soti, Julius
Spillane, James	Summers, James	Sweeney, Joe	Sytek, John
Cahill, Tim	Tripp, Richard	True, Chris	Tudor, Paul
Vose, Michael	MacDonald, Wayne	Weyler, Kenneth	Yokela, Josh

STRAFFORD

Ankarberg, Aidan	Bailey, Glenn	Bickford, David	Burnham, Claudine
Granger, Michael	Harrington, Michael	Horgan, James	Kaczynski, Thomas
Turcotte, Len	Pitre, Joseph	Potenza, Kelley	

SULLIVAN

Aron, Judy	Drye, Margaret	Rollins, Skip	Smith, Steven
Spilsbury, Walter	Stapleton, Walter	Stone, Jonathan	

and the veto was sustained lacking the necessary two-thirds vote.

Reps. Osborne and Wilhelm offered an Amendment to House Rule 66, as proposed by the Rules Committee.

AMENDMENT TO HOUSE RULES

Amend House Rule 66 by adding the following:

Second Year Session Deadlines

Friday, January 5, 2024	Last day to introduce House Bills
Thursday, February 15, 2024	Last day to report House Bills going to a second committee
Thursday, February 22, 2024	Last day to act on House Bills going to a second committee
Thursday, March 21, 2024	Last day to report House Bills not in a second committee
Thursday, March 28, 2024	Last day to act on House Bills not in a second committee
Thursday, April 4, 2024	Last day to report all House Bills
Thursday, April 11, 2024	CROSSOVER – Last day to act on all House Bills
Thursday, April 25, 2024	Last day to report Senate Bills going to a second committee
Thursday, May 2, 2024	Last day to act on Senate Bills going to a second committee
Thursday, May 16, 2024	Last day to report all Senate Bills
Thursday, May 23, 2024	Last day to act on all Senate Bills
Thursday, May 30, 2024	Last day to form committees of conference
Thursday, June 6, 2024	Last day to sign committee of conference reports (4:00 p.m.)
Thursday, June 13, 2024	Last day to act on committee of conference reports
Tuesday, September 3, 2024	First day for incumbents running for re-election to file LSRs with complete information
Friday, September 13, 2024	Last day prior to the General Election for incumbents running for re-election to file LSRs with complete information

Friday, October 25, 2024

Wednesday, November 6, 2024

Friday, November 22, 2024

Thursday, January 2, 2025

Friday, January 24, 2025

Last day to file 2024 Interim Study reports

First day for all Representatives to file LSRs with complete information

Last day to file LSRs with complete information (4:00 p.m.)

Ten-day sign-off begins

Last day to sign-off on all LSRs (12:00 p.m.)

Last day to introduce House Bills

Last day to amend House Rules by majority vote

Adopted by the necessary two-thirds vote.

Reps. Osborne and Wilhelm offered a floor Amendment to House Rule 66.

FLOOR AMENDMENT TO HOUSE RULE 66

Amend sign off deadline in House Rule 66 to read as:

Friday, November 17, 2023

Last day to sign-off LSRs for 2024 Session (4 p.m.)

Adopted by the necessary two-thirds vote.

SENATE MESSAGE

The Senate has voted to sustain the Governor's veto on the following bills:

SB 42-FN, relative to overpayment of unemployment compensation.

SB 51-FN, creating a commission to study charitable gaming and historical horse races and relative to the moratorium on licensed historical horse racing facilities.

SB 79, relative to the participation of customer generators in net energy metering.

SB 193, relative to the obligation of collective bargaining units to negotiate in good faith.

SB 256-FN, establishing a safety program for off-highway recreational vehicles.

ADJOURN FROM THE EARLY SESSION

Rep. Osborne offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time.

Motion was adopted.

UNANIMOUS CONSENT

Rep. Bay requested Unanimous Consent of the House regarding Breast Cancer Awareness Month and addressed the House.

MOTION TO PRINT REMARKS

Rep. Weber moved that the remarks made by Rep. Bay during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

REMARKS

Representative Bay: Thank you, Mister Speaker. My fellow Representatives, I'm Luz Bay. I'm a Representative from Dover. You may or may not know, but I'm a three-time breast cancer survivor and October is Breast Cancer Awareness Month. This should be a reminder for us to get our breast cancer screening or to remind our loved ones to get their breast cancer screening. In 1988 when I was 32 years old, I was diagnosed for the first time. I was about to get married. I was moving across country from Iowa to New Hampshire. I was changing jobs. I was selling my home and buying a new home and I was diagnosed with breast cancer. I was getting my first treatment within the first six-week period. So, I can say that over a six-week period I experienced the most stressful things that happen in one's life. Now I always want to remind people about breast cancer awareness because early detection is key. I also want to show myself as an example that one can thrive and live under a cancer cloud. Between my first and second breast cancer diagnosis, I had two wonderful children. Between my second and third breast cancer diagnosis, I ran my first marathon. I have now run 25 marathons. More importantly, it's after my third breast cancer diagnosis that I was elected to this office. Within the last few weeks, my very best friend at work was diagnosed with breast cancer. On the same week, one of my sisters was diagnosed with breast cancer. But I'm happy for them that they have me. They are both going through their treatments. They are both in good spirits. This is just something that when I was first diagnosed, it was all about me. Now that I have learned to live and thrive with it, it's not about me anymore. It's about the rest of us. I have tried at every opportunity to speak with us that need help and guidance. If you know someone, I am available. I have raised over \$30,000 for cancer research, but with all of that, it really depends on each and every one of us. So as to celebrate Breast Cancer Awareness Month, thank you to those who wore pink today. There are still a few more days in October. Wear your pink as I have been wearing pink for every day of this month. Thank you. Thank you, Mister Speaker.

UNANIMOUS CONSENT

Rep. Nutter-Upham requested Unanimous Consent of the House regarding congratulations to Rep. Morton and addressed the House.

MOTION TO PRINT REMARKS

Rep. Weber moved that the remarks made by Rep. Nutter-Upham during Unanimous Consent be printed in the Permanent Journal.

Motion was adopted.

REMARKS

Rep. Nutter-Upham: Thank you, Mister Speaker. I rise today on behalf of the Hillsborough delegation to congratulate Representative Jen Morton on receiving the Spirit of New Hampshire award for her contributions. The awards were held earlier this week in Concord. Representative Morton has devoted her time to assisting many organizations in her community, including the Nashua Pride, the Nashua Soup Kitchen and Shelter, the Peacock Players, which is a children's theater group and maybe the biggest one of all, End 68 Hours of Hunger. The organization which collects and distributes food to food insecure students in the Greater Nashua area so that they don't go hungry over the weekend. On behalf of the Nashua delegation and those in the Greater Nashua area who benefit from the organizations that Jen works with, we extend our deepest thanks and congratulations. Jen, will you stand up?

UNANIMOUS CONSENT

Rep. Cushman requested Unanimous Consent of the House regarding the New Hampshire Constitution and addressed the House.

MOTION TO PRINT REMARKS

Rep. Ammon moved that the remarks made by Rep. Cushman during Unanimous Consent be printed in the Permanent Journal.

Motion was adopted.

REMARKS

Rep. Cushman: Thank you, Mister Speaker for recognizing me. Thank you, fellow legislators. Everyone in this chamber swore an oath to uphold the New Hampshire State Constitution. In Part I, the people reserve for themselves certain rights that government shall make no laws to violate. All laws repugnant to the constitution are null and void. We've all heard that. The supreme court recently has said that the historical analysis method is to be used to determine the intent of the law or the constitution. This means that with the usages and customs of the time the law or constitution was written, determines how that law applies today. Part I, Article 2 of the New Hampshire State Constitution says the people have a right to give instructions to their representatives. Webster's dictionary of the American English language of 1828 defines instruct as to give notice and also to impart knowledge or educate and also to direct or command to furnish with orders. Article 38 of Part I says, "the people, they have a right to require of their lawgivers and magistrate an exact and constant observance of the fundamental principles of the constitution." Article 8 of Part I says all power residing originally in and being derived from the people, all the magistrates and officers of government or their substitutes and agents are at all times accountable to them. Some have said that well, being accountable means every two years, the people have an election, and they vote on us and expect us to hold our campaign promises, hold to them. I don't find that concept anywhere in writing in the constitution or the actual law and I don't see how that squares with Part I, Article 8 that says agents are accountable at all times, nor Part I, Article 38 that says exact and constant. In reality the people have the right to instruct us as their agents when it comes to protecting their constitutional rights. That's our primary job. They have the right to provide us notice of a violation of their rights that we swore to protect and to instruct us in remedying those violations in so far as it's within our authority that they granted to us in the constitution in Part II. They can't tell us to stand on our heads, but they can provide us notice that a state agency is violating rights and is in need of correction. They can instruct us to take action to rectify the situation with the powers that we have been given by them. The people have a right to constant observance of the law by their magistrates and when constitutional rights are violated, we magistrates have a duty under our oath to assist and make it right. If we ignore pleas for help, and continue to let people's rights be violated, if later they do take it to court and it's found their rights were violated and we knew and did nothing, we were given notice and said I don't have to do what you say and didn't give any evidence to that fact. If we can't show that we don't have to, then we become culpable. We violated our oath and now we are a part of denying the people their rights. We were derelict in our duty and that is maladministration and with notice it can rise to the level of malice. We can be held accountable, and notices have been used in court to prove that a defendant has no plausible deniability. So, let's get back to the basics of our true purpose here in this body, the securing of the constitutional inalienable rights of the people. Thank you.

RECESS MOTION

Rep. Osborne moved that the House stand in recess for the purposes of receiving messages, after which business is concluded, the House shall stand adjourned from the 2023 Session.
Motion was adopted.

The House recessed at 11:18 a.m.

RECESS

(Speaker Packard in the Chair)

SENATE MESSAGE

The Senate has voted to sustain the Governor's veto on the following bill:

HB 337-FN, relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public, and creating a new attorney II position.

RECESS

The 1st year Session of the 168th General Court of the New Hampshire House of Representatives stands adjourned.