

Many of us are parents. Can you imagine if they ever took a child away from us? We didn't know where that child was? Five thousand of these children; I think 548 have been brought back to their parents. Look at, I believe in legal immigration. My people came here legally. But indeed, the American tragedy is taking children from these parents and finding no way to get them back together. I can't believe that. Look at, I'm a historian. Look at what we did in World War II with the internment for the Japanese. That was approved by the Supreme Court; that was, said it was okay. Look at what they did to the Germans and the Italians during the war. Do we have to commit the same errors over and over again? This is America. That is not the American way. I'm heartbroken about this. To think that a child, some of them as young as two or three years old, taken from their parents and sent some place. They don't know where they send them. They send them to New York. They send them to California. They send them to New Jersey. And they can't account for them. Who's they? It's our government. Is that what we want from our government? Is that what we believe in? Twenty-four people sitting around this table. Would we sanction that kind of activity? I would hope not. We have got a great country. I believe in our country, it's done wonderful things for me and for people around this table. But what I am witnessing today is a tragedy. It's a tragedy. And we can't let tragedies go on without saying something about it. We have got to believe in something. Thank you, Mister President.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-10 and Rule 2-11). Adopted.

MOTION TO ADJOURN THE SPECIAL SESSION

Senator Bradley moved that the Senate stand in recess for the purposes of sending and receiving messages, and processing enrolled bill reports and amendments for Special Session bills, and at the completion of which the Special Session will stand adjourned.

Adopted. The Senate is in recess.

HOUSE MESSAGE

The House of Representatives has adjourned the 2018 Special Session. The 2018 Senate Special Session is adjourned.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

September 13, 2018

The Senate reconvened at 11:00 a.m., a quorum being present.

The Reverend, Pastor Mark Warren, chaplain to the Senate, offered the following prayer:

Good morning, Senators. Let's pray.

Lord, we come to you today with a heart that's open to receive from you; your wisdom, your guidance, your knowledge, discernment. We're mindful that there is a person missing in this room with Tammy Wright, our Clerk, not being here, and we just pray for a speedy recovery for her.

As each of our Senators have probably been busy campaigning, and their families have given up time, and yet they come here today to continue to serve our great state. I pray that you would just bless them; give them back the time that they have committed to serving the people of New Hampshire. I'm so grateful for this time. This might be the last session that these people are together; our Senators are together, who have worked tirelessly over these last two years. They maybe sat on different sides and opposed each other, but they've had one heart, which is to serve the people of New Hampshire, and we're grateful. So today, Lord, we are thankful for this time that we can gather. In your name we pray. Amen.

Senator Bradley led the Pledge of Allegiance.

INTRODUCTION OF PAGES

(The Chair recognized Senator Watters for an introduction.)

SENATOR WATTERS: Thank you, Mister President. It is my great pleasure to introduce today Molly Morin of Barrington and a tenth grader at Oyster River High School who is studying American History but tells me she's also taking a couple of English courses and likes them too. I don't know how she has time for all she does. She loves to play volleyball, girl's lacrosse, part of the swim team as well. And when she's not at school she says she's usually with her guitar singing at local restaurants for fun and maybe even pass the hat too. She plans when she graduates from high school to attend college to study law and, music to my ears, she's very interested in being a civil rights lawyer. And last but not least we have a proud grandpa over here, okay? The one with the big smile. Please welcome Molly Morin.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you. Joining Molly today we have Jack Dalton as our other page and I'm very, very pleased to welcome you here today. Jack is age sixteen, he is in grade eleven. He comes from, it's not clear here, do you live in Dover or Durham? You live in both. Okay, he's got a foot in many communities. He attends Oyster River High School, his favorite subject is history, I certainly approve of that. And for extracurricular activities he plays on the Oyster River High School baseball team, and he's part of the Junior Legion Baseball Team as well. This summer he was employed at A&G Auto Body shop, and he hopes very much in the future to attend college to study law enforcement. So we're very glad to have you with us today and thank you for being here.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Bradley for an introduction.)

SENATOR BRADLEY: Good morning everybody. I want to introduce Karen, my bride. I would just say this, it's a wonderful thing. God bless you, thank you.

PRESIDENT MORSE: Well, we're very happy to have Jack filling in today as Senate Clerk. I know he's going to do a great job. Right Jack? But of course we will miss Tammy. And I was texting with her yesterday and today, and I wanted to take a moment to tell Tammy that we're all thinking about her, and we're all praying for her. I know she's watching the session this morning, so we all need to be on our best behavior. And on behalf of the Senate, we wish her a restful and speedy recovery. Without objection, the Clerk shall read the title of the Veto Message only. Adopted.

VETO MESSAGE

June 19, 2018

Governor's Veto Message Regarding Senate Bill 365 and
Senate Bill 446

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 19th, 2018, I have vetoed Senate Bill 365, relative to the use of renewable generation to provide fuel diversity and Senate Bill 446, relative to net energy metering limits for customer-generators.

Senate Bills 365 and 446 combined would cost New Hampshire electric ratepayers approximately \$100 million over the next three years. New Hampshire has some of the highest electric rates in the country, placing financial strain on the elderly, those on fixed incomes and the business community. These bills send our state in exactly the wrong direction. We need to be taking steps to lower electric rates, not passing legislation that would cause massive increases.

Senate Bill 365 creates another immense subsidy for New Hampshire's six independent biomass plants. It would cost New Hampshire ratepayers approximately \$25 million a year over the next 3 years, on top of the subsidy for these plants that already became law last year through Senate Bill 129. Furthermore, Senate Bill 365 doesn't even guarantee solvency of these facilities and in fact, those who supply the wood product have confirmed that the maximum impact to their revenue would be a mere 3.5%. It harms our most vulnerable ratepayers and our job creators for the benefit of a select few.

While I agree that expanding net metering could be a benefit to our state, Senate Bill 446 would cost ratepayers at least \$5 to 10 million annually and is a handout to large scale energy developers. These immense projects should use incentives already available and compete on their own merits. The businesses and working families of our state should not have to provide additional unjust taxation through higher electric bills. We should take the time necessary to study the effects of the recent Public Utilities Commission order on net metering before massively increasing the scale of projects that rely on ratepayer subsidies.

Consistent with our state's 10 Year Energy Strategy, I am committed to working to encourage and advance renewable energy generation and fuel diversity without unjustly burdening the ratepayers of New Hampshire.

For the reasons stated above, I have vetoed Senate Bill 365 and Senate Bill 466.

Respectfully submitted,

Christopher T. Sununu
Governor

SENATE CLERK: Thank you, Mister President. Senate Bill 365, relative to the use of renewable generation to provide fuel diversity.

PRESIDENT MORSE: The question is, notwithstanding the Governor's veto, shall Senate Bill 365 become law. Is there any discussion?

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of overriding the veto. At this very moment one thousand families sit with

the sword of Damocles hanging over their head. Pawns, if you will, in the power play that pits renewable energy against established forms of energy. These families and their ancestors through hundreds of years in our state, have earned a living with their hands and their backs in the forests that comprise a significant amount of our state. Second forested state in the country. Putting aside, if that's possible, the personal impact to the families in my district and most of your districts as well, the direct impact to the thousand and ancillary businesses, the mechanics, the grocery stores, stationary, all of the things that businesses use and that families use that will impact many of the districts, I'm sorry, many of the towns within our state. Two-hundred-fifty-four million dollars in direct economic impact, and then we carry it beyond that. Biomass is good energy, it's reliable energy. These people are good people, they are reliable people. The earnings that they make pay for home mortgages, they pay for health insurance, they put their kids through college, they buy cars, they contribute to every segment of our state's economy. The dollars in this economy, start here with the stumpage on the trees that are cut by the people that cut those trees, by the men that haul them out of the woods, by the mills that process the timber, by the chippers. Every single dollar in that entire economic process starts and ends in New Hampshire. It is earned here and it is spent here by people who provide an electric resource that is reliable, that is immediate and that can provide an opportunity for us to pursue energy independence when coupled with Senate Bill 446. May not be the most efficient at this point in time, but once lost, this source of energy will not be back. It's a permanent kill that we're getting here, if we don't override the veto. And so I ask you to join me for the good of these families and families in your district as well, all around the state, that are impacted by the revenues, by the timber, by all the things that are encompassed in these biomass plants and the energy they produce and the families that they employ. I ask you to join me in protecting a way of life, and providing an opportunity to pursue further development of renewables and sustainable energy independence, in voting yes to override this veto. Thank you, Mister President.

(The Chair recognized Senator Carson for a question of Senator Giuda.)

SENATOR CARSON: Thank you, Senator for taking my question. Is this specifically a North Country problem or is this a problem for the whole state of New Hampshire?

SENATOR GIUDA: Thank you for the question, Senator. This, while portrayed most often as a rural and North Country issue, in fact impacts significant parts of the state. Hillsborough County, I believe, is the number one timber cut county in the state. The businesses that are impacted, I believe in your district Senator if I'm not correct, Caterpillar. One week after the veto, \$10 million in sales were cancelled, of heavy equipment. And so the impact of these dollars while rural in its origin, okay, certainly apply. We will look at losing timber tax revenues in communities, adding further to the property tax burden of our citizens. And so the question was well put, the answer would be it affects virtually every community in the state in some way or another. Thank you.

SENATOR CARSON: Thank you very much, Mister President. Senator Giuda, we had a forum in Londonderry and there was a woman there that their family sold wood ash. They collect the debris from these biomass plants, they convert it into wood ash, which they then sell to New Hampshire farmers so, to help them fertilize their fields. Now is it true

that if this veto does not get overridden, her small business, small family business, thirty years, is going to go out of business and our farmers, the only place that they're going to be able to get that wood ash is in Canada. Is that true?

SENATOR GIUDA: I can vouch that wood ash is a significant byproduct of the biomass process, and yes, it will definitely impact the ability of our farms to operate. My district also has an interest. We have a company that takes that wood ash and processes it and spreads it throughout the state to farmers that need it for their fields.

SENATOR CARSON: Thank you very much.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I want to disclose for Senate rule 6 and 7 that in my capacity as an attorney and a State Senator, my signature and involvement in the divestiture agreement, primarily through my capacity as an attorney. Disclose that and disclose that provisions of that may arguably conflict with provisions of this bill. That being said, I'd like to participate with that disclosure and I have a brief comment.

Thank you very much, Mister President. Just briefly, I think the Senator from District 2 highlighted a lot of the major points, but I'll also highlight this one, for some of my progressive friends who may be undecided about this, if you want coal-fired power plants to thrive in the supply market, the surefire way to do that is to let biomass go under and sustain this veto. Don't do that. This is local energy, this is renewable energy, don't let our biomass facilities go under. If you want coal-fired power plants to thrive, you'll sustain the veto. If you don't, if you want New Hampshire energy to thrive, you'll override. Thank you very much, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. And I think the questions were spot on to the points that I wanted to rise to indicate. In Cheshire County, the timber industry is a vital part of our economy and I can go to a Cheshire Fair and I can go to town events and I will find people coming up to me saying, you know how many people we did not employ this year because the market, just like something, a fruit on tree is starting to wither. We need to not take a mature industry in this state and put it out of business. And that's my fear, and I think the statements about this being a statewide issue is indeed true. I will give credit though to that marketer of the potassium that is contained in the burned byproduct of a wood-burning generating plant. Because there is a substitute for this and it's called chemicals, and that potassium could be restored into the environment chemically and this is a natural, which just goes to evidence that this is the maturation of a business that has learned not only how to use its source but also its byproducts. This is good for forest management, it's good for trail creation and it's good for my region of the state. I also will be voting in favor of an override of this veto. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I also rise in support of overriding the veto and in terms of the statewide impact of this, I wanted to share a couple of comments from a letter that was spearheaded by the mayor of Dover, Karen Weston, and it was signed by the mayors in the cities of Berlin, Claremont, Concord, Dover, Franklin, Keene, Laconia, Lebanon, Manchester, Nashua and Portsmouth and directed to Senate

and House leadership. And they say that they believe strongly that clean and local renewable energy and greater efficiency in how we use all energy would be vitally important to our cities' future economic vitality and environmental quality. And as such they favor policies at the state level which would encourage existing renewable electric generation. And in particular they say they want to stand with our neighboring communities that particularly feel the impact of Senate Bill 365. They think it's harming local jobs and the economy. Thousand jobs directly tied, the Plymouth State study that tells us 254 million dollars are contributed to the economy and benefit our energy sector and in particular those who are interested in wildlife and fish and game issues, the health of the forest for those resources depends on this industry thriving as well. So it impacts all of us around the state. This is an important industry, it's an important energy source as well and I hope my colleagues will join me in voting to override this veto. Thank you.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I rise in support of the Governor's veto. We've heard they've done a masterful job of explaining why we should support this industry which is an unprofitable industry. And the way we're going to support that is, we are going to create a tax. And we're going to tax the electricity bills of our constituents to support an unprofitable industry. So economically, that makes no sense at all. So, I can't send a bigger electric bill to my constituents, so I support the Governor's veto.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in support of overriding. I also rise with the great sense of gratitude and humility to be here and represent the great fair people of the North Country, Senate District 1, all fifty-eight communities, 28 percent of the state's landmass, an area larger than three states and seventeen foreign countries. And a whole lot of trees. In a place that has been defined by this industry and people who have made a living, made a culture and developed a way of life in the woods trying to get by and get ahead. Now we know that this is good energy policy and we know this is good economic policy. We know this is a locally produced energy, dependable, renewable and we also know that in my part of the state, and other parts of the state as well, that this is an industry that is the straw that stirs the drink of the North Country economy. It lifts a struggling economy and these dollars are not tucked away in silk purses or platinum stock portfolios, but they circulate and touch many hands, many businesses and change many lives. They stabilize communities, they stabilize families and they make life a little bit better for many, many people. But this is not about an industry or protecting or promoting or propping up, it's about the people who do the work, who do the dirty grimy hard back-breaking work and I've got a scar on my hand Mister President, to show how hard it is to harvest a tree and how dangerous it is to do the work that they do every day. And not only do they pay their taxes and promote their families and take care of their neighbors and coach little league and be involved in their community but they're also preserving a culture of living and making a living off of the woods and the trees in our community. And I'd say this is all about people. People like my brother-in-law who worked most of his life in the Whitefield Power and Light. He went to work when his kids went to bed and his body shows, his hands show, the work that it took to do that. Jobs change lives and

rarely in this business do we have an opportunity to turn the switch on for jobs to occur or turn the switch off. And I hope that we do the right thing today. Thank you, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I rise in support of the veto override. And I firstly want to thank my colleagues and the leadership of Senator Jeb Bradley, who spearheaded this bill and I also want to thank Senator Martha Fuller Clark and Senator Dan Innis and Senator Feltes for their leadership in the Energy Committee. It's not a wise thing when so many diverse people come together on an issue and to go against that. And we have some very, very good people in the Committee of Energy and we've come to agreement on this. During the election, a gentleman, an older gentleman came up to me from Hollis, New Hampshire. He came over and he shook my hand and he said, you know, I've had a tree farm since 1858, it's been in his family since 1858. And if these bio plants go down, the tree farm is going to have to ship all its wood to Canada. Well, that's not cost effective and it's going to affect this tree farm. It's just one family, one family's affected by this. Some say, well, it's a subsidy. The anathema word, "subsidy", it's dangerous. It's a bad thing, it's not conservative. Neither is crony capitalism, ladies and gentlemen. Neither is crony capitalism. When we become more dependent on those transmission lines, you're rewarding those who have to keep those transmission lines operating. They get a guaranteed 10 percent return on investment. That's a sweetheart deal and the more we're dependent on those big fat power lines, that 10 percent goes up. That's profitable. The subsidies is not profitable. So what are we going to do? Are we going to side on the subsidies which creates jobs, protects our forests, keeps our trails clean, creates fertilizer, and it works on maple trees, I did it. Or are we going to subsidize a little mini monopoly, if you will. We're doing the same thing over and over and over again. We're trying to think outside the box. We're going to lose 100 megawatts. Override the veto, it's a good thing if it supports New Hampshire. We're creating energy here, homegrown stuff. There's got to be a song for that. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I too rise in support of overriding the Governor's veto. And I thought it would be important to speak to the fact and mention that the New Hampshire Public Utilities Commission estimated that the veto would save ratepayers a total of 18 million annually for three years. But it will come with a cost of about 17 million in generation capacity needed to fill the 100 megawatt gap if the biomass plants close. This is a result of ISO New England looking at New Hampshire and would be raising our obligation throughout New England with that charge of \$17 million. So here's what we're doing. We're talking about a cost of \$1 million that would put immediately some 900 jobs in the timber industry, the loss of those jobs, that it would impact a \$254 million economic activity in our forest industry and as you've heard all of those cascading impacts that the loss of every one of those jobs is going to affect twenty or thirty other jobs throughout the state. You've also heard that it will impact on equipment sales, it will impact on the agricultural community and it will make it much more difficult to do sustainable forest management and ensure that we have healthy forests throughout the entire state. This is a very unwise veto that is really pitting our local industry that allows us to have greater self-sufficiency when it comes to energy. That

ultimately will help us to reduce energy costs because you will not be susceptible to the volatility of what we see with regard to natural gas now and in the future. To my mind and to the many, many constituents that I have heard of, vetoing this legislation is a very poor position to have taken with regard to a native industry and to all the people in the state who benefit from a locally grown industry. So I urge you here today to sustain our vote and override the Governor's veto. Thank you. (The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I'll be very brief. I did at one time work, I'll disclose first at Sundeen Lumber and Georgia Pacific in Senator D'Alessandro's neighborhoods, back in my early days. Last night about twelve hours ago, I was working with a bunch of guys from John Carter Sprinkler Company and they echoed everything I've found when I door knock. They said we talked about it last night, the poor guys had to talk with me until midnight about biomass and when I got, and at the beginning, they were like geez, what's it going to cost? I said about \$1.76 a house. First they said, no, go against it, be against that. And then the other guy spoke up. Scott said geez, I have a friend who works and he hauls chips and he goes, he's went down from three days to two, from a full five day schedule. He's having a hard time meeting ends. I went to Abernathy key wood products and I met all these people who are in the business in Kingston and Epping and, so I didn't realize a few months ago how much it affected my neighborhood and I would say every door I've knocked on, once we talked it by the initial \$1.76, 99 percent of the people in New Hampshire want to help their neighbor. They know it's a sustainable renewable energy and that \$1.76 is money well spent. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President and good morning. I think that a lot of discussion has occurred about the jobs impact. I think we, all of us, all twenty-four of us, have talked to real people, not people in corporate boardrooms, people that wear blue jeans and work in the woods with chain saws. We've all had that experience. There's a real impact on those people. There will be lost jobs. Small businesses will close. People will lose their businesses, their mortgages. People like our friend Tom Thomson are going to have some hellacious choices about what to do with their land. Snowmobile trails are likely to close. New Hampshire's open space likely to be impacted. But I want to use the rest of my time to talk to the people that believe that we should not pass Senate Bill 365. I want to address those issues head on. The first issue, what's the cost? Yes, there's a cost. Senator Fuller Clark just outlined it. But there is a cost that is bigger if we close these wood plants. It's a cost for capacity, run by the grid operator. A consultant that worked for Northeast Utilities, with a lot of experience, testified in front of the House and the Senate that that cost is likely to be in the range of \$17 million. So suddenly the cost difference becomes pretty obvious. Yes, we're going to pay something for three years and three years only and only if plants generate. But after that three year period of time, we will pay higher capacity costs. Not a single utility disputed that in March when we had the public hearings in the Senate and the House. Only in the last few days have people said no, no, that's not the case. But they've never proven why it's not the case. Those costs are real and we'll pay them. So for me, this is a pay me now or pay me later and pay me permanently type of situation. I think all twenty-four of us

believe that we should support the manufacturing base in the state of New Hampshire. Every one of us. We may have different approaches but I think we do. And so to my friends at the BIA, I would say read the last section of the bill. Where the rate design protects the largest manufacturers that will have a very insignificant portion of the cost. We put that rate design in the divestiture docket. It's the same rate design in this bill, 5.75 percent. And when you combine that with the repeal of the electric consumption tax, which we did in the budget last year, the impact on the largest users in the state of New Hampshire, the manufacturers that we're all concerned about, will be negligible.

Now we keep hearing this is a subsidy. Great, let's talk about subsidy. Energy in America is regulated and subsidized. The fossil fuel industry, it's called the oil and gas depletion allowance. It's called favorable leasing for extractions, for transmission, it's faster depreciation for electric transmission and gas transmission. The nuclear industry, we as taxpayers subsidized nuclear research for decades. We pay for Yucca Mountain and until the divestiture of nuclear power plants all of us as customers paid a surcharge for waste disposal. Those, my friends, are subsidies. And there's a reason for them. We want to keep the lights on, want to keep power affordable, we want to have adequate supplies, we don't want this in terms of the price and the reliability of power. But to me the biggest subsidy of all is the guaranteed profits of utilities that are fighting this bill. Let me repeat that. The guaranteed profits of utilities that are fighting this bill. If that's not a subsidy, there is no such thing as a subsidy. Now we have heard from some of those utilities that these power plants got a \$2 billion subsidy. Let's look at the rest of the story.

Under federal law in the 1980s, there were contracts under what was called the Public Utilities Regulatory Policy Act or PURPA, that if an independent power producer could meet the expected cost, the future projection of cost of the utilities, they could produce power and the utility would have to buy it. Well guess what was happening? Inflated cost to justify the construction of a nuclear power plant and we know how that movie ended, with a rate agreement and the highest rates in the nation led to those PURPA contracts. That's how it started. Call that a subsidy if you want to but those are the facts. The facts are sometimes difficult to live with and so it's easier to label it a subsidy when there's a lot of responsibility that goes back thirty years as to how this happened. We know how that movie ended. Now it's interesting, last night I downloaded the independent system operator. Those are the folks in Holyoke, Massachusetts that run the grid. And they had a reliability study that was just, what's the right word, released to the public in January. And they're warning of the potential for blackouts in the '20, '24, '25 time frame. It's kind of dense reading, but it should be a warning sign for each and every one of us in New England that we have problems here. And you know I found it interesting, my friends at the BIA, Mister Tom Sullivan who is the chair of the board of the BIA said this in a recent editorial in the *Union Leader*. And I quote, "Even more alarming, securing a reliable supply of fuel has become a chief concern for the region's independent electrical grid operator, ISO New England." ISO released a report last January, warning that by 2024, 2025 New England may no longer be able to secure enough fuel for power generators to meet demand, resulting in rolling black outs. Yes that means the lights will go out in New Hampshire if something doesn't change. So to my friends at the BIA, I don't think you can have it both ways. You can't want a reliable electric grid and be closing down a homegrown fuel source that

has an incredibly great record of producing. And we know how many trees we have here in New Hampshire, and we know it's not imported coal, it's not imported oil, it's not imported natural gas, all of which are subsidized. It's homegrown New Hampshire energy. And if there's one thing I've learned over the years that I've been involved with energy in New Hampshire, it's kind of a saying that a lot of us have heard; don't put all your eggs in one basket. Well guess what, we're putting our eggs in the natural gas basket if we don't override this bill. The big natural gas plants outside of Boston. They're about to get a nice little subsidy, because they are so indispensable to the grid. In other states, legislators are adopting subsidies for their nuclear plants to keep them operating. This is life in 2018 in America to keep the lights on. So yes, it's about jobs, it's about people that work in the woods. But it's also about energy. And one of the misconceptions about this bill is that the subsidies go on regardless. Well, they don't. You have to produce the electricity. So if the plants close for any reason and there's no electricity produced no money exchanges hands. And oh by the way, there have been people that have complained about the fact that the balance sheets weren't shown to the public. Well, people have seen those balance sheets where they matter and those discussions have happened and we know that plants are closing, and hardworking people are being thrown out of work. I kind of feel like a bit of déjà vu here today. I remember in July of 2005 in Boston, testifying to the BRAC Commission, base realignment and closure. I stood up for the jobs of 5,000 hardworking people in the Seacoast against the Defense Department that wanted to close the Portsmouth Naval Shipyard. I stood up with Judd Gregg, with John Sununu, with Olympia Snow, with Susan Collins and Tom Andrews. We made a case that day that the defense of our nation was so important and the workforce at the Portsmouth Naval Shipyard was the best in the nation that we were making a case that we needed to change that BRAC decision. We did it. Godspeed to everybody that is trying to do that today, to protect yet again, New Hampshire's jobs, the future of our recreation industry, our snowmobile industry, the future of energy diversity and to prevent a cost increase in the future that will dwarf the temporary increase to keep these plants open. There are a lot of these people here there, there are a lot of them across the street. Bless you for your activities fighting for your jobs, fighting for the future of our state. Thank you, Mister President, I urge a yes vote on the pending motion.

The question is not withstanding the Governor's Veto, shall SB 365 become law?

A roll call is required.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators voted No: Daniels, Reagan, Morse.

Roll Call, Yeas: 21 - Nays: 3. Veto overridden by necessary 2/3 vote.

VETO MESSAGE

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Senate Bill 365 creates another immense subsidy for New Hampshire's six independent biomass plants. It would cost New Hampshire ratepayers approximately \$25 million a year over the next 3 years, on top of the subsidy for these plants that already became law last year through Senate Bill 129. Furthermore, Senate Bill 365 doesn't even guarantee solvency of these facilities and in fact, those who supply the wood product have confirmed that the maximum impact to their revenue would be a mere 3.5%. It harms our most vulnerable ratepayers and our job creators for the benefit of a select few.

While I agree that expanding net metering could be a benefit to our state, Senate Bill 446 would cost ratepayers at least \$5 to 10 million annually and is a handout to large scale energy developers. These immense projects should use incentives already available and compete on their own merits. The businesses and working families of our state should not have to provide additional unjust taxation through higher electric bills. We should take the time necessary to study the effects of the recent Public Utilities Commission order on net metering before massively increasing the scale of projects that rely on ratepayer subsidies.

Consistent with our state's 10 Year Energy Strategy, I am committed to working to encourage and advance renewable energy generation and fuel diversity without unjustly burdening the ratepayers of New Hampshire.

For the reasons stated above, I have vetoed Senate Bill 365 and Senate Bill 446.

Respectfully submitted,

Christopher T. Sununu
Governor

The question is not withstanding the Governor's Veto, shall SB 446 become law?

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I move to override the veto on SB 446 and to let this be passed into law. Basically on the same lines of our previous bill that we just discussed that. This is a bill that frees up New Hampshire, frees up large corporations and municipalities to generate their own electricity, to reduce our dependence on the transmission lines. Right now New Hampshire is allowed to generate, individuals can generate up to 1 megawatt, 1 megawatt. When I asked Senator Bradley, well what can we do about this? And he says well probably go up to 5 megawatts without ISO getting involved. And I said well why can't we do that? And he shook his head and, Kevin, that's just too hard. And then he thought about it and he said well let me think about it. And he basically held my hand through this because it's a complicated issue. But there's

nothing complicated about freeing up corporations to generate their own electricity, whether it be through solar or hydro. Nashua, New Hampshire has a hydro plant that can generate up to 3 megawatts. They can utilize that. Manchester could generate up to 5 megawatts on one of those landfills. What does that do, well 3 here, 5 there, 5 here, a school here. You're lowering your dependency on the transmission lines. That has got to sink in. We have too much dependency on the transmission lines. I remember Senator D'Allesandro saying look we've got to lower these energy costs. Well how do we do that? We've got to stop doing the same thing over and over and over again. Think outside the box. How can we do that? I've got an idea. Let's let them generate up to 5 megawatts. Lower their energy costs, lower our state's transmission dependency. Right now we're part of a grid. And we have a responsibility to keep that grid going and that responsibility is 9.6 percent. The more dependent we are on those big fat power lines, that 9.6 percent could possibly go up higher. Making your rates higher. And in a pie chart, if you're to look at your transmission costs it's a big piece of the pie. The smallest part of your electric bill is the renewables. That's the smallest part. And ladies and gentlemen, the pie don't lie. The pie don't lie. SB 446 is an opportunity to give New Hampshire the ability to generate its own electricity. It allows large corporations like Worthen who generate 1 megawatt. They're using half their roof for their manufacturing. Why not give them the whole roof and let them do 2 and a half megawatts? How about some of the high schools, let them generate their own schools and lower your property taxes. Those in Nashua definitely could use it, Manchester could use it, Rochester could use it. Let's free up the live free or die state. I almost want to sing Free Bird ladies and gentlemen, I really do. Give us the opportunity to generate our own electricity. Let's not pick winners and losers as Senator would say. He hates it. I know that. He says it over and over and over again. Right now we are. We're only allowing people up to 1 megawatt where the large corporations like BAE could generate their own. Funny thing I think in other states they can generate up to 10 megawatts for their manufacturing. Why not give them the opportunity to do it in New Hampshire? BIA should listen. Let's let New Hampshire corporations generate their own. I don't think they've even thought of it. Why? Because it's like moving a mountain in this state. It's like living in the mountains and the mountains are made of granite and it's hard to think outside the box. I'm not going to get into the weeds. We can all get really, really into the weeds on some of these energy bills and you will all, I promise get lost at some point or another. Please support the override. Free the state up. Let's generate our own electricity. Let's stop the tyranny of the transmission lines. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I too rise to support overriding the veto on Senate Bill 446. I just wanted to reference briefly again the letter from the thirteen mayors who also are asking for an override of the veto on Senate Bill 446 because they believe it will enable their cities to attract private investments in clean energy which will in turn directly lower rates for our citizens. A number of our communities are currently working on projects to accomplish these goals. Unfortunately those projects would have to be shelved if 446 is rejected. Hundreds of millions of dollars in solar and hydro power projects are now at risk of not being realized because of this situation. And I will speak for a moment about the particular situation in Dover where we have a private investor willing to put \$20 million into putting solar at

the new high school, at the Children's Museum downtown. At the high school alone this will save Dover taxpayers \$400,000 a year and it's a private investment coming in. If we don't have the cap raised, these projects may be jeopardized because they need to be of a certain size so that the investors will come in and see that that is feasible for their communities. And so how do we say to our taxpayers that some supposed rate increase, through the fiscal note I noted here said that there wasn't an impact on rate increase on 446, how can we tell our taxpayers that they don't get to save \$400,000 a year because we don't pass 446? Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. These vetoes have cost New Hampshire jobs, they will cost New Hampshire ratepayers and they will cost New Hampshire property taxpayers. And some of the talking points surrounding them reflect some of the talking points from out of state fossil fuel lobby, not people right here in the Granite State. Let's talk about it. The Senator from District 12 talked about it in terms of transmission costs. The highest growing portion of your electric bill is transmission costs allocated on New Hampshire on a regional basis. And the way New Hampshire fights back in that formula is twofold. One is we allocate more resources to the PUC and maybe the consumer advocate to fight it out on behalf of New Hampshire at the regional level. We did that a little bit in the budget. We could do more next year. That's number one. Number two is energy efficiency and local energy. The cheapest unit of energy is the one you don't use. That's why energy efficiency is so important. It's so important for that calculation of regional transmission costs that get pounded on the state of New Hampshire. Some cases subsidizing projects from big utility companies down in Connecticut. But that's the way the formula works and the way we fight back is with resources at the regional level to fight back in those proceedings and second local energy. That's what this is about. You want to fight back on the highest growing portion of your electric bill, you pass Senate Bill 446. If you want to, in the words of the Senator from District 12, promote freedom, if you want to de-regulate a little bit let's go from 1 megawatt to 5 megawatts. Let's unleash the industry, let's unleash New Hampshire energy independence with local projects. And if you want, as my colleague from District 4 said, municipal and school buildings to become energy independent and property taxpayers to save money. If you want to put dollar pressure on property taxes, you pass Senate Bill 446. So I urge you as my colleague from District 12 said, it's rare for everybody to come together, we did in this committee. Let's pass Senate Bill 446, let's override this veto. Thank you very much, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. A year ago I would be sitting in a committee with Senator Avard as the chair. It was a bill that, in the committee established by this body and our colleagues in the House, signed by the Governor, SB 125. It was on electricity pricing. Three Representatives, two Senators, three Republicans, two Democrats. We studied pricing from a variety of angles, you've heard the issues about distribution and transmission costs. The fastest growing part of everybody's electricity bills. And the one recommendation that the committee agreed upon was increase net metering from 1 megawatt to 5 megawatts. One recommendation. A lot of other recommendations in

that report, don't put it away yet. But this one we all agreed. We could see that this was a way not only to create greater supply but to reduce distribution and transmission costs.

Second page to this argument: Few of us attended a session over at the Monadnock Paper Mill in Bennington, New Hampshire. Now you'd think that the paper mill was going to be talking about initially 365 and the override. That wasn't the pitch. His pitch was 446. His pitch was that I have three 700 kilowatt generators, turbines on my plant and I can't net meter because together I'm one site with 2 megawatts and I can't net meter for the full production, that he's running twelve months a year, full-time, hydropower that he could put on the lines.

Third topic, third story: Hydro operators operate in Cheshire County. It's the original power source of Cheshire County. And you might recognize that the President of the New Hampshire Sustainable Energy Association is from Cheshire County. Besides the hydro operators I have towns like Hinsdale and Winchester and Keene and Swanzey in my district, all of which have solar projects in either municipalities in their towns, schools that are waiting to be built. One that I heard of this last week is going to power an industrial park and provide the local power and has Vermont Yankee lines right next to it. They have capacity that's been taken away because Vermont Yankee is not producing power any longer. It's a good thing in my region, by and large. But those lines are there ready to be used by large solar power generators. So there are a variety of ways to come at this. I think this is a wise investment, it's an investment in our future, it has broad support through this state I believe, I think. And I rise today to indicate my support for people in Cheshire County and to override the veto on Senate Bill 446. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I too rise in support of Senate Bill 446 and urge this group of Senators to vote against the Governor's veto. Time and time again we hear well the legislature doesn't do anything to reduce energy costs. And we're oftentimes being blamed for the high energy costs which is a much bigger issue than what we need to be talking about today. But it's clear from all the reports that we had within the committee that what you've all received in support of 446, that this is a way to reduce energy costs across the state. And that it will provide the opportunity for the growth of solar energy everywhere in the state. And as we know currently that is one of the fastest growing industries which we're seeing year after year putting more and more workers in New Hampshire providing them with jobs. So not only will it allow us to be energy independent, that it will grow solar in a way that will increase job opportunities here throughout the state and that it will result in lower energy costs for everyone as we go forward. So thank you very much, and I hope you too will support overriding the Governor's veto.

A roll call is required.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators voted No: Daniels, Reagan, Morse.

Roll Call, Yeas: 21 - Nays: 3. Veto overridden by necessary 2/3 vote.

VETO MESSAGE

June 21, 2018

Governor's Veto Message Regarding Senate Bill 593

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 21st, 2018, I have vetoed Senate Bill 593, relative to the penalty for capital murder.

Senate Bill 593 would abolish the death penalty in New Hampshire. While I respect the arguments made by proponents of Senate Bill 593, I stand with crime victims, members of the law enforcement community, and advocates for justice in opposing this bill. New Hampshire does not take the death penalty lightly, and we use it only sparingly. No one has been executed in New Hampshire since 1939, and we currently have only one person on death row.

In the most heinous cases where the death penalty may be imposed, New Hampshire is second to none when it comes to protecting defendants' rights and ensuring a fair process. While opponents of the death penalty cite cases from other states where individuals were either wrongfully convicted or did not receive an adequate defense, such cases have not occurred in this State. Our public defender program is among the best in the country. In addition, a defendant cannot receive the death penalty unless a jury of twelve citizens, in a separate sentencing phase, unanimously votes to recommend a sentence of death. I have confidence in the judgement of our citizens and in our criminal justice system, and believe that New Hampshire can continue to apply the death penalty in a sparing, fair and just manner.

During the past thirty years, governors of both parties have either opposed the repeal of the death penalty or expanded its scope. In 2000, Governor Jeanne Shaheen vetoed a death penalty repeal bill, stating "I believe that there are some murders that are so brutal and heinous that the death penalty is the only appropriate penalty." In 2011, Governor John Lynch signed a bill expanding the application of the death penalty to home invasions. This expansion came in the wake of one of the most heinous crimes ever committed in our State, the Cates murder. This crime was a home invasion that resulted in the murder of a mother and the severe injury of her daughter. Kimberly Cates was stabbed 32 times and her twelve year old daughter was stabbed 18 times. David Cates, Kimberly's husband, testified in favor of expanding the death penalty in 2011. To repeal the death penalty in its entirety today would deprive the Cates' and other crime victims of the justice they deserve.

Abolishing the death penalty in New Hampshire would send the wrong message to those who commit the most heinous offenses within our State's borders, namely that New Hampshire is a place where a person who commits an unthinkable crime is guaranteed leniency. New Hampshire is not and will never be a safe haven for those who would murder a police officer, cause a death during the commission of an aggravated sexual assault or home invasion, or commit any other capital offense. If a person chooses to commit such an unspeakable act in our State, that person should know that a jury of their peers may elect to impose the ultimate justice.

The arguments made by the proponents of this bill must give way to our obligation to support our law enforcement community, deliver justice

for crime victims, and protect New Hampshire's citizens by preserving the death penalty as the ultimate legal deterrent to the commission of heinous crimes.

For the reasons stated above, I have vetoed Senate Bill 593.

Respectfully submitted,

Christopher T. Sununu
Governor

The question is not withstanding the Governor's Veto, shall SB 593-FN become law?

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. This is a tough one. It's going to be for us. We have thirteen co-sponsors on this bill in the Senate. It's probably one of the most diverse bills that we've ever had. There have been a ton of different perspectives on this particular bill. People looking at the death penalty from the most conservative to the most liberal if you will let me use those terms, or progressive. We've come together with the same conclusion that for our day it's not practical. And this is a vote of conscience. I totally understand where people are coming from having been a pro-death penalty individual pretty much all my life. But as I've looked at and talked with exonerees, at least 160 across the country, 160 plus exonerees for various reasons, individuals that were on death row, some from false allegations, some people were there because the prosecuting attorney withheld exculpatory evidence intentionally, DNA, a host of reasons. That alone allows for human error, and if we make a mistake we can't retract that. There is a biblical principle that God hates seven things and one is that individuals shed innocent blood. That's not acceptable. There was a woman who was caught in adultery, and I'm going to use the biblical illustration because it kind of mutes our day. And she was brought before the Lord Jesus. And they said, Master, this woman was caught in adultery. Now you know what the law says. She should be put to death. What sayest thou? And he wrote on the ground and they kept bugging him about it. And he said well, ye that are without sin, you want to cast the first stone. He didn't say that the law was wrong, he said those of you that are without sin let them cast the first stone. Interesting concept. You know, the guys that brought this woman to Jesus, their intention wasn't about the beauty of the law, they wanted to trip him up. So their intention wasn't justice, they had a different alternative. And it wasn't about justice. We have prosecuting attorneys that have the same intention. It's a notch on their belt. Oh by the way, this is a 14th amendment violation. What do you mean? Well equal protection under the law. Huh? Where's the guy? Where was the guy? Both of them should have been brought forward. We have situations here now where if you're not a beautiful person, you're going to get the death penalty. If you are in a different class, you're going to get the death penalty. There are people right now in New Hampshire that are looking for parole that committed capital murder. Why aren't they getting the same treatment? What is the fiscal note for somebody's who's on the death penalty? Well we have a case right now where if you were put in life in prison, without parole, you're looking at a \$1.4 million cost. But if he's on death row, that cost goes exponential up to 5 to \$10 million just to process this one individual. That's another injustice. And there's no guarantee, and by the way we don't have a facility to do this.

There's a host of other reasons and I think in our day now it doesn't make sense. I say let's get rid of it, save the taxpayer money. Let's not accidentally put somebody to death and I know everybody here has to vote their conscience and I really respect that. I really don't want to debate on this, just speak your mind and thank you, Mister President. So I move that we override the veto.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, and distinguished colleagues. I rise to ask my colleagues to support the Governor's veto. I've been around this place since 1972. In 1973 we crafted the death penalty. It was passed by the legislature in 1973. It's a very narrow death penalty. It has been used in this state one time since 1939, one time. In those days we hung people. That has been changed to lethal injection. Why do I support the death penalty? And it's a very, very difficult thing to do. We all have our moral conscience, and many times I think we've lost our moral conscience, but in this particular issue, I ask you to continue to support the Governor's veto. You've got to have witnessed a death, in order to appreciate the anxiety, stress and terrible situation cast upon those in the family who have lived with the fact that a member of their family has been murdered. I've witnessed it. A murder took place in my district. Officer Briggs was murdered in my district. In a parade in Manchester, thousands of people turned out, thousands of people lined the streets of Manchester. We all gathered in Fisher Cats Stadium to mourn the loss of this human being, who had in essence saved the life of the person who murdered him, he saved his life on one occasion. In my district, officer Doherty was shot eight times, shot eight times. He carries the scars of those shots in his body as we speak. His life will never, ever be the same. And what was he doing? He was protecting us, protecting us. Don't those who protect us deserve our support? Gun violence has been pervasive in this country. We had two shootings in my district last week. We had a murder in my district last week. The murderer was apprehended yesterday after a search by our police department to apprehend him. My colleagues, those public servants deserve our support. Those public servants offer their lives every day, every day, in defense of our liberty. Can't we support them? As I say, this is a question that each one of us must answer. And it's a moral issue, it's a question of your conscience and you must do what you believe is the right thing to do. We're living in a terribly complicated world. We're living in a world where life isn't given the same kind of worthiness as it was when I was a child. When I was a child a police officer walked me across the street to go to school. Today the police officer gets shot and killed. My colleagues, dig deep. Dig deep and answer the question that Mrs. Briggs answers every day; why was my husband killed, why was my son killed, I had Mrs. Briggs in school, the mother. I've been with the family. They live with that question, unanswered for the rest of their natural lives. Think about that, for the rest of their natural lives. And I know it's difficult, and I know each one of us has a different opinion. But indeed, I ask my colleagues to think hard and to support the Governor's veto. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I'll be brief. I'm much more prepared when we did this a year ago whenever we did it. But I have to stand up. As you know I've always been on the side of the police. I meet with all my police chiefs at least once a year and this is

very important to them. It would be a slap in their face if today we said I want everyone who ever shoots a cop to, maybe he'll have one moment, one clear moment of a thought and say, I'm going to get killed if I shoot this guy. Just that one brief second. Maybe it would enter his mind, maybe it wouldn't but if it did it would be great. Senator Avard, you said innocent blood. The murder of Officer Briggs, the guy who shot Doherty, the judge about ten years ago up in Senator Woodburn's district who was killed. I want anyone who does a heinous murder like that, Mont Vernon, the kids prepared they found a woman who was going to be alone in a neighborhood. They thought about it, they planned it, they went in and executed a woman, thought they executed her daughter, slit their throat, the girl lives with this. I want this to be, it's only a heinous, you said the county attorney, you mentioned DA's and attorneys. Thank you, Mister President, I'm sorry. It's not in New Hampshire, Mister President. Our county attorneys are not looking to put a notch in their belt. This would be a rare exception, it would go to the attorney general. It is never going to happen that someone's going to be executed who didn't do a heinous crime. This is New Hampshire, we don't do things like that lightly. Again I have to think of the men in blue, I have to think of their families and I want to show them respect today. And again, if just one person had one moment of clarity and withheld shooting a police officer, that would be worth the whole thing. Thank you.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise to override this veto. During my career in both the House and the Senate, I have been a proponent of repealing the death penalty. I fought for it in the House and I was a prime sponsor of a bill here in the Senate that would have passed shy of one vote. As everyone has said, I was not going to stand up because it seems, you know and I believe most people have made up his or her mind on this subject. I think we've all thought about it for whatever reasons over our lifetimes and it's hard to change minds. But I guess Mister President, you'll allow me a little indulgence today and I felt I had to get up and speak my mind. Every murder is heinous and every loss is unbearable to their loved ones. And police officers do deserve our support and I believe they do have our support and our extreme gratitude. But I believe there are more humane methods of protecting our police officers than an eye for an eye or a tooth for a tooth. And I believe that were we to work at that, we certainly could better protect our officers. Gun violence. Talk about that. Over and over we've heard that the death penalty is not a deterrent to crime. Unfortunately look at how gun violence has increased. It doesn't matter that we have a death penalty for whatever reason people who are hell bent on murdering and whatever, unfortunately I don't believe they think about the death penalty or even what their penalty might be. But we have, and I believe we have to do something about the rampant gun violence, but again I don't believe that the death penalty is going to affect that. I guess it's for me is completely an issue of what is right and what is wrong. I believe and not that your opinions or any of our opinions is right or wrong, but I do believe that we are a civilized nation. We should continue to be and I think this state has always shown itself to be a civilized and humane state. I'm always proud to be from New Hampshire for so many reasons. The people in this state as we all know are magnificent and I do not believe given a choice even from those who have been affected by the heinous crimes of murder, whatever, want to put another human being to death. It serves no purpose, and I for one will continue to cast my

vote for repeal of the death penalty and hope that perhaps we will have the votes this time to override the Governor's veto. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: I rise in support of overriding the veto for a number of reasons. Many years ago in a different life I served in law enforcement as a special agent of the FBI. At that time a study was done that conclusively determined that twenty percent of the people on death row were wrongfully convicted. Twenty percent. That was then, this is now. DNA has come a long way. We do not have a perfect system of justice. That's the first problem. The taking of a life is the ultimate act that a state or a nation can take. And so for that reason alone if evidentiary processes aren't perfect. How about the political process? Some people elect chiefs of police, we elect county attorneys albeit they don't handle capital cases, but there are political motivations one way or the other, that must be brought into account because they do have a bearing. The death penalty is not a deterrent. Think about it. A person in a fit of rage isn't going to say uh I'm not going to do this because they are basically rabid with anger. A person that is planning a cold calculated murder knows and doesn't care, so that's a specious argument. An eye for an eye is not what this country's about. Taking the life of the most heinous of murderers does not bring back the person that's lost, and for those who may think that a life sentence without possibility of parole is a walk in the garden I would invite you to walk with me to any of the prisons that hold those people. It is a worse sentence in many cases, than sacrifice of one's life. The question that compels me is this; do we risk taking the life of one innocent person as an acceptable consequence of ensuring that we take the life of someone who's committed capital murder. That's a compelling question for me. In our state I have another compelling question. I have many friends out on law enforcement, I've been in law enforcement, I support law enforcement, I highly respect them and I love them for the danger that they take on themselves, trying to protect us but our law in this state for the death penalty is unjust in my opinion. We divide our citizens into classes with that law. We say that certain people in our society, those who are serving law enforcement for example, their lives are worth so much that if a crime is committed against them, we'll take the life of the person that perpetrated that. But the rest of our citizens, eh, not so much. That's an unjust law. For these reasons Mister President, I will be voting to override the veto and I ask your support as well. Thank you.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Mister President, I rise in support of SB 593 and I will be voting to override the veto. Much of what I was going to say when I first suggested that I would like to speak has been said and said eloquently. One of the things that concerns me beyond disagreeing with the Dean, is the fact that we are talking as the Senator from District 2 has just said eloquently also, about one body of men and women in blue and how they see this law. And all the data shows that there is not one body of police or law enforcement officials who all agree one way or another on this very difficult issue either. I now, as many of you know because I seem to post abundantly, about them I have five absolutely remarkable granddaughters. If one of those granddaughters, and I can't even say it without it being horrendous, was to be killed, there is no way that I wouldn't want to find the most pressing and painful

and hurtful way of punishing the person who killed my granddaughter. There is nothing that tells me in all of the work I've done over the years to look at this issue, it tells me that the death penalty is that punishment. First of all, something we never talk about is you know I've had some significant deaths in my world in the last few years. I'm not at all convinced that it was my parents who suffered the most with their death. I'm the one who suffered the most, my brother is the one who suffered the most. Those who are left behind are the ones who are punished by someone's death. So you, you know there are all sorts of issues about this that I could talk about. But I certainly challenge the premise that the men and women in blue are somehow a) all together in favor of the death penalty, b) that the death penalty, that the premise that the death penalty is the worst possible punishment because I do not believe that to be so. And I want to make very clear that it is not fair or right to say that those of us who are opposed to the death penalty, it means somehow we have less respect for our police force, which is absolutely not true and not a fair argument in my humble opinion. It is unforgiveable, my final point, how many people who are innocent are on death row and we've learned more about that as time has gone on. But it is horrendous how many people on death row are people of color, and our only person on death row in New Hampshire is a person of color. I'd like to end with that and also say that I will be asking my colleagues to vote to override the Governor's veto on SB 593. Thank you.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. Everything's been said here but I just want that this year I changed my position and I rise in support of the override.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: I also rise to support the veto override and I want to first say that I unequivocally express my support and gratitude for public servants, police and all defenders of our country and our people unequivocally. I think I speak for all of us, I trust. I don't see the death penalty as a deterrent, I see it as something that's expensive. I see it as something that messes with our judicial system because it messes up our jury selections by asking a first question in any death case, do you favor the death penalty or not. And finally I don't believe that there is any restitution in taking a life. Were somebody to have murdered, I don't know that there is any restitution for that crime. There should be penalties, severe and they should be exercised without the necessity of the death penalty. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSSELL: Thank you, Mister President. I rise in support of the Governor's veto and I find it interesting that this week where we honored 9/11 and our first responders, our police officers our fire-fighters, our EMTs all ran in to the towers as they were going down, while others were running out. But I stand in response to the fact that this is a notch on our prosecutors' belt, I think is a ludicrous statement to make because the AG's office who prosecutes these, are actually appointed, they're not elected and they have a tough job and I find that the issues that they've had, and I've heard the issues that they've had on problems with death row, this is New Hampshire. We haven't put any, as the Dean said, we have not put anyone to death since 1939. It was a narrowly drawn bill in the day and again, I stand in support of the Governor's veto. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator Hennessey.)

SENATOR GANNON: Tough topic, I respect you very much I think you know that. My question for you, you meant if someone killed one of your daughters. What if they then, and you'd want a worse sentence, what if they then killed someone in jail because now they have nothing to stop them. A prison guard, how would you feel then if they had killed again? Just enters my mind. I couldn't stand it if they did a second murder, could you answer that, because this would stop them from doing that?

SENATOR HENNESSEY: Well first of all, I can't respond to that hypothetical. It is beyond imaginable for me and a horrible thing and it would be horrible if a prisoner killed another person whether or not they were the person who killed my daughter, or granddaughter I'd be devastated. Particularly if I knew that person, but in general if I heard of it I'd be devastated. But I don't see that that plays into the way I feel about it because I don't think you can stop that.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I rise with many of you have eloquently stated to vote to override this veto and I feel it important to talk about my own personal journey. Each one of us has been on a journey in dealing with this issue and I think it's the most difficult and challenging issue that each one of us faces when we cast our vote. But in attending hearings and listening to people speaking there were two people in particular that helped to solidify my position on this issue. One of them is a constituent, called me when I was first elected to the Senate and said I'd like to meet with you. This constituent was a police officer. He's a deputy chief of police in Manchester, Richard O'Leary. Richard O' Leary is sitting in the State House, and Richard O' Leary ran for the legislature to be able to cast a vote to repeal the death penalty. When he asked me the question about how I felt I thought oh my goodness, he's from law enforcement, he's going to have a certain bias towards support for the death penalty. And the story he told me was very fascinating he said, you know that I have a son who's also a police officer. I'd do anything in the world to protect my son. But I have a daughter who's a teacher and when I saw what happened on the day of Sandy Hook Elementary, I realized that my son and my daughter, the people that I love the most and would do anything to protect, wouldn't these circumstances if they were murdered be treated differently, and I can't treat my children differently. Richard says that more eloquently than I do, but it was a very, very powerful message. Particularly from someone who for most of his life had always supported the death penalty. And the other person here who's had a profound influence on my support for the override is someone who speaks from a place of experience and someone who I have a great deal of respect and admiration for and that's representative Renny Cushing who's here today. Who speaks from the experience that none of us can imagine and none of us would have wanted to experience ourselves and yet stands proudly as a co-sponsor of this legislation to repeal the death penalty. Those two men, as I said had profound influence on my opinion, I know many of you have heard from them as well and I hope you will consider the very different perspectives from which they come from and yet reach the same conclusion. It's time to repeal the death penalty. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like to thank all of my colleagues here today for having a very careful deliberate discussion on this issue. And I respect all of you and the positions that you have taken on this because this truly is a vote of conscience. For some it's religious, for others it's reality or practicality. We've heard a lot of discussion this morning, anywhere from corrupt police departments and prosecutors to class implications and even racial implications as to why people find themselves on death row. But I'd like to point out and for all of you to take a look at what we are doing right now. We are being very deliberative. That is what we do. And don't forget, we the people of the state of New Hampshire, we who represent the people of the state of New Hampshire, have carefully deliberated over and over and over again the law that we now have in place concerning the death penalty. We do not just arbitrarily put people on death row. And I'd like to give you two different instances for you to consider. First was the incident concerning the death of Officer Jeremy Charron. The man who murdered him was given life in prison. Then we have the death of Officer Michael Briggs in Manchester. The man that killed Officer Briggs now finds himself in prison on death row. What is the difference? What's the difference between the two? It's because of the law that this body has deliberated over the years, that's where the difference is. Because we have the three time felony issue. The man that killed Officer Jeremy Charron had not committed three prior felony offenses or convictions, he was not convicted. Whereas the individual who now sits on death row has three prior felony convictions. That is the difference. I stand here today to talk about how careful we are when we craft these things, I support our police officers, I support our criminal justice system, we don't do those things here. We don't do these things here, we are very careful on what we do. I'd also like to point out, it's not just police officers that this applies to. For those of you who might have been around in 2010, between 2010 and 2012, we expanded the death penalty. And we expanded it because of what happened in Mont Vernon. Two innocent people, a mother and her daughter, were sleeping at home in their beds when they were attacked by a group of young men. The mother was murdered and the young girl was traumatized, she had horrible injuries that happened to her. But she survived and because of that, we put into place the law that says if somebody kills somebody in the act of a home invasion, those folks are eligible, they don't get it automatically, they are eligible to be charged with the death penalty. And it is up to the people of the state of New Hampshire who sits on a jury to determine whether or not it's appropriate. Our criminal justice system just doesn't say okay you're getting the death penalty and that's done and over with. We have a legal process in place, we have jury trials of our peers and they're the ones who make those kinds of decisions, and I trust the people of the state of New Hampshire. We are the people of the state of New Hampshire and look how deliberative we are being here today. Why can't we trust the people of the state of New Hampshire to be equally as deliberative when it comes time to imposing the death penalty? We all support the men and women in blue who go out there every day to protect us. They are taking those chances. That is not even an issue here today. The issue here today is we are basically taking away the right of the people of the state of New Hampshire to have those deliberations, to have those discussions. Just take it completely off the table. Why are we doing that? Is it because we don't trust them to make a good decision? I would argue, no, I don't think so. Our people are good people, and if

they felt that it was appropriate let's let them have their say. And if we don't like the law, if we think the law is being enforced based on class or being enforced based on race, then let's do something about fixing the law, instead of just taking it away altogether. Please everyone, be very careful, we're being very deliberative here today. Rethink this a little bit. Look at how where we are today, as the Dean has said, we have not had anybody and had the death penalty imposed since 1939, 1939 and I'm sure in that time period there have been many heinous crimes in the state of New Hampshire, where people would have liked to have imposed the death penalty, but it hasn't been. Let's be very careful, let's not take away the right of the people to speak on this issue. Thank you very much, Mister President.

A roll call is required.

The following Senators voted Yes: Woodburn, Giuda, Watters, Hennessey, French, Ward, Kahn, Daniels, Avard, Lasky, Feltes, Reagan, Soucy, Fuller Clark.

The following Senators voted No: Bradley, Gray, Sanborn, Carson, Cavanaugh, Birdsell, D'Allesandro, Gannon, Innis, Morse.

Roll Call, Yeas: 14 - Nays: 10. Veto sustained lacking necessary 2/3 vote.

Without objection, the Clerk is instructed to enter all House Messages into the Senate Journal. Adopted.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

HB 143, relative to recommitment of a prisoner by the parole board.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

HB 314, relative to licensing requirements for autonomous vehicle testing and establishing an automated and connected vehicle testing and deployment commission.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund.

Recess. Out of recess.

VETO MESSAGE

April 2, 2018

Governor's Veto Message Regarding House Bill 143

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on March 30th, 2018, I have vetoed House Bill 143, relative to recommitment of a prisoner by the Parole Board.

Current law provides that when a prisoner who is out on parole has their parole revoked, that prisoner must be recommitted for at least 90 days. RSA 651-A:19, VII allows the Parole Board to impose a term of recommitment of less than 90 days under certain conditions, including situations

where the Parole Board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee. House Bill 143 would expand these conditions by allowing the Parole Board to impose a recommitment period of less than 90 days for a prisoner who enters and successfully completes a residential substance abuse treatment program deemed acceptable by the Board.

While based on good intentions, this bill will have concerning consequences. It does not distinguish between individuals who have committed a crime related to substance abuse and those who have committed an unrelated crime. The bill also does not require the Parole Board to determine that a shorter recommitment period is necessary to assist a prisoner with their recovery efforts.

I fully support efforts to reduce recidivism among those suffering from substance abuse disorders by ensuring that such individuals have access to treatment. However, current law already gives the Parole Board the option of imposing shorter recommitment periods if they determine it will aid in the parolee's rehabilitation. Importantly, those who are incarcerated have access to many of the same treatment programs as those who are not.

It is concerning that there is strong opposition to this bill by law enforcement and at the same time, there are members of the recovery community who still have questions about its impacts. This only reinforces the conclusion that more due diligence is needed before we change current law.

For the reasons stated above, I have vetoed House Bill 143.

Respectfully submitted,

Christopher T. Sununu
Governor

The question is notwithstanding the Governor's Veto, shall HB 143 become law?

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I appreciate the opportunity to rise in support of overriding the veto on House Bill 143. I know this is a tough topic for folks but we are in the midst of an opioid public health epidemic and in situations where someone may have violated a provision of parole and is recommitted, providing the discretion to the parole board to allow the possibility of satisfying those ninety days through going into treatment, it says who enters treatment. Got to be in treatment. In treatment approved by the board. Some people might say, maybe the board is not the right place to prove it obviously that's the entity that's making the decision. Is it perfect language? It's not, however right now we don't have widespread Medicaid assisted treatment in prisons. We don't. I think Commissioner Meyers and Governor Sununu put together a reasonable plan to use the federal money, part of it goes to Medicaid and the source of treatment in correctional facilities, but we don't have it throughout. And, so what happens when you get recommitted to prison and you're addicted. Do you get help? You don't. And it doesn't end up being a good situation for anyone. So I think on this score it's on balance and we should vote, consider strongly voting to override this veto. You know a number of stakeholders support this, I understand some stakeholders oppose it. That being said, it is a key mechanism. Treatment, you have to be in treatment to help people. At the discretion of the board, not mandatory. Thank you very much, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. Over the summer I've spent some time visiting recovery centers and there's a story of a fellow I met who has an ankle bracelet on, he's being monitored he was arrested for opioid addiction and some things that went with that. At the time I talked with him he was over a hundred days clean. But anyone who has dealt with folks in recovery, relapse is common. And it's as he said he fails a urine test he goes right back to jail, and all of those days of recovery and all that treatment goes down the drain, he's right back where he started. And I think that's the situation we need to avoid is if someone is recovering and they have a lapse, let's give them another chance at recovery and help them get through a very, very difficult time. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to ask my colleagues to join me in overriding the Governor's veto on House Bill 143. I think we can all agree that this has been a very difficult process as we're going through addressing the opioid epidemic which has hurt so many families here in the state of New Hampshire. The legislature has really changed tack and we have said it's really important that we get people treatment, rather than incarcerating them. And we know that currently right now in our prisons we really don't have drug treatment programs to help folks. So, I'm sure there's a song in here someplace, my good colleague from Senate District 12. The road to recovery is a long and winding one. And it's not easy for many people and as my good colleague from Senate District, I think it's 24, down the end of the table there. People fall off, they fall off, they fall off the road and they fall off the road for a variety of reasons. Sometimes they're in the process of putting their life together. They might be working part time, they might be doing something and because they've made a mistake, we're going to send them back for ninety days or however long it's going to be. I don't know if that's the right thing to do. I think that they, if they are in treatment we need to keep them in treatment and we need to help them as much as we can. I want to make something very, very, very clear to all of you and to the members of the public that this does not apply to people who have committed violent crimes. The offense has to be drug related. If someone commits a violent crime, that's a new crime. They're going to be punished for violating their parole and they're now going to face new charges. It is something completely different. It does not apply to somebody who is on parole for committing a violent crime. So again, I want to make that very, very, very clear. This is only for people who have had a previous parole violation and whose underlying crime was drug related. We are only talking about drugs here folks. So please. Does not apply to violent crime, only related to drugs. Thank you very much, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I think the song is *Fire and Rain*. Oh I've seen fire and I've seen rain. I've got to do it. Okay. Just real quickly Mister President, and I support the Senator's decision here as well in overriding the veto. I've learned firsthand in Nashua, a mother who was sent to prison because she relapsed and in prison there was no, I think the word is Suboxone, she wasn't given her Suboxone and her treatment just got all wiped out and I was there with her social worker, from DCYF, going through the whole thing and it was just as

though she had to start all over again. She was a mess and I was there to help her, but it would be nice if I didn't have to be. It would be nice if she was able to get treatment and I think this bill would serve young mothers and young people that are suffering. So I applaud you and I support the veto override. Thank you.

(The Chair recognized Senator Kahn for a question of Senator Carson.)

SENATOR KAHN: I look forward to the day when we do debate the question about treatment in prisons. In the meantime, we took up this last session, a debate about bail reform and it was a matter of without resources let's level the playing field. Let those who have an inability to pay or put up bail have the same opportunities for avoiding incarceration on certain crimes. And I see this as something similar. So I'd like to ask you that is this resource dependent, that I need to present my treatment program to the parole board assuming that I have the resources to do it or if I fail to have the resources to do it am, I inhibited from exercising the same right as somebody who does?

SENATOR CARSON: Thank you for the question. What I do know is that the person has to have been accepted, not just referred into a program, and that program has to have been deemed acceptable by the parole board. So, we've got a little bit of checks and balances here. You can't have someone go, well okay, I'm going to go for treatment. No, they have to have already been accepted into a program and as the good Senator from District 24 had talked about, they're already in treatment. And that program has to have been deemed acceptable by the parole board. So, it just can't be a fly by night operation. They have to say that this is an acceptable program.

SENATOR KAHN: Senator, do you believe that we might have a gap in this bill that in the next session we should try to address relative to resource availability and constraints?

SENATOR CARSON: Senator, I think that we always have great discussions here and if you believe that there is some sort of gap in the resources, I'll be more than happy to look at a bill you want to send my way to co-sponsor, but that's what we do here. Thank you.

SENATOR KAHN: Thank you, Senator.

(The Chair recognized Senator Bradley for a question of Senator Carson.)

SENATOR BRADLEY: Senator Carson, you indicated that this bill is for drug crimes only and not anything to do with violent crimes.

SENATOR CARSON: You are correct, Senator.

SENATOR BRADLEY: And so if we go back in history to Senate Bill 500, as I recall that dealt with early parole for people that could have committed violent crimes. So this is very different from Senate Bill 500 is that correct?

SENATOR CARSON: Yes, you are very correct, Senator.

SENATOR BRADLEY: Thank you, and is this policy under House Bill 143 consistent with legislation we passed a couple of years ago that established drug courts?

SENATOR CARSON: Yes, it is, Senator.

SENATOR BRADLEY: And to the best of your knowledge, are the drug courts working for those people that are eligible for drug courts?

SENATOR CARSON: Senator, I think our drug courts are working fantastically here in the state of New Hampshire and I think it's a very important part of our state's plan in dealing with the opioid crisis.

SENATOR BRADLEY: Thank you.

SENATOR CARSON: Thank you, very much.

(The Chair recognized Senator Kahn for a question of Senator Feltes.)

SENATOR KAHN: A similar question, Senator. Do you think that there are gaps in this legislation that we need to address in the coming session?

SENATOR FELTES: Thank you for the question, Senator Kahn. I don't think in terms of gaps and treatment capacity, that's a bigger, broader issue. And certainly access to treatment regardless of income, regardless of who you have as your insurance carrier and mental health and addiction equity are things that we continue to work on and we need to continue to work on because if someone doesn't have access to treatment, either from an insurance company barrier or income barrier or both, they wouldn't be able to access this provision in the same way someone with insurance carrier covered for treatment facility would. So yes, I do think that we need to continue our work on addiction equity, we need to continue our work expanding coverage. I think this bill though should go forward because giving the parole board that discretion in these limited types of cases to allow for people to get treatment rather than sit in jail makes good sense. And look forward to working with everybody on those issues. We've worked hard on those issues, we'll continue to work on them if we're back here next year. Thank you, Senator.

SENATOR KAHN: Thank you, Senator. Thank you, Mister President.

The question is not withstanding the Governor's Veto, shall HB 143 become law?

A roll call is required.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: D'Allesandro.

Roll Call, Yeas: 23 - Nays: 1. Veto overridden by necessary 2/3 vote.

VETO MESSAGE

July 2, 2018

Governor's Veto Message Regarding House Bill 314

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 2nd, 2018, I have vetoed House Bill HB 314, relative to licensing requirements for autonomous vehicle testing and establishing an automated and connected vehicle testing and deployment commission.

While well-intentioned, House Bill 314 fails to address a number of issues related to automated vehicle technology. The bill only addresses "SAE level 5 full automation technology", which represents just a small portion of the testing being conducted on public roadways. The bill fails to address level 3 or level 4 technology, which are equivalent to those being tested in a fatal Arizona accident this past March. This bill would

allow for testing of any technology below level 5 without testers having to obtain a license or even notify the state, a lack of oversight which is not acceptable here in New Hampshire. This issue is just too serious to allow a bill to give the appearance of responsible oversight, when in fact little would change on the ground. In addition, there are no clear definitions as to what is and is not an “autonomous vehicle,” creating loopholes which may compromise the safety of drivers in this state.

House Bill 314 is a flawed bill that does not adequately account for public safety. This legislation may attract less responsible actors to New Hampshire to develop autonomous vehicle technology and could result in a more dangerous testing environment on New Hampshire’s roads. I hope that the House and Senate will work together next session to pass a bill that will encourage development of autonomous vehicle technologies while ensuring the safety of our citizens. By only addressing level 5 technology, House Bill 314 failed on both accounts.

For the reasons stated above, I have vetoed House Bill 314.

Respectfully submitted,

Christopher T. Sununu
Governor

The question is not withstanding the Governor’s Veto, shall HB 314 become law?

(The Chair recognized Senator Birdsell.)

SENATOR BIRDELL: Thank you, Mister President. I stand to ask you, this body to sustain the Governor’s veto. While this bill is well-intentioned and it’s something that I truly do support for the disabled and the elderly, this bill does not do anything to help them. What this bill did is it only allows an SAU level 5 which means a non-driver vehicle to be tested in this state. It does not allow level 3 and 4, which will have a driver in it, to be tested in the state. So without, our elderly and our disabled population need a driver in there. So without having been able to test the 3 and the 4 level, then it does not help them at all. The bill also only contains one definition and that’s the definition of a SAE level 5 autonomous vehicle. The SAE which is the Society of Automotive Engineers, they have a collection of definitions that in order to have a really quality bill, they should have been included in this bill. It also puts down, it requires, it makes mandatory the federal guidelines, makes voluntary federal guidelines actually mandatory and in the guidelines they ask you not to make this mandatory because technology changes so fast that it’s not going to be able to keep up, so if you codify those guidelines then you’re going to have to keep changing them as technology changes. And what this does is actually codifies in law the guidelines that they’ve asked us not to. It also increases, most of the states have a \$5 million bond in order to test in the state. This is requiring a \$10 million bond in order to test in the state, which will discourage anyone from wanting to test in the state. It also as far as law enforcement, it doesn’t specify which law enforcement agency will take place, whether it’s going to be state police, Department of Safety, local police. So there’s a lot of things that need to be fixed with this and so I ask you to please sustain the Governor’s veto on House Bill 314. Thank you, Mister President.

The question is not withstanding the Governor’s Veto, shall HB 314 become law?

A roll call is required.

The following Senators voted Yes: Woodburn, Hennessey, French, Sanborn, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Watters, Gray, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

Roll Call, Yeas: 5 - Nays: 19. Veto sustained lacking necessary 2/3 vote.

VETO MESSAGE

May 29, 2018

Governor's Veto Message Regarding House Bill 1736

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 29th, 2018, I have vetoed House Bill 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund.

Under current law, governor and council approval is required for all expenditures from the dam maintenance fund that are made for repair projects. RSA 482:54, VI currently defines repair as "performance of intermediate amounts of work on a portion of a structure or associated property on an occasional basis with costs not exceeding \$75,000." House Bill 1736 would amend the definition of repair so that it only includes work with a cost in excess of \$150,000, thus increasing the threshold for governor and council approval from \$75,000 to \$150,000.

The governor and council, the only popularly elected executive branch officials, play a key role in overseeing the fiscal management of the executive branch and expenditure of taxpayer dollars. Because increasing the threshold for governor and council approval directly affects the governor and council's ability to discharge their fiscal management and oversight duties delegated by Part II, Article 56 of the New Hampshire Constitution, I am concerned that councilors were not consulted as this bill went through the legislative process. In addition, I have seen no compelling evidence that the current thresholds, and the need to seek governor and council approval, has created any administrative difficulties for the department of environmental services. New Hampshire's proud tradition of careful fiscal management counsels against reducing popularly elected officials' oversight of expenditures of taxpayer dollars absent a compelling justification.

For the reasons stated above, I have vetoed House Bill 1736.

Respectfully submitted,

Christopher T. Sununu
Governor

The question is not withstanding the Governor's Veto, shall HB 1736 become law?

A roll call is required.

The following Senators voted Yes: Woodburn, Watters, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Hennessey, Gray, French, Ward, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 11 - Nays: 13. Veto sustained lacking necessary 2/3 vote.

MOTION OF RECONSIDERATION

Senator Hennessey, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund: the vote on the Governor's Veto to HB 1736. Adopted.

The question is not withstanding the Governor's Veto, shall HB 1736 become law?

A roll call is required.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 12 - Nays: 12. Veto sustained lacking necessary 2/3 vote.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time.

Adopted. Adjournment from the Early Session.

LIST OF RULE 6-25'S FOR THE DAY

Senator Feltes: SB 365

Senator Sanborn: SB 365, SB 446, SB 593-FN, HB 143, HB 314, HB 1736

ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. A point of personal privilege, please. The class of 1961 at the University of New Hampshire sponsored three representatives to this body: Representative Norm Major, Senator Dick Green, and myself. Senator Dick Green was a distinguished member of the Senate, serving as Senate Finance Chairman, and in the leadership. Senator Green's wife passed away last week. Dick Green was not only a classmate of mine at the University, and a friend of mine of longstanding, but a very decent and honorable human being. I spoke with Dick— thank you, Senator Gray, for getting me the phone number so that I could speak to Dick. His wife had been very ill; had been very ill for about four years, and Dick was with her and really out of communication for that period of time. They were a great couple. Dick was Mayor of Rochester for a time as well as Senator, and he served in the Senate in 19—, he was elected in 1972, served in the Senate in 1973 when they had the one-hundred vote marathon before they selected a President; a hundred votes, and finally the most honorable, and the late David Nixon was elected President, and Harry Spanos was elected Vice President. And for the first time, I believe, in the history of the Senate we had a Republican President and a Democrat Vice President; a distinguished body; a distinguished people. Dick served in that body, and served his community well, served his family well, and served the state well; a very honorable human being who gave a lot of public service, and devastated by the loss of his wife as all of us would be in a case like that. I think they were married sixty years from what I understand. So, we remember his service, we, obviously, give our

deepest sympathy to Dick on his loss, and as I said, thank him for the many good things he did for his community and for the state. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise to thank the body for the manner in which you deliberated today. It's truly an honor to be here. I don't think I've ever seen a finer day in the two years that I've had in this august body. I'm proud to be part of you. Thank you.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President.

PRESIDENT MORSE: Be careful because you may come back!

SENATOR LASKY: I don't bounce that hard. Again, I just want to say my time here has been amazing. Through changes, or whatever, serving in this body has been certainly one of the joys of my life. I want to thank all of you, and clearly thank my constituents who helped me get here; my family who put up with me for all these years; and to each and every one of you. All the kindnesses you've shown me, even when we disagreed, it's been relatively nice. And I wish each and every one of you good luck in your elections, and certainly all the best as you go forward. Thank you. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I just want to thank each and every one of you for the graciousness with which you allowed myself, and Senator Giuda, Senator Woodburn, and all of us have worked so hard on the biomass issue. The vote in the House was 226-113. The veto has been overridden. And honest to God, I feel like the day the BRAC Commission voted to spare 5,000 jobs at the Portsmouth Naval Shipyard. Bless you all. Thank you very much.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: A question for the Senator from District 3. Might one infer from your remarks here that you're buying?

SENATOR BRADLEY: You'll have to go to the House beer caucus!

PRESIDENT MORSE: I've got two things, but let me start with one. You know, during a time of transition, many people start to move on. So as we go through another election many of you probably know, and many of you probably don't, that Kate Spiner is moving on. Most of you know by now that Kate has decided to pursue another opportunity in the Attorney General's Office, and today is the last day with us. While we are very happy for her in what comes next, we will miss her greatly.

Thank you, Kate, for your dedication and your hard work on behalf of the New Hampshire Senate. I know every Senator has benefited from your work, and we have each shined a little brighter because of you. We will miss your positive attitude and what you brought to work every day. But I do have to admit, thank God you're retiring today so I don't get a Friday afternoon phone call to deal with the press. I'll miss you greatly, Kate. Congratulations.

I would like to say this: I respect this body greatly. I think what you've done today is what we're all about; I firmly believe in it. I do believe in bipartisan politics. I do believe everyone in this room has something to offer, and you showed that today; and you did it with courtesy; and you did it with the honor that we've served in the Senate.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: I've been here a long time. I want to thank you for your leadership in a bipartisan fashion. I appreciate it very, very much having been with you when you chaired the Finance Committee and I served on it, and now when you're the President. So, I think all of us recognize the fact that it ain't easy being at the top. It ain't easy being at the top having been there a few times! I might say congratulations on a job well done and the best.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of sending and receiving messages and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

SB 365, relative to the use of renewable generation to provide fuel diversity.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

SB 446, relative to net energy metering limits for customer-generators.

The Senate is in recess to the Call of the Chair.

SENATE CLERK'S NOTE

The below list of bills was inadvertently left out of the Daily Journal and has been entered below.

OUTSTANDING BILLS

On December 5, 2018 the following legislation remained on the table in the Senate:

SB 331, prohibiting Medicaid from paying for sex reassignment drug or hormone therapy or surgery.

SB 337, relative to the human rights commission.

SB 344-FN, authorizing New England Donor Services, Inc. to issue decals for multi-use decal number plates.

SB 353-FN, relative to direct shippers of alcohol.

SB 355-FN, relative to the names of the colleges in the community college system and making an appropriation therefor.

SB 361, relative to dual and concurrent enrollment agreements between high schools and colleges and universities.

SB 371, establishing the Meldrim Thomson, Jr. Memorial Commission.

SB 375, requiring gross expenditures and funding in the state operating budget.

SB 397-FN, authorizing the university system of New Hampshire to issue decals for multi-use decal plates.

SB 404-FN-A, phasing out the tax on interest and dividends.
SB 405, enabling municipalities to adopt a separate exemption against the statewide property tax for certain long-term residents.
SB 419, relative to votes by condominium unit owners.
SB 422, relative to advance notice of work schedules.
SB 454, relative to ambient water quality standards and maximum contaminant levels for certain perfluorinated chemicals.
SB 465-FN, relative to documentation requirements for the department of labor.
SB 472, establishing a committee to study the creation of an economic improvement fund.
SB 521-FN, authorizing Sophia's Fund to issue decals for multi-use decal plates.
SB 526-FN, relative to school food and nutrition programs.
SB 545-FN, increasing the age for sales and possession of tobacco products.
SB 568-FN, relative to criminal history record checks for school employees and certain volunteers.
SB 585-FN, authorizing the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates.
SB 586-FN-A-LOCAL, relative to casino gambling.
HB 134-FN, relative to causes for divorce.
HB 485, relative to standards for emerging contaminants in drinking water, and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.
HB 1313, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.
HB 1382, repealing the requirement that restaurants provide separate bathrooms for each sex.
HB 1427-FN, relative to the reduction in the calculation of state retirement system annuities at age 65.
HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less.
HB 1509-FN, authorizing Granite Pathways to issue decals for multi-use decal number plates.
HB 1513-FN, authorizing the New Hampshire Law Enforcement Officers Memorial Association to issue decals for multi-use decal plates.
HB 1549, relative to the availability of vehicle accident reports.
HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes.
HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies.
HB 1725-FN, relative to wine samples and samples for consumption on the premises of a beverage manufacturer.
HB 1741, relative to a definition of "contracted copayment" for purposes of the managed care law.
HB 1786-LOCAL, prohibiting costs for inspection of governmental records under the right-to-know law.
HB 1788-FN-LOCAL, relative to costs charged under the right-to-know law.
CACR 20, relating to the retirement age of judges. Providing that the retirement age of judges be increased.