



State of  
New Hampshire

# HOUSE RECORD

## First Year of the 168<sup>th</sup> General Court Calendar and Journal of the 2023 Session

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Vol. 45

Concord, N.H.

Thursday, June 29, 2023

No. 17

## HOUSE JOURNAL NO. 16 (Cont'd)

Thursday, June 15, 2023

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

## HOUSE JOURNAL NO. 17

Thursday, June 29, 2023

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker. Prayer was offered by House Chaplain, Reverend Bob Stewart, Pastor of St. Paul's United Methodist Church in Manchester.

Good morning Mr. Speaker. Good morning, New Hampshire House of Representatives. Let us be in an attitude of prayer. Good morning God. I ask that You bless this New Hampshire House of Representatives today as they complete their work in their final session today. Bless each of these hard-working representatives as they worked so diligently throughout the year to do their best for those they represent. Guide them today in the debate and decision process for all the matters that are presented before them today. Help them to be Your wisdom today. This coming week we celebrate the freedom of our country, and we thank You God that You are always in our midst. In You God we do Trust! O God You are the great Jehovah and I ask that You protect each member and leader of this House of Representatives as we complete our work for the season. Be with each member and I pray that You keep them healthy and safe this summer until we meet again. My country, 'tis of thee, sweet land of liberty, of thee I sing; land where my fathers died, land of the pilgrims' pride, from every mountainside let freedom ring. O God because of You we are part of America, the land of the free and the brave. It is in Your name O God that we pray. Amen.

Representative Linda Harriott-Gathright, member from Nashua, led the Pledge of Allegiance.

The National Anthem was sung by Reverend Renee Rouse of Northwood.

### LEAVES OF ABSENCE

Reps. Connor, Edwards, Hamblet, Hatch, Juris and Seibert, the day, illness.

Reps. William Dolan, Gallager, Hicks, Stephen Pearson, Pitre, Richards and Trottier, the day, important business.

Reps. Cordelli, Phinney, Prudhomme-O'Brien and Alan Turcotte, the day, illness in the family.

### INTRODUCTION OF GUESTS

Asya Rouse, daughter of the singer and guest of Rep. Harriott-Gathright. Elenor Rombeau, guest of Rep. Rombeau. Carol Cook and Paul Belyea, guests of Rep. Doug Thomas. Mary, Tommy, and Andrew Nagel, wife and sons of Rep. Nagel. Hal Rafter, and Jo-Ellen Courtney, guests of Rep. Telerski. Genevive Graves, guest of Rep. Lewicke. Paul, Tienna, and Linda Murray, Leanne Wang and Cuda Lin, son, daughter-in-law, grandson and guests of Rep. Kate Murray. Annamarie and Riley Hussey, Kristen and Katie Goodrich, and Trina Turer, guests of Rep. Turer. Laura Landerman-Garber, guest of Reps. Ming, McGhee and Calabro.

### COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

#### CONSENT CALENDAR - SENATE BILLS

Rep. Osborne moved that the Consent Calendar on Senate Bills, with the relevant Committee of Conference Reports as printed in the day's House Record be adopted.

Consent Calendar was adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 15-FN**

Committee of Conference Report on SB 15-FN, relative to the use of tree stands and observation blinds.  
Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 207:36-a, VI as inserted by section 1 of the bill by replacing it with the following:

***VI. A portable or temporary tree stand or observation blind that does not violate paragraph I or II may be erected on the land of another from April 25 to June 1 and from August 1 to December 31 of a calendar year. All portable or temporary tree stands or observation blinds shall be removed from the property by June 1, unless allowed by permission from the property owner or designee.***

Amend RSA 207:36-a, IX as inserted by section 1 of the bill by replacing it with the following:

[VI:] ***IX.*** Any person who violates any provision of this section shall be guilty of a violation and

(a) Shall be liable for the amount of damage caused by the act, to be recovered by the property owner sustaining the damage; ***and***

(b) ***Shall be liable for any fine amount levied by the fish and game department, to be recovered by the department.***

The signatures below attest to the authenticity of this Report on SB 15-FN, relative to the use of tree stands and observation blinds.

Conferees on the Part of the Senate

Conferees on the Part of the House

\_\_\_\_\_  
Sen. Avard, Dist. 12

\_\_\_\_\_  
Rep. Spillane, Rock. 2

\_\_\_\_\_  
Sen. Pearl, Dist. 17

\_\_\_\_\_  
Rep. Goley, Hills. 21

\_\_\_\_\_  
Sen. Watters, Dist. 4

\_\_\_\_\_  
Rep. Tudor, Rock. 1

\_\_\_\_\_  
Rep. C. Brown, Graf. 10

**AMENDED ANALYSIS**

This bill amends the permissible uses of tree stands, observation blinds, and pit blinds.

**COMMITTEE OF CONFERENCE REPORT ON SB 78-FN**

Committee of Conference Report on SB 78-FN, relative to subdivision regulations on the completion of improvements.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 674:36, IV as inserted by section 1 of the bill by replacing it with the following:

***IV. The planning board limitations under this section shall not require letter of credit, cash, or passbook as the only method securing the completion of the work. A planning board shall allow road and utility construction to start without a bond, however, a bond for the infrastructure, roads, and utilities must be in place prior to the sale of any parcel of land within the subdivision or a request for a building permit for structures for human occupation. The planning board shall not require that forfeiture or automatic call bonds be provided by the developer.***

The signatures below attest to the authenticity of this Report on SB 78-FN, relative to subdivision regulations on the completion of improvements.

Conferees on the Part of the Senate

Conferees on the Part of the House

\_\_\_\_\_  
Sen. Gray, Dist. 6

\_\_\_\_\_  
Rep. L. Turcotte, Straf. 4

\_\_\_\_\_  
Sen. Innis, Dist. 7

\_\_\_\_\_  
Rep. Pauer, Hills. 36

\_\_\_\_\_  
Sen. Soucy, Dist. 18

\_\_\_\_\_  
Rep. Infantine, Hills. 16

\_\_\_\_\_  
Rep. Stavis, Graf. 13

**COMMITTEE OF CONFERENCE REPORT ON SB 147**

Committee of Conference Report on SB 147, relative to the board of dental examiners.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 147, relative to the board of dental examiners.

Conferees on the Part of the Senate

Conferees on the Part of the House

\_\_\_\_\_  
Sen. Innis, Dist. 7

\_\_\_\_\_  
Rep. C. McGuire, Merr. 27

\_\_\_\_\_  
Sen. Carson, Dist. 14

\_\_\_\_\_  
Rep. Schuett, Merr. 12

\_\_\_\_\_  
Sen. Perkins Kwoka, Dist. 21

\_\_\_\_\_  
Rep. S. Gould, Merr. 8

\_\_\_\_\_  
Rep. True, Rock. 9

**COMMITTEE OF CONFERENCE REPORT ON SB 166-FN**

Committee of Conference Report on SB 166-FN, relative to electric grid modernization.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 New Section; Department of Energy; Grid Modernization Advisory Group. Amend RSA 12-P by inserting after section 15 the following new section:

12-P:16 Grid Modernization Advisory Group.

I. The department of energy shall establish and support a grid modernization advisory group (GMAG) consisting of the following voting members:

(a) The commissioner of the department of energy, or designee.

(b) The consumer advocate, or designee.

(c) Representatives of each of the electric distribution utilities regulated by the public utilities commission and the New Hampshire Electric Cooperative.

(d) Two representatives of distributed energy providers, including at least one with experience interconnecting distributed generation and one with experience interconnecting distributed storage, appointed by the commissioner of the department of energy.

(e) A representative of a municipal aggregation supplier, appointed by the commissioner of the department of energy.

(f) A representative of a not-for-profit organization representing clean energy, environmental, or consumer issues appointed by the commissioner of the department of energy.

(g) A representative of the Business and Industry Association, appointed by that organization.

II.(a) The grid modernization advisory group shall consider and provide recommendations to the department and the legislature on issues including, but not limited to:

(1) Grid modernization as defined in RSA 374-F:2;

(2) Transactive energy and distributed energy resources including advanced meter infrastructure (AMI);

(3) Settlement of appropriate price signals for transactive energy at the distribution system level for distributed energy resources;

(4) Appropriate customer and distributed energy resources access to temporal price signals.

(b) The GMAG shall review different cost structures that enable a reasonable portion of costs of distributed generation and storage interconnections to be shared by entities that interconnect future distributed generation or storage to the distribution grid to the extent that such subsequent interconnection is enabled by the investment or costs incurred by the prior entity or entities that interconnect. The GMAG shall provide recommendations to address this issue by September 1, 2024.

(c) The department of energy may obtain the services of a consultant for technical support concerning distribution systems and transactive energy to support department of energy staff, the consumer advocate, and the GMAG. The department of energy shall charge a special assessment for any such amounts for this consultant against any utility participating in the grid modernization advisory group and the public utilities commission shall provide for the timely recovery of such amounts for the affected utility.

III. A quorum shall be a majority of filled positions.

IV. The grid modernization advisory group shall report annually on November 1 on its meetings and any recommendations for legislation, rules, and practices, to the governor, senate president, speaker of the house of representatives, chair of the house and senate committees with jurisdiction over utilities, and the chair of the public utilities commission.

Amend the bill by deleting section 4 and renumbering the original sections 5 - 12 to read as 4 -11, respectively. Amend the bill by replacing sections 5 through 7 with the following:

5 Limited Electrical Energy Producers Act; Pilot Programs. Amend RSA 362-A:2-b, IV to read as follows:

IV. Pilot projects shall be subject to the following limits:

(a) Projects shall be limited to [~~2 megawatts in size~~] **5 megawatts in overall size.**

(b) No more than [~~one pilot~~] **2 pilots** shall be permitted for any utility.

(c) Pilot projects shall end no later than 10 years from their initiation.

(d) Each pilot project shall deliver a study [3] **2** years after project initiation to report to the commission on the consumer benefits of the project.

**(e) A utility shall not be eligible to file for approval of a second pilot at the public utilities commission until one year has passed since the filing for approval of the utility's initial pilot.**

6 Limited Electrical Energy Producers Act; Pilot Programs; Grid Modernization. Amend RSA 362-A:2-b, VII to read as follows:

VII. Each electric distribution utility may propose and participate in [~~a pilot~~] **2 pilots**, in conjunction with a competitive electric power supplier or municipal or county aggregation, pursuant to RSA 53-E, operating as or in conjunction with a load-serving entity. The commission may approve provisions to cover incremental costs of the utility related to any such approved pilot. **The public utilities commission may approve utility participation in a pilot for transactive energy and distributed energy resources, and the associated advanced metering infrastructure, as components of grid modernization if the jurisdictional conflicts under paragraph III are successfully resolved.**

7 Authorization of Pilots; Credits. Amend RSA 362-A:2-b, XI(a) to read as follows:

XI.(a) The sponsors of a pilot, including the participating electric distribution utility, may petition the commission to determine, through an adjudicated proceeding, how credits for actual avoided transmission charges are to be made for exports to the distribution grid by limited producers during hours of coincident peak on which transmission costs are allocated to [~~reduce the retail load measured at the point of interconnection between~~] the distribution system [~~under state jurisdiction and transmission facilities under federal jurisdiction~~]. Said costs shall be allocated to the distribution utility as transmission network customer are reduced from what they otherwise would be absent the electricity exported to the distribution grid by the limited producer. Such credit shall be made pursuant to either subparagraph (b) or (c) as proposed and determined by the commission to be for the public good]. **Such credit may be based upon the extent to which such exports to the distribution grid reduce retail loads calculated at the point of interconnection between the distribution system, under state jurisdiction, and transmission facilities, under federal jurisdiction.**

The signatures below attest to the authenticity of this Report on SB 166-FN, relative to electric grid modernization.

Conferees on the Part of the Senate

Conferees on the Part of the House

\_\_\_\_\_  
Sen. Avard, Dist. 12

\_\_\_\_\_  
Rep. Vose, Rock. 5

\_\_\_\_\_  
Sen. Birdsell, Dist. 19

\_\_\_\_\_  
Rep. D. Thomas, Rock. 16

\_\_\_\_\_  
Sen. Watters, Dist. 4

\_\_\_\_\_  
Rep. Bernardy, Rock. 36

\_\_\_\_\_  
Rep. Cormen, Graf. 15

**COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS  
REGULAR CALENDAR - SENATE BILLS  
COMMITTEE OF CONFERENCE REPORT ON SB 61**

Committee of Conference Report on SB 61, relative to surface water setbacks for landfills.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the introductory paragraph of paragraph I as inserted by section 5 of the bill by replacing it with the following:

I. The department of environmental services shall contract with one or more qualified consulting firm or individual to perform an assessment of the current perennial surface water protection and setback requirements that are applicable to the permitting of newly sited solid waste landfills in order to meet the requirements of sections 3 and 4 of this act. Within 30 days of the effective date of this act, the department shall post on its website a draft request for proposals from such consulting firms and individuals to conduct the assessment. The department shall include in the request for proposals provisions designed to prevent a situation, circumstance, or financial interest which has the reasonable potential to cause a prospective contractor's interest to interfere with the contractor's duties under the request for proposals and require disclosure in the response to the request for proposal submission by the consulting firm or individual. The department shall accept public comment on the draft request for proposals for 30 days after such posting. The department shall issue the final request for proposals by October 1, 2023, with a submission deadline for proposals no later than 45 days after such issuance. The scope of the proposals shall include the following:

Amend paragraphs III and IV as inserted by section 6 of the bill by replacing them with the following:

III. Subject to paragraph IV, if the department does not adopt rules in accordance with sections 3 and 4 of this act within 24 months of the effective date of this act, the department shall apply its current rules applicable to surface water protection in determining the required setback to any application for such a standard permit that is being held in abeyance when such 24-month period expires and approve it if it complies with the current rules.

IV. If the department is unable to complete the adoption of rules as required under this section as a result of a natural disaster, civil emergency, epidemic or pandemic, or other extraordinary circumstance substantially interfering with the customary operation of the department or state government, the commissioner may file for a one-time waiver to extend the deadline under RSA 541-A:40, IV by up to 90 days. During such one-time extension, the abeyance of approval of applications as provided in subparagraph I(b) of this section shall continue in effect.

The signatures below attest to the authenticity of this Report on SB 61, relative to surface water setbacks for landfills.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Avard, Dist. 12

Rep. Aron, Sull. 4

Sen. Pearl, Dist. 17

Rep. Bixby, Straf. 13

Sen. Watters, Dist. 4

Rep. M. Murray, Hills. 37

Rep. A. Davis, Coos 2

Rep. Aron moved that the House adopt the Committee of Conference Report and spoke in favor.

Reps. Germana, Potenza, Haskins, Wheeler and Hoell spoke against.

On a division vote, with 134 members having voted in the affirmative, and 238 in the negative, the Committee of Conference Report failed.

**COMMITTEE OF CONFERENCE REPORT ON SB 207**

Committee of Conference Report on SB 207, establishing a committee to study licensure of mental health professionals and relative to mental health critical incident intervention and management.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 330-A:18-d, I(a)(4) as inserted by section 4 of the bill by replacing it with the following:

***(4) Upon approval of the supervision agreement, the office of professional licensure and certification shall issue a conditional license.***

Amend RSA 330-A:18-d, I(b)(4) as inserted by section 4 of the bill by replacing it with the following:

***(4) Upon approval of the supervision agreement, the office of professional licensure and certification shall issue a conditional license.***

Amend RSA 330-A:18-d, I(c)(4) as inserted by section 4 of the bill by replacing it with the following:

***(4) Upon approval of the supervision agreement, the office of professional licensure and certification shall issue a conditional license.***

Amend RSA 330-A:18-d, I(d)(6) as inserted by section 4 of the bill by replacing it with the following:

***(6) Upon approval of the supervision agreement, the office of professional licensure and certification shall issue a conditional license.***

The signatures below attest to the authenticity of this Report on SB 207, establishing a committee to study licensure of mental health professionals and relative to mental health critical incident intervention and management.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Pearl, Dist. 17

Rep. Goley, Hills. 21

Sen. Gendreau, Dist. 1

Rep. Grote, Rock. 24

Sen. Perkins Kwoka, Dist. 21

Rep. Sirois, Hills. 32

Rep. Simon, Graf. 1

Rep. Goley moved that the House adopt the Committee of Conference Report.  
Committee of Conference Report was adopted.

### SENATE MESSAGE

#### ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

**HB 119-FN**, relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer.

**HB 211**, relative to a report by the department of energy on the effectiveness of the system benefits charge and relative to surface water setbacks for landfills and relative to water quality.

**HB 221**, relative to the acquisition of agricultural land development rights and relative to advanced deposit account wagering and relative to the use of game cameras.

**HB 281-FN**, relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

**HB 358**, relative to the filing and adoption of proposed administrative rules and relative to overpayment of unemployment compensation and relative to policies relating to nursing mothers.

**HB 442-FN**, relative to the removal of derelict fishing gear.

#### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

##### CONSENT CALENDAR - HOUSE BILLS

Rep. Osborne moved that the Consent Calendar with the relevant Committee of Conference Reports as printed in the day's House Record be adopted.

**HB 221**, relative to the acquisition of agricultural land development rights and relative to advanced deposit account wagering and relative to the use of game cameras, removed by Reps. Comtois, Tom Mannion, Coulon, Verville, Costable, Potenza, McCarter, Terry, Hoell and Avellani.

**HB 281-FN**, relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee, removed by Reps. Cormen, Muns, McWilliams, Hawkins, Noel, Sellers, Tony Lekas, Alicia Lekas, Kathrine Perez and Manos.

Consent Calendar was adopted.

**HB 119-FN**, relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer. Report printed SJ 6/29/23)

**HB 211**, relative to a report by the department of energy on the effectiveness of the system benefits charge and relative to surface water setbacks for landfills and relative to water quality. (Report printed SJ 6/29/23)

**HB 358**, relative to the filing and adoption of proposed administrative rules and relative to overpayment of unemployment compensation and relative to policies relating to nursing mothers. (Report printed SJ 6/29/23)

**HB 442-FN**, relative to the removal of derelict fishing gear. (Report printed SJ 6/29/23)

### SENATE MESSAGE

#### ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

**HB 75**, relative to the election of Strafford county commissioners.

**HB 275-L**, relative to schools approved for a school tuition program by a school board.

**HB 315**, prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in a criminal case.

**HB 409-FN**, relative to the organization of the office of professional licensure and certification and adoption of the interstate social work licensure compact.

**HB 536**, relative to the chartered public school joint legislative oversight committee, and relative to chartered public school use of unused district facilities.

**HB 611-FN**, relative to eligibility criteria for the therapeutic cannabis program and establishing a commission to study state-controlled sales of cannabis and relative to the prohibition on the sale of hemp products containing certain levels of THC.

**COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS  
REGULAR CALENDAR - HOUSE BILLS**

**HB 75**, relative to the election of Strafford county commissioners. (Report printed SJ 6/29/23)

Rep. Len Turcotte moved that the House adopt the Committee of Conference Report and spoke in favor.

Rep. Stavis spoke against.

**MOTION TO LAY ON THE TABLE**

Rep. Weber moved that **HB 75**, relative to the election of Strafford county commissioners, be laid on the table. On a division vote, with 185 members having voted in the affirmative, and 186 in the negative, the motion failed.

The question being adoption of the Committee of Conference Report.

On a division vote, with 186 members having voted in the affirmative, and 185 in the negative, the Committee of Conference Report was adopted.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, the following protest was entered in the Permanent Journal.

This proposal should never have been pushed through at this time. This bill served no purpose other than to impede the functioning of Strafford County government.

Rep. Horrigan

**MOTION TO PRINT DEBATE**

Rep. Bixby moved that the debate on **HB 75**, relative to the election of Strafford county commissioners, for both session days of debate, be printed in the Permanent Journal.

Motion was adopted.

**CLERK'S NOTE**

At the time that Representative Bixby moved to print the debate of HB 75 from the prior session as well as on that day, the Daily Journal had already been printed. As the motion was to print the debate in the Permanent Journal, that is where it will be printed.

**DEBATE ON HB 75**

**June 29, 2023**

**Speaker Packard:** Rep. Len Turcotte moves we adopt the Committee of Conference Report. The Chair recognizes Rep. Stavis.

**Representative Stavis:** Thank you, Mister Speaker. I rise to make a motion.

**Speaker Packard:** You were recognized to speak.

**Representative Stavis:** I'd like to make a motion, Mister Speaker. Thank you, Mister Speaker. Mister Speaker, I don't want to keep us here any longer than necessary on our last day, but I rise to speak against adopting the Committee of Conference Report on HB 75. I was on that committee and my no vote was discarded along with that of my Democratic colleague on the other side of the wall. But that's okay. It happens. It's in the rules and we follow our rules. But with respect to HB 75, and its body double HB 270, which Municipal and County Government voted to retain, somehow, we haven't followed those rules. Regardless of what you've been told, HB 75 is a redistricting bill and redistricting, according to the rules, only happens once every 10 years. Those rules also dictate that the party in the majority runs that process, which is exactly what happened last year. The Republicans took charge of redistricting the whole state, including its county commissioner districts. They made no changes to Strafford County. When asked in last week's committee of conference why they didn't seek changes when they had the opportunity to do so, one of the sponsors who is also a key member of the House Special Committee on Redistricting said and I quote, "There just wasn't time. We were too busy, and it would have muddied the waters." The consequence of that decision was the passage of HB 54 in November 2021. Legislation that was part and parcel of the overall redistricting process. HB 54 sets forth the county commissioner districts in New Hampshire for the next 10 years. So why now when redistricting, according to our rules, is over, are we back at it again? How, according to those same rules, do we justify going back in time to cherry pick just one component of the whole process? I guess we have to take the word of HB 75's sponsor from the other side of the wall when he said last week in response to that question and I quote,

“We’re not redistricting. We’re just creating new districts for the commissioners.” I don’t know about you, but that’s a little bit of a head scratcher for me. Let’s face facts. We don’t redistrict counties outside the 10-year cycle. Inside that cycle, we may change what county commissioners can do under existing law or whether they are elected at large or by district, but we don’t mess with the districts, and we certainly don’t create new counties for the commissioners, county districts for the commissioners. We’ve been told that HB 75 is just a simple attempt to apply consistency to how counties govern themselves and to bring Strafford in line with all the others. But again, if that consistency was such a priority, why didn’t it come up? Why was it ignored last year when a change could be lawfully made? Make no mistake, this isn’t just about Strafford County because once we start down the road of changing electoral maps outside the 10-year cycle, we’re entering dangerous territory. Throw away the rules and we’ll all be looking over our shoulders to see which member of this House or the body on the other side of the wall suddenly sees problems in our community or county that require the electoral maps to be redrawn. Let’s not go there. We don’t have to. Our constituents don’t want us to. We have more important business to take care of on their behalf. Let’s stick to the rules because without them all this becomes a partisan free for all and the good work we’ve done together in this session and hope to do in the next will be subject to a terrible precedent if this bill is passed. I urge you to vote no on accepting the Committee of Conference Report for HB 75 and I request a division vote Mister Speaker.

**Speaker Packard:** The Chair recognizes Rep. Len Turcotte to speak to the motion.

**Representative Len Turcotte:** Thank you, Mister Speaker. Good morning, everyone. Seems a little like déjà vu here. So, we are going to start out talking about how I opened this last time and that is Strafford County is the only county out of our 10 counties in our state that do not have commissioner districts. Now during the C of C, an individual on the other side of the wall proposed and proffered a different districting map. Notice I didn’t say redistricting, but a districting map that he believed the current commissioners and the supporters would find more acceptable. That was definitively turned down. So, what have we gotten instead? It’s what I call fear grenades. Fear mongering. You’ve just heard some of them. We’ve heard over and over that this is unconstitutional, factually...

**Speaker Packard:** Rep. Turcotte, fear mongering is not a proper application to our colleagues. Fear mongering is not a proper word for our colleagues.

**Representative Len Turcotte:** Got it. Anyway, unconstitutional, factually incorrect and those who have been making this pronouncement are simply regurgitating the belief of a 40-year commissioner from Strafford County who also believes every county, your county, should elect their commissioners at large without districts. As we’ve said time and time again, this is not redistricting. This is districting the county just as every other of the nine counties in this state has done over the past decades and many of those, guess what, during non-redistricting years. Now we hear let the process work. Well, guess what, the process has worked. The bill originally started out in the House committee. It was properly noticed. It was a properly noticed committee hearing. It was followed by a properly noticed Senate hearing and only a few spoke out at our hearing. It was later that the calls for the let the process work came out. The process has worked as it should have. Latest that we have heard and some of you may have seen this in the lobbyist note. Chaos and instability will rule, pure nonsense. We are not going to have chaos and instability. This process has happened nine other times in our state, and nobody has ever attempted to redistrict after the 10-year redistricting cycle. Our county, Strafford County, is entitled to the same election process that every other county already enjoys, districts for commissioners. So, by voting to approve the decision of the Committee of Conference, the de facto gerrymandered elections for county commissioners that has gone on in Strafford County for decades will come to an end. So, I ask that you please support the Committee of Conference recommendation by pressing the green button. Thank you, Mister Speaker.

**Speaker Packard:** For what reason does the member rise?

**Representative Weber:** Mister Speaker, is a motion to table in order at this time?

**Speaker Packard:** It is in order at this time.

**Representative Weber:** I would like to move to place the bill on the table and I request a division vote.

**Speaker Packard:** The motion before us is to place HB 75 on the table and this will be a division vote. Members take your seats. The motion before us is to table HB 75. This is a division vote. Members should be in their seats. The Chair recognizes Rep. Stavis for a parliamentary inquiry.

**Representative Stavis:** Thank you, Mister Speaker. Mister Speaker, if I know that redistricting at all levels, including county commissioner districts, takes place once every 10 years and is controlled by the party in power at the time. And if I know that that time was a year ago when the Republican Party held a sizeable majority. And if I know that the Republicans who oversaw that redistricting process a year ago recommended no changes to Strafford County, though they now suddenly insist such changes are urgently needed. If I further know that HB 75 sponsors claim that this bill seeks only to bring Strafford County’s Commissioner elections in line with other New Hampshire counties, though no such effort was made last year when redistricting was taking place. And finally, if I know that this is a partisan effort meant to change the political makeup of the Strafford County Commissioner’s outside of the mandated cycle and against the rules that govern how such changes can lawfully be made, would I now press the green button to support this tabling motion? Thank you, Mister Speaker.



**Speaker Packard:** The Chair recognizes Rep. Len Turcotte for a parliamentary inquiry.

**Representative Len Turcotte:** Thank you, Mister Speaker. If I know Strafford County is the only county of the ten in our state that does not have commissioner districts and that this bill would rectify that disadvantage. And if I know that every other county in New Hampshire has transitioned to districts for their commissioners for over the past decades during times other than the 10-year redistricting, when the 10-year redistricting takes place. If I know Strafford County, like every other county in New Hampshire, deserves its commissioners to be elected utilizing districts. And if I know a commissioner of 40 years in Strafford County believes your county should elect your commissioners without districts and at large, would I now press the red button so a vote can be taken on the decision of the Committee of Conference? Thank you, Mister Speaker.

**Speaker Packard:** The motion before us is to table HB 75. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 185 voting Yea; 186 voting Nay, the motion to table fails. We are back to the original motion of accepting the Committee of Conference Report on HB 75. The question is on the Committee of Conference Report, accepting HB 75. Who called for a division? Rep. Weber calls for a division vote. This will be a division vote. Members take your seats. The motion before us is to concur on HB 75. This is a division vote. The Chair recognizes Rep. Maggiore for a parliamentary inquiry.

**Representative Maggiore:** Thank you, Mister Speaker. Mister Speaker, if I know that county wide services currently provided by the Strafford County Commissioners are available to all residents of Strafford County and those budgeted services are approved annually by the delegation, many times unanimously. And if I know that two previous bills to create districts in Strafford County went ITL in this body. And if I know that we have heard numerous times that there was a conscious decision not to address this issue of districts for Strafford County Commissioners when the House was redrawing the lines for county commissioners during the decennial. And if I know that redrawing lines outside of the 10-year window is thought to be unconstitutional. And Mister Speaker, if I know that this bill would create a precedent whereby every county would be susceptible to redistricting for county commissioners and executive councilors by the party in the majority in any year, then Mister Speaker, would I press the red button to oppose the committee report? Thank you.

**Speaker Packard:** The Chair recognizes Rep. Len Turcotte for a parliamentary inquiry.

**Representative Len Turcotte:** Thank you, Mister Speaker. Once again, if I know that Strafford County is the only county in our state that does not have a commissioner district and this bill would rectify that disadvantage. If I know that during the redistricting process two years ago, that the decision was distinctly made not to include this in the redistricting process because it would simply muddy the waters and by seeing what has gone on on this bill now, I think everybody can agree that, in fact, would have happened. If I know Strafford County, like every other county, deserves to have their commissioners elected by districts, would I now press the green button to support the unanimous decision of the two legislative bodies of the Committee of Conference? Thank you.

**Speaker Packard:** The motion before us is to concur on HB 75. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 186 voting Yea; 185 voting Nay, the Committee of Conference Report is adopted.

**Representative Horrigan:** Mister Speaker.

**Speaker Packard:** For what reason does the member rise?

**Representative Horrigan:** I rise for the purpose of just giving a written protest on this bill. It is only two sentences.

**Speaker Packard:** Pursuant to Part II, Article 2 of the constitution, you have the right to do that.

## COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS REGULAR CALENDAR - HOUSE BILLS CONTINUED

**HB 275-L**, relative to schools approved for a school tuition program by a school board. (Report printed SJ 6/29/23)  
Rep. Ladd moved that the House adopt the Committee of Conference Report and spoke in favor.  
Rep. Myler spoke against.

On a division vote, with 187 members having voted in the affirmative, and 185 in the negative, the Committee of Conference Report was adopted.

**HB 315**, prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in a criminal case. (Report printed SJ 6/29/23)  
Rep. Roy moved that the House adopt the Committee of Conference Report and spoke in favor.  
Reps. True and Belcher spoke against.

Rep. Lynn spoke in favor.

Rep. True requested a roll call; not sufficiently seconded.

On a division vote, with 271 members having voted in the affirmative, and 98 in the negative, the Committee of Conference Report was adopted.

**HB 409-FN**, relative to the organization of the office of professional licensure and certification and adoption of the interstate social work licensure compact. (Report printed SJ 6/29/23)

Rep. Carol McGuire moved that the House adopt the Committee of Conference Report. Committee of Conference Report was adopted.

**HB 536**, relative to the chartered public school joint legislative oversight committee, and relative to chartered public school use of unused district facilities. (Report printed SJ 6/29/23)

Rep. Ladd moved that the House adopt the Committee of Conference Report and spoke in favor. Rep. Luneau spoke against.

On a division vote, with 186 members having voted in the affirmative, and 185 in the negative, the Committee of Conference Report was adopted.

#### CLERK'S NOTE

The Speaker voted to break the tie, pursuant to House Rule 23, the motion passed.

#### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS REGULAR CALENDAR - HOUSE BILLS CONTINUED

**HB 611-FN**, relative to eligibility criteria for the therapeutic cannabis program and establishing a commission to study state-controlled sales of cannabis and relative to the prohibition on the sale of hemp products containing certain levels of THC. (Report printed SJ 6/29/23)

Rep. Layon moved that the House adopt the Committee of Conference Report. Committee of Conference Report was adopted.

#### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS BILLS REMOVED FROM THE CONSENT CALENDAR

**HB 221**, relative to the acquisition of agricultural land development rights and relative to advanced deposit account wagering and relative to the use of game cameras. (Report printed SJ 6/29/23)

Rep. Aron moved that the House adopt the Committee of Conference Report. Committee of Conference Report was adopted.

**HB 281-FN**, relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee. (Report printed SJ 6/29/23)

Rep. Vose moved that the House adopt the Committee of Conference Report and spoke in favor.

Rep. Parshall spoke against.

Rep. Harrington spoke in favor.

On a division vote, with 250 members having voted in the affirmative, and 121 in the negative, the Committee of Conference Report was adopted.

#### ADJOURN FROM THE EARLY SESSION

Rep. Osborne offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time and when the House adjourns today it be to meet at the Call of the Chair.

Motion was adopted.

#### SPECIAL PRESENTATION

A presentation was made to Jack Sheehan who is retiring after 14 years of service as Doorkeeper to the New Hampshire House of Representatives.

#### MOTION TO PRINT REMARKS

Rep. Wilhelm moved that the remarks for Jack Sheehan be printed in the Permanent Journal.

Without objection, the Speaker ordered.

#### REMARKS FOR JACK SHEEHAN

**Speaker Packard:** We would like to give special recognition to our friend, Jack Sheehan. This is a declaration in recognition of Jack Sheehan.

WHEREAS Jack Sheehan has been a part of the Sergeant-At-Arms staff since 2009, and is now retiring after 14 dedicated years of service; and

WHEREAS Jack was recommended for the position by then doorkeeper Walter Sword, who had known Jack for many years as they were both Masons and knew that Jack was dependable with a solid work ethic; and

WHEREAS Jack proved that he could be relied upon, and was always there whenever needed, regardless of day or time; and

WHEREAS he arrived as scheduled and stayed for as long as needed – whether it be House Sessions, House Hearings, Senate Hearings, Caucuses, putting floor amendments in seat pockets - he remained on the job without complaint; and

WHEREAS occasionally his wife joined the Sergeant-At-Arms staff and assisted them with placing floor amendments in the seat pockets and that was most appreciated; now, therefore, be it

DECLARED that Jack, in his capacity as doorkeeper, will be missed by his colleagues, fellow staff members, and all Legislators for whom he worked; and be it further

DECLARED by virtue of my signature inscribed below, the House of Representatives does publicly thank Jack Sheehan for his longstanding public service to the General Court of New Hampshire and the State, and we wish him the best in his future endeavors.

#### PRESENTATION TO LIBERTY HOUSE

Reps. Maggiore and Moffett presented a check to Liberty House. Accepting on behalf of Liberty House was Executive Director, Jeff Nelson.

#### UNANIMOUS CONSENT

Reps. Harriott-Gathright, Damond Ford and Wheeler requested Unanimous Consent of the House regarding the Juneteenth celebration.

Rep. Damond Ford addressed the House.

#### MOTION TO PRINT REMARKS

Rep. Wheeler moved that the remarks made by Rep. Damond Ford during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

#### REMARKS

**Representative Damond Ford:** Thank you, Mister Speaker. On June nineteenth, 2023 many of us enjoyed the federal holiday known as Juneteenth, but many still do not know why we would celebrate this important milestone in American history. Freedom, that is what Juneteenth is all about. Juneteenth marks a pivotal summer day in 1865 on June nineteenth when black people in a stronghold of slavery, Texas, were told they were free. As more than 2 years after President Abraham Lincoln had signed the Emancipation Proclamation, and months after General Lee surrendered at the Appomattox Court House ending the Civil War. Juneteenth is about freedom. New Hampshire is rooted in freedom for black people and freedom for all. People of African descent have been living in New Hampshire since the first enslaved Africans were unloaded onto our shores more than 370 years ago. I would suggest, if you haven't already, visit the black heritage trail in Portsmouth to learn more about how the black people, even in the shadows, lived. Starting in 1840's John P. Hale, a Rochester native, and a political force in his time, spoke at almost every New Hampshire town and village with a resounding anti-slavery message, a freedom message. John P. Hale is one of only a few immortalized in statue on the State House grounds. In 2019, the Honorable Senator Melanie Levesque, the state's first black State Senator, helped moved SB 174 Juneteenth legislation to the Governor's desk. Through RSA 4:13-aa, Granite Staters are now asked to remember and reflect on Juneteenth on freedom. New Hampshire is rooted in freedom. Freedom to live, to pursue happiness and to prosper. Let us on this last day of the legislative Session and in the month of pride and Juneteenth and days before the Fourth of July, that we remember that freedom for all does indeed mean freedom for all. Thank you.

#### MOTION TO PRINT DEBATE

Rep. Wheeler moved that the debate on **SB 61**, relative to surface water setbacks for landfills, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

#### DEBATE ON SB 61

**Speaker Packard:** Rep. Aron moves that we adopt the Committee of Conference Report. The Chair recognizes Rep. Germana.

**Representative Germana:** Thank you, Mister Speaker. The last time, I guess it was about a month ago, I got up to speak about SB 61, I described to all of you what we saw in the committee and the influence of the industry that made me step by step move to a position where I couldn't support the bill as it was written. Since that time, some of you may have seen the article that was in the *Concord Monitor*. This is also in a number of other media outlets. We have received confirmation in the form of an emails between a lawyer for Casella Waste Management and officials at DES which have confirmed the suspicions that I and others have had about how directly Casella has shaped this process and dictated the terms of the legislation that we are voting on.

**Speaker Packard:** The member will suspend. I know this is a very controversial bill, but we are not going to allow any intent to be brought onto anybody, whether it be state employees, whether it be private people or whether it be a lobbyist. So, for all the members who are going to speak on this bill, keep that in mind that's not allowed.

**Representative Germana:** Okay, thank you, Mister Speaker. Each of us has a very difficult decision to make today. I don't pretend this is an easy decision to make for anybody on either side of the aisle. What I want to say today is that whether you vote in favor of the Committee of Conference Report or you vote against it, we have to think about what our responsibilities are going forward. If you vote in favor of this amendment, pardon me, the report and the bill, it has a 2-year abeyance, and that 2-year abeyance is not nothing. I concede that, but it is still our responsibility to exercise all of the oversight that we have been tasked with exercising by the people who sent us here. We need to have an oversight committee in E & A, Environment and Agriculture. We've talked about that. We need to follow it every step of the line from the report that takes 120 days to the writing of the rule process. Seeing how much this bill has been crafted by special interests only reinforces how important that oversight responsibility is. Likewise, if you vote against this today, the rules will expire in June of next year. At that point DES will have to rewrite rules. That is their responsibility, and it is our responsibility to oversee it with or without SB 61. My concern as I have expressed before is that the hiring of a consultant which is favorable to the industry will lead to a writing of rules which is favorable to the industry. I was not elected by special interests representing any industry. I'm not here to represent the interests of any particular industry. I'm here to represent the interests of the people in my district and the people of the State of New Hampshire. So, whether SB 61 passes or it doesn't pass, whatever side you end up voting on, what I implore you to do and implore this House to do is to strenuously, to vigorously exercise our oversight responsibilities every step down the line to make sure that the rules we get are a lot better than the bill we got. Thank you, Mister Speaker.

**Speaker Packard:** The Chair recognizes Rep. Potenza.

**Representative Potenza:** Thank you, Mister Speaker. I have clearly stated all the reasons SB 61 needs to be thrown in the trash, pun intended. SB 61 has always been bad for health and the environment. Not only kicks the can down the road, but it kicks it in the wrong direction. I'm not here to rehash any of the arguments against it. I'm here to present new information we didn't have when we voted 226-152 against my bipartisan floor amendment three weeks ago. Although there is obvious ethical issues with drafting this legislation throughout the six-month process to get here, I am more upset with the fact that this influence and control is blatantly putting the future and health and safety of New Hampshire citizens at risk. And with all the new information we have leading up to today, there shouldn't be one vote in this House to concur with SB 61. If you are stuck on the only argument in support of SB 61 because of a 2-year abeyance on landfill permitting while new rules are written, here is why that argument doesn't hold water. DES has repeatedly said they are already well into writing new setback, site specific setback rules because the current rules expire in July 2024. So, this process is well underway. This bill is 100% not necessary. Why would we spend money on a report which only hears from one expert with one point of view versus multiple points of view. If DES needs more expertise to complete these rules, the legislature can easily provide by holding a one-day public hearing inviting all the experts to provide all of their information, the data, the models, etc. to be compiled for the agency. Over the last 3 years of hearings, we have tons of free and readily available information from all points of view they can utilize to help them. Hey, I'll even volunteer to compile it all for them. SB 61 guarantees a one-sided report favoring the industry stakeholders. Why would we ever pay \$200,000 for a one sided, you know, information which is already free? We know that the industry already has the information in this report that is like easily accessible. They can literally just grab it out of a filing cabinet or a top drawer. The E & A committee knows this because they have been hearing this information for years now. So why is there a rush to pass this bill which removes legislative oversight, when New Hampshire doesn't need another landfill for at least 20 to 30 years? This body should easily see the agenda here and answer that question. Shouldn't our focus next session be on reducing the amount of out of state trash we are taking in from states like Massachusetts? The other body killed HB 56 with almost no discussion and then insisted on making more changes to their own bill that we concurred with on June 8. That's the only reason we are still here talking about landfills. But the changes made the bill even more friendly towards the one company at the heart of this issue. The sad part is the bill actually got better for the industry in the Committee of Conference. So, between January and June, there was a whole strong-arm approach from the Senate that they wouldn't take anything from the House and then in the Committee of Conference, they actually changed the conflict interest statement and it's now worthless. It basically talks in circles. I look forward to my colleagues on the other side who will talk common sense about their traditional core value of protecting the environment while not unduly burdening the industry. Certainly, the two chambers can come together in January and produce a bill that offers some real protections for New Hampshire surface water. Until our state can produce a detailed setback rule, there is an obvious stopgap improvement in the meantime. Simply, DES could change the ridiculous 200-foot uniform setback rule to one that says basically the Department of Environmental Services will choose a site-specific setback to surface water in every individual permit application from now on based on local hydrogeologic conditions. No new bill is needed right now. No taxpayer funds need to be spent. Period. End of story. When new information arises, it's time to change course. Let's make doing the right thing popular again. Please vote no to nonconcur with SB 61. Mister Speaker, I ask for a division vote.

**Speaker Packard:** The Chair recognizes Rep. Haskins.

**Representative Haskins:** Thank you, Mister Speaker. Colleagues, I rise again to talk about my reservations with this bill. As indicated by my esteemed colleague, Representative Germana and my other esteemed colleague, Representative Potenza, there are problems with the process in getting us to where we are today. The process was entirely weighted on one side. Previously my colleagues had written a good bill, HB 56, but the folks on the other side killed the bill and gave us a study bill. It never made sense to me. Now we know why the bill was so weak and the process has gone from bad to worse. With the evidence in hand, we now see why the bill does not reflect the wishes of the people who will be most affected by it. The process was neither fair nor transparent. Our committee was told that this bill was not about a particular company or a particular landfill, but respectfully evidence has proven to the contrary. People who will be directly impacted by this bill do not want the bill and they certainly do not want the landfill. They now have no confidence in the process. They are not granted a seat in this Hall. We sit here as their representatives. If we do not represent their interests, who will? I now know that a bad bill is really not better than no bill. If this bill fails, DES will have a year and all the help they need to write a better rule than is currently on the books. There are qualified scientists and professionals with all the knowledge to assist them for far less than \$200,000. Meanwhile, we will be watching. Going forward we must do better than this flawed process. Our natural resources are the reasons so many people want to live in New Hampshire or come visit our state. Only a fool seeks to foul his own nest. If it's true, that the measure of a man or a woman is what they do with power. Let it be said that in advocating for the rights of those who will bear the burdens of the decisions we make here, they are foremost in our thoughts as we weight these decisions in accord with our conscience. Thank you, Mister Speaker.

**Speaker Packard:** The Chair recognizes Rep. Wheeler.

**Representative Wheeler:** Thank you, Mister Speaker. First of all, this is the last day and let me just say thank you to all the Representatives who have shown me a freshman with dreadlocks such respect in my first term in the New Hampshire State House. This is New Hampshire and that's why we are here so thank you. I rise today in support of nonconcur on this legislation because we have water warriors in the North County who are begging us to protect their water. I rise today because born and raised in New Hampshire, I am going to be damned if I'm going to let our water be controlled by an industry which has no qualms whatsoever for destroying our land, our environment, our lakes. This is not Casella's body. We are the New Hampshire House of Representatives. We are elected by our constituents and none of us can go to our constituents after passing a bill such as this and say that we protected our environment. There is no rush here. The people of the North County want us to kill this bill. That's exactly what we should do. Listen to my colleague from Keene, my colleague who sits behind me and my colleague over there from Manchester. Join us in standing against Casella, against their lobbyists. Thank you, Mister Speaker.

**Speaker Packard:** The Representative will refrain from referring to the company. The Chair recognizes Rep. Hoell.

**Representative Hoell:** That is quite the speech to follow. Thank you, Mister Speaker. The bill as amended by the House, and I'm going to read an important section and talk about what the language means. This is in section 3, paragraph III-a, 'criteria for determining a site-specific setback of a landfill footprint from perennial surface water bodies'. That would be lakes, rivers, streams. 'To prevent, attenuate, or otherwise remediate the potential release of contaminants to each such surface water body from the landfill footprint. Any rules adopted by the department under this paragraph shall, in addition to any other factors the department deems necessary for the rules to provide adequate protection.' Adequate protection. Is that good enough in a state where tourism is an important element? Where our rivers and streams and the natural beauty of our state is something we all want to protect? Shouldn't that say something like best-in-class protection? Adequate doesn't seem good enough. We were put here by our citizens as the largest legislative body in the US, other than Congress to represent their wishes. I would think that everybody in this room wants to do their best to protect our natural landscape, to be good stewards of the environment. Not necessarily to worship it, but to be good to stewards of it so we protect it so we can pass it on to our children. I would ask that you would oppose the concur motion and make sure the rules that are adopted go through this body in particularly in a way that protects our water bodies, our streams and our lakes. Thank you.

**Speaker Packard:** The Chair recognizes Rep. Aron.

**Representative Aron:** Thank you, Mister Chair, Mister Speaker. Sorry. SB 61 provides procedures for DES rulemaking on setbacks on new landfills and surface water bodies. The Committee of Conference agreed to use the House version we passed 2 weeks ago with an amendment which corrects typographical errors and clarifies the language for the one-time extension of the rulemaking deadline that was the House version. This bill directs DES to hire one or more consultants to examine current laws and rules and recommend updates to those rules that take into consideration a set of technical factors including soil, stratigraphy, permeability, volume, gradients and travel time of groundwater supplying the surface water body, bedrock lithology and structure, hydraulic conductivity and other factors the department deems necessary. The Commissioner of DES, Bob Scott, is in favor of this bill. Currently, DES does not have the manpower or expertise to do this work alone. The bill, this bill, grants DES the help they have requested without incurring the cost of one or more new permanent staff hires. Third party assistance here makes sense, and it will be done through an RFP process that has specific

requirements and language preventing any conflict of interest as well. Additionally, there will be points along this rulemaking process for public scrutiny and public input. The language in SB 61 was crafted by Senate Members, House Members, DES, business stakeholders, the North Country Alliance for Balanced Change and other parties. That is how legislation is normally crafted in our committees and chambers. We all know that nothing isn't done here in a vacuum. SB 61 is written and amended by the Committee of Conference is sound and vetted legislation and will provide DES with the much-needed expertise and assistance to update its current 30-year-old landfill siting rules. It is very important to note that during the process of establishing new landfill setback rules, any and all landfill permit applications will be held in abeyance and when the rules are completed within 24 months, the permit application must be modified to comply with those new rules. If this Committee of Conference Report is not accepted by you today, then any landfill permits can be granted next week or next month, this year or next year with the old rules still in place, which includes a minimum 200-foot setback from a body of water. That is not an acceptable option. By accepting this Committee of Conference Report, it will give the landfill permit granting activity a two year pause with a onetime 90-day extension, if necessary, and that will happen right away. This bill is possible now. We can eliminate the current possibility of a 200-foot setback to any body of water now and we can give a two year pause to permitting now while new rules are still being developed. We must not let this important chance slip away and I urge you, my colleagues, to support and pass this Committee of Conference Report now. Thank you and thank you, Mister Speaker.

**Speaker Packard:** Rep. Potenza has requested a division. Members take your seats. This will be a division vote. The motion before us is to concur on SB 61. This is a division vote. The Chair recognizes Rep. Comtois for a parliamentary inquiry.

**Representative Comtois:** Thank you, Mister Speaker. Mister Speaker, if I know that DES is already in the process of writing the rules and I have been assured that they will be completed in August of 2024 and that the permitting process take a minimum of 2 years, minimum. And Mister Speaker if I know that this is a feel-good bill that we in the E & A Committee were told that this would be the only bill the executive branch would sign by someone at DES and that a lobbyist for one of the parties helped with the language. And Mister Speaker if I know that any information given to DES by the consultant can be ignored. Let me repeat that, can be ignored, why would I then spend \$200,000 of taxpayer money? Mister Speaker, if I know that as a member who lives in the Lakes Region, the protection of our lakes is not something that we should take lightly. And finally, Mister Speaker, we are the legislative branch elected by our constituents. We are beholden to them, not to the executive branch, not to an agency and certainly not to any lobbying group, would I now press the red button for nonconcur? Thank you, Mister Speaker.

**Speaker Packard:** The Chair recognizes Rep. Megan Murray for a parliamentary inquiry.

**Representative Megan Murray:** Thank you, Mister Speaker. If I know that SB 61 included many stakeholders' inputs and that it includes conflict of interest language, a 2-year ban on siting landfills and that our rules process is open to the public with stakeholders and that the rules process has joint legislative oversight. And if I also know that a couple of weeks ago this was our house position, would I now press the green button to accept the Committee of Conference Report? Thank you.

**Speaker Packard:** Has everybody turned on their voting stations? Make sure you do. The motion before us is to concur on SB 61. This is a division vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations are open for 30 seconds. Have all members present had an opportunity to vote? The House will attend to the state of the vote. 134 voting Yea; 238 voting Nay, the Committee of Conference Report fails.

#### UNANIMOUS CONSENT

Rep. St. Clair requested Unanimous Consent of the House regarding a presentation to Speaker Packard and addressed the House.

#### MOTION TO PRINT REMARKS

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

Without objection, the Speaker ordered.

#### REMARKS

**Representative St. Clair:** Thank you, Mister Speaker. I'm just here real quickly to talk about this guy right here who I have had the pleasure to know for a long, long time. And as most of you know he is an avid motorcyclist and I keep telling myself that is his real passion, but unfortunately this is also his passion, and it took him away from our press conference at the beginning of Motorcycle Week. We wanted to present him with this to show, not just appreciation of the association I work for up in Laconia, but for all the tens of thousands, hundreds of thousands of motorcycles that come in to the state. Because the Speaker, my friend Sherm, has spent the majority of his life making New Hampshire a very welcoming place for all these visitors that come here, most importantly for the motorcyclist that live in this state. So, thank you.

**UNANIMOUS CONSENT**

Reps. Simpson and Roesener requested Unanimous Consent of the House regarding Pride Month and addressed the House.

**MOTION TO PRINT REMARKS**

Rep. Wilhelm moved that the remarks made by Reps. Simpson and Roesener during Unanimous Consent be printed in the Permanent Journal.

Without objection, the Speaker ordered.

**REMARKS**

**Representative Roesener:** Thank you, Mister Speaker. Good afternoon, friends. I know we want to get out of here soon and enjoy the weather while it lasts. I am here to speak on Pride Month, which is the month of June and I welcome any LGBTQ class representatives who would like join standing with us at the well to come up now. Please do. On June 28<sup>th</sup> in 1969, the patrons of Stonewall Inn, a dive bar and LGBTQ haven in New York fought back against the police raids being used to harass, intimidate and rob the patrons of the pub. Days of resistance followed in the streets, which was the catalyst of the contemporary LGBTQ rights movement. The following year, the people across the nation held parades commemorating the events of the Stonewall Inn. These annual celebrations are what we know today as pride parades. During the month of June LGBTQ+ Americans stand together in solidarity as we strive towards a more perfect society with the recognition that each of us is created equal and simply seek liberty and justice for all. This Pride Month, as always, we recognize and celebrate LGBTQ+ people who have struggled for the right to live their lives free from oppression and discrimination and remember and honor those who have died in the face of prejudice. Last month we lost a young member of our local community to depression and bullying. On May 17, 2023, 14-year-old Nova Dunn walked to the overpass of Interstate 293 after school and leapt into Eastbound traffic. I will leave you with these powerful words shared by Nova family's friend during the funeral. Nova went into a cocoon and emerged a beautiful butterfly, a transgendered male. Nova was struggling, but happier that they had discovered who they are. Unfortunately, not everybody is accepting and that led to a lot of pain in this beautiful child's life. Though in pain and darkness, Nova continued to shine his light on everyone. He loved chorus and drama. He joined student government where he helped to plan and carryout fun events for his fellow students as well as charity fundraising for his community. Did you know that a butterfly's average lifespan after emerging is roughly 14 days? Nova's lifespan was 14 years. That beautiful butterfly spread his wings and flew higher than he has ever flown before. Nova had a mission, and he left that mission in his parent's hands. He longed to live in a world where being different, being gay and transgendered was accepted and understood. That choosing to be himself was a personal choice and not one that hurt anyone else. That the need to bully someone over that choice is not okay and not needed. He wanted a kind world. The best way to remember Nova is to be an advocate, an advocate for mental health awareness, an advocate for the LGBTQ community. If you see something, say something. But most of all, be kind. Thank you and happy pride. We now invite the Deputy Minority Leader, Alexis Simpson, to speak.

**Representative Simpson:** This month, thousands of Granite Staters across dozens of New Hampshire's cities and towns, Portsmouth, Nashua, Windham, Lebanon, Manchester, the White Mountains and more held celebrations honoring our vibrant LGBTQ+ community. Many of us in this room attended one or multiple of these celebrations, bringing our children, dogs and other loved ones to join in the festivities. It was not that long ago, within most of our lifetimes, that the first pride march took place in New Hampshire in 1981. That first year, there were only seven attendees and here we are now thousands together rallying in allyship and support across our state and across the nation. At a time when the very identity and humanity of LGBTQ+ people are under attack just as recently as two weekends ago here in Concord at a family story hour event, it is more critical now more than ever for us to acknowledge the importance of Pride Month. New Hampshire has a proud history of support for LGBTQ+ people. In 1989, this body passed legislation for legal guardianship for same sex couples. That same year we passed housing protection for people with AIDS. In 1997 we banned workplace discrimination based on sexual orientation. In 2009 New Hampshire was the first state to enact legislation recognizing civil unions without a court order. In 2011 we were the fifth state to pass marriage equality. In 2018 we passed a bill to prevent discrimination against transgender people and we were the 14<sup>th</sup> state to pass a ban on conversion therapy. Over the last 30 years, no state has elected more members of the LGBTQ + community than New Hampshire voters. We have elected school board members, selectmen, city councilors, aldermen, a mayor, over 70 state legislators and senators, an executive councilor and a member of Congress. Today the latest poll shows that more Americans and more Granite Staters than ever support nondiscrimination protections for LGBTQ+ people. I'm proud to stand in this chamber beside our colleagues to unequivocally share my support for our LGBTQ+ community and to say you are welcome and you belong here in this state, in our statutes and in this chamber. Thank you, Mister Speaker.

**UNANIMOUS CONSENT**

Rep. Ming requested Unanimous Consent of the House regarding the holiday cards for military challenge and addressed the House.

**UNANIMOUS CONSENT**

Rep. Damon requested Unanimous Consent of the House regarding road damage in Sullivan County and addressed the House.

**RECESS MOTION**

Rep. Osborne moved that the House stand in recess for the purposes enrolled bill amendments, enrolled bill reports and receiving messages.

Motion was adopted.

The House recessed at 12:35 p.m.

**RECESS**

**(Speaker Packard in the Chair)**

**SENATE MESSAGE****ADOPTION OF COMMITTEE OF CONFERENCE REPORTS**

**SB 15-FN**, relative to the use of tree stands and observation blinds.

**SB 78-FN**, relative to subdivision regulations on the completion of improvements.

**SB 147**, relative to the board of dental examiners.

**SB 166-FN**, relative to electric grid modernization.

**SB 207**, relative to mental health critical incident intervention and management, and relative to mental health practice.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bills numbered 31, 32, 42, 66, 67, 76, 89, 103, 110, 113, 118, 136, 139, 161, 171, 183, 189, 195, 197, 215, 222, 245, 268 and 269.

Rep. Osborne, Sen. Avard for the Committee

**RECESS**

**(Speaker Packard in the Chair)**

**ENROLLED BILL AMENDMENTS**

**SB 11**, relative to African American burial grounds. (Amendment printed SJ 6/29/23)

Motion was adopted.

**SB 59**, relative to the director of charitable trusts. (Amendment printed SJ 6/29/23)

Motion was adopted.

**SB 71-FN**, relative to workers' compensation for firefighter cancer disease. (Amendment printed SJ 6/29/23)

Motion was adopted.

**SB 107**, relative to the general administration of regulatory boards and commissions. (Amendment printed SJ 6/29/23)

Motion was adopted.

**SB 21**, relative to the due date and delivery of monthly reports and fees to the liquor commission. (Amendment printed SJ 6/29/23)

Motion was adopted.

**RECESS**

**(Speaker Packard in the Chair)**

**ENROLLED BILL AMENDMENTS**

**SB 74-FN**, relative to the department of administrative services. (Amendment printed SJ 6/29/23)

Motion was adopted.

**SB 142**, relative to the regulation of forms and rates for property and casualty insurance. (Amendment printed SJ 6/29/23)

Motion was adopted.

**RECESS**

**(Speaker Packard in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 384-FN-A**, relative to building a new legislative parking garage and making an appropriation therefor, renaming the capital project overview committee, and establishing the joint legislative parking garage oversight commission.



**Amendment 2023-2243EBA**

Amend section 3 by inserting after RSA 17-J:2 the following:

17-J:3 Terms. All members shall be appointed to the committee for a term ending when their elected legislative term ends.

Motion was adopted.

**HB 421**, relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities.

**Amendment 2023-2244EBA**

Amend RSA 30-B:27 as inserted by section 1 of the bill by replacing line 9 with the following: products” means tampons, menstrual pads, sanitary napkins, and pantliners.

Motion was adopted.

**RECESS**

**(Speaker Packard in the Chair)**

**ENROLLED BILL AMENDMENTS**

**SB 53-FN**, relative to the definition of the state building code. (Amendment printed SJ 6/29/23)

Motion was adopted.

**SB 60**, relative to water quality. (Amendment printed SJ 6/29/23)

Motion was adopted.

**SB 85-FN-A**, relative to emergency behavioral health services and behavioral health crisis programs. (Amendment printed SJ 6/29/23)

Motion was adopted.

**SB 149-FN**, relative to nurse agencies. (Amendment printed SJ 6/29/23)

Motion was adopted.

**RECESS**

**(Speaker Packard in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 221**, relative to the acquisition of agricultural land development rights and relative to advanced deposit account wagering and relative to the use of game cameras.

**Amendment 2023-2253EBA**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the acquisition of agricultural land development rights and relative to the use of game cameras.

Amend section 7 of the bill by replacing lines 1 and 2 with the following:

7 New Subdivision; General Provisions as to Fish and Game; Use of Game Cameras. Amend RSA 207 by inserting after section 62 the following new subdivision:

Game Cameras

Motion was adopted.

**HB 281-FN**, relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

**Amendment 2023-2250EBA**

Amend RSA 162-H:24 as inserted by section 16 of the bill by replacing line 1 with the following:

162-H:24 Transition. On the effective date of this section, the department shall assume

Motion was adopted.

**HB 315**, prohibiting provocations based on a victim’s actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in a criminal case.

**Amendment 2023-2249EBA**

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting provocations based on a victim’s actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in a criminal case.

Motion was adopted.

**HB 409-FN**, relative to the organization of the office of professional licensure and certification and adoption of the interstate social work licensure compact.

**Amendment 2023-2254EBA**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the organization of the office of professional licensure and certification.

Motion was adopted.

**HB 584**, relative to the Uniform Commercial Code's article on controllable electronic records.

**Amendment 2023-2246EBA**

Amend the bill by replacing RSA 382-A:9-210(b)(2) as amended by section 40 of the bill with the following:

(2) in the case of a request regarding a list of collateral or a request regarding a statement of account, by [authenticating] **signing** and sending to the debtor an approval or correction.

Amend the bill by replacing RSA 382-A:13-301(b) as inserted by section 91 of the bill with the following:

(b) Continuing validity. Except as provided in subsection (c) and sections 13-302 through 13-306:

Motion was adopted.

**HB 611-FN**, relative to eligibility criteria for the therapeutic cannabis program and establishing a commission to study state-controlled sales of cannabis and relative to the prohibition on the sale of hemp products containing certain levels of THC.

**Amendment 2023-2251EBA**

Amend the bill by replacing section 4 with the following:

4 Repeal. RSA 176:16-b, relative to the commission to study state-controlled sales of cannabis, is repealed.

Motion was adopted.

**RECESS**

**(Speaker Packard in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 75, 83, 97, 119, 211, 233, 238, 244, 275, 287, 296, 308, 321, 349, 358, 384, 408, 421, 442, 467, 492, 536 and 642 and Senate Bills numbered 11, 15, 21, 44, 54, 58, 59, 71, 74, 78, 94, 99, 105, 107, 111, 142, 147, 150, 160, 170, 172, 187, 188, 193, 200, 207, 213, 225, 228, 240 and 256.

Rep. Osborne, Sen. Avard for the Committee

**RECESS**

**(Rep. Alissandra Murray in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 188, 221, 281, 315, 337, 409, 584 and 611 and Senate Bills numbered 53, 60, 85, 126, 149 and 166.

Rep. Osborne, Sen. Avard for the Committee

**RECESS**