Bill as Introduced

HB 156 – AS INTRODUCED

2003 SESSION

03-0408
08/09

HOUSE BILL ***156***

AN ACT relative to weights and measures.

SPONSORS: Rep. L. Pratt, Coos 2

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill changes standards for weights and measures.

This bill was requested by the department of agriculture, markets, and food.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 156 – AS INTRODUCED

03-0408
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to weights and measures.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Rulemaking Authority. Amend RSA 438:8, I (h)(2) to read as follows:

(2) Licenses ***and registrations***, including application, initial issuance, replacement and duplication.

2 New Subparagraph; Rulemaking Authority. Amend RSA 438:8, I(h) by inserting after subparagraph (3) the following new subparagraph:

(4) Placed-in-service forms, inspection report forms, and certification stamps.

3 Weights and Measures; Rulemaking; Testing and Calibration Standards. RSA 438:8, IV is repealed and reenacted to read as follows:

IV. The specifications, tolerances, and other technical requirements for standards used in the testing or calibration of commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Conference on Weights and Measures, and published in the National Institute of Standards and Technology Handbook 105 series and supplements to the Handbook 105 series, or in any publication revising or superseding the Handbook 105 series, shall be the specifications, tolerances, and other technical requirements for standards used in the testing and calibration of commercial weighing and measuring devices of the state of New Hampshire, except as specifically modified, amended, or rejected by a rule adopted by the commissioner, and shall be adopted as part of this chapter and need not be adopted in accordance with RSA 541-A.

4 New Paragraph; Rulemaking Authority; Operational Guides. Amend RSA 438:8 by inserting after paragraph IV the following new paragraph:

V. The operational guides, for use in the field evaluation of commercial weighing and measuring devices, by the bureau of weights and measures and registered servicemen, together with amendments thereto, as recommended by the National Conference on Weights and Measures, and published in the National Conference on Weights and Measures Publication 12, Examination Procedure Outlines for Weighing and Measuring Devices, or in any publication revising or superseding Publication 12, shall be the evaluation procedures used in the field evaluation of weighing and measuring devices used commercially in the state of New Hampshire, except as specifically modified, amended, or rejected by a rule adopted by the commissioner, and shall be adopted as part of this chapter and need not be adopted in accordance with RSA 541-A.

5 Effective Date. This act shall take effect 60 days after its passage.

Hearing Minutes

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 156

BILL TITLE: relative to weights and measures.

DATE: January 28, 2003

LOB ROOM: 303 **Time Public Hearing Called to Order:** 10:00 A.M.

Time Adjourned: 10:15 A.M.

(please circle if present)

Committee Members: Reps. Musler, Babson, Messier, L. Pratt, Philbrick, Dunlap, Williams, Varrell, Olimpio, Ahern, T. Allen, Cernota, Foley, Hansen, Scott, Phinizy, Owen, P. Allen, Slack, Diamond and Rous.

Bill Sponsors: Rep. L. Pratt, Coos 2

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Leighton Pratt - Prime sponsor of the bill.

Michael Grenier, NH Department of Agriculture - Supports the bill. To adopt policies not adopted by reference. Change language to adopt by reference so they don't have to go through Rules each year. The word "publish" makes it necessary to go through Rules. Looking for uniformity throughout the country – looking to simplify process.

Respectfully submitted,

Patricia C. Dunlap

Rep. Patricia C. Dunlap
Clerk

Sub-Committee Actions

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION ON HB 156

BILL TITLE: relative to weights and measures.

DATE: 2/19/03

Subcommittee Members: Reps. P. Allen, Varrell, T. Allen, Diamond, Scott Messier, and Williams

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Williams

Seconded by Rep. T. Allen

Vote: 4-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Burton W. Williams
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION ON HB 156

BILL TITLE: relative to weights and measures.

DATE: 2/19/03 @ 1:30

Subcommittee Members: Reps. P. Allen, Varrell, Allen, Diamond, Scott, Messer, & Williams

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP), OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Williams

Seconded by Rep. T. Allen

Vote: 4 — 0
Yes No

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

JC Williams

HB 156 – AS INTRODUCED

2003 SESSION

OTP 4-0

03-0408
08/09

No.

Yes 16-0
Consent

HOUSE BILL ***156***

AN ACT relative to weights and measures.

SPONSORS: Rep. L. Pratt, Coos 2

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill changes standards for weights and measures.

This bill was requested by the department of agriculture, markets, and food.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

House Bill 156 is a housekeeping bill for the Department of Agriculture involving registrations, forms, and specifications. ~~etc.~~ ~~Drop~~ There was no opposition. Robert Allen

HB 156 – AS INTRODUCED

03-0408
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to weights and measures.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Rulemaking Authority. Amend RSA 438:8, I (h)(2) to read as follows:

(2) Licenses ***and registrations***, including application, initial issuance, replacement and duplication.

2 New Subparagraph; Rulemaking Authority. Amend RSA 438:8, I(h) by inserting after subparagraph (3) the following new subparagraph:

(4) Placed-in-service forms, inspection report forms, and certification stamps.

3 Weights and Measures; Rulemaking; Testing and Calibration Standards. RSA 438:8, IV is repealed and reenacted to read as follows:

IV. The specifications, tolerances, and other technical requirements for standards used in the testing or calibration of commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Conference on Weights and Measures, and published in the National Institute of Standards and Technology Handbook 105 series and supplements to the Handbook 105 series, or in any publication revising or superseding the Handbook 105 series, shall be the specifications, tolerances, and other technical requirements for standards used in the testing and calibration of commercial weighing and measuring devices of the state of New Hampshire, except as specifically modified, amended, or rejected by a rule adopted by the commissioner, and shall be adopted as part of this chapter and need not be adopted in accordance with RSA 541-A.

4 New Paragraph; Rulemaking Authority; Operational Guides. Amend RSA 438:8 by inserting after paragraph IV the following new paragraph:

V. The operational guides, for use in the field evaluation of commercial weighing and measuring devices, by the bureau of weights and measures and registered servicemen, together with amendments thereto, as recommended by the National Conference on Weights and Measures, and published in the National Conference on Weights and Measures Publication 12, Examination Procedure Outlines for Weighing and Measuring Devices, or in any publication revising or superseding Publication 12, shall be the evaluation procedures used in the field evaluation of weighing and measuring devices used commercially in the state of New Hampshire, except as specifically modified, amended, or rejected by a rule adopted by the commissioner, and shall be adopted as part of this chapter and need not be adopted in accordance with RSA 541-A.

5 Effective Date. This act shall take effect 60 days after its passage.

Testimony

Statute Amended by HB 156

438:8 Rulemaking Authority.

I. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) Standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form.

(b) Technical and reporting procedures to be followed and the report and record forms and marks of approval and rejection to be used by inspectors of weights and measures in the discharge of their official duties.

(c) Exemptions from the inspection requirements of RSA 438:14 with respect to weights and measures of such character or size that such inspection would be inappropriate, impracticable, or damaging, to the apparatus in question.

(d) Compulsory registration of servicemen and service agencies.

(e) Licensing of, and the technical and reporting procedures to be followed by, public weighmasters.

(f) Licensing of weighing and measuring devices used commercially.

(g) Specifications, tolerances, and other technical requirements for weights and measures of the character of those specified in RSA 438:10, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those:

(1) That are not accurate.

(2) That are not reasonably permanent in their adjustment or will not repeat their indications correctly.

(3) That facilitate the perpetration of fraud.

(h) The establishment and collection of fees for:

(1) Testing and certification.

(2) Licenses, including application, initial issuance, replacement and duplication.

(3) Examinations.

(i) The imposition of fines and penalties under RSA 438:40.

(j) Any other matter necessary to the proper administration of this chapter.

II. The commissioner may also adopt, as part of the rules, the definitions and descriptive regulations published by the National Conference on Weights and Measures and amendments, supplements and revisions to such regulations. Rules under this paragraph need not be adopted in accordance with RSA 541-A, but when adopted, shall be filed with the director of legislative services.

III. The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Institute of Standards and Technology and published in National Institute of Standards and Technology Handbook 44 and

supplements to Handbook 44, or in any publication revising or superseding Handbook 44, shall be the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices of the state of New Hampshire, except as specifically modified, amended, or rejected by a rule adopted by the commissioner. For the purpose of this chapter, apparatus shall be deemed to be "correct' when it conforms to all applicable rules adopted as specified in this section. Other apparatus shall be deemed to be "incorrect.'

IV. All such regulations as are published by the National Conference on Weights and Measures for the implementation of this New Hampshire weights and measures law including amendments, supplements and revisions thereto shall be adopted as part of this chapter and need not be adopted in accordance with RSA 541-A.

Source. 1985, 72:1. 1989, 324:6, 7. 1991, 10:2. 1994, 100:5, eff. July 10, 1994.

Voting Sheets

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 156

BILL TITLE: **relative to weights and measures.**

DATE: March 4, 2003

LOB ROOM: 303

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. P. Allen

Seconded by Rep. Babson

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Patricia C. Dunlap, Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 156

BILL TITLE: **relative to weights and measures.**

DATE: 3/4/2003

LOB ROOM: 303

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP), OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. P. Allen

Seconded by Rep. Batson

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16 ~ 0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Patricia C. Dunlap, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

ENVIRONMENT AND AGRICULTURE

Bill #: 156 Title: Relative to weights and measures

PH Date: 1/28/03 Exec Session Date: 3/4/03

Motion: OTP Amendment #:

MEMBER	YEAS	NAYS
Musler, George T. Chairman	✓	
Babson, David L. V Chairman	✓	
Messier, Irene M	Absent	
Pratt, Leighton C	Absent	
Philbrick, Donald R	✓	
Dunlap, Patricia C	✓	
Williams, Burton W	✓	
Varrell, Thomas A	Absent	
Olimpio, J Lisbeth	✓	
Ahern, Omer C	✓	
Allen, Timothy J	Absent	
Cernota, Albert C	✓	
Foley, Albert	✓	
Hansen, Ryan N	✓	
Scott, David N	✓	
Phinizy, James G	Absent	
Owen, Derek	✓	
Allen, Peter H	✓	
Slack, Pamela R	✓	
Diamond, Estelle	✓	
Rous, Emma L	✓	
TOTAL VOTE:	16	0

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Environment and Agriculture**

BILL NUMBER: **HB 156**

TITLE: relative to weights and measures.

DATE: March 4, 2003 CONSENT CALENDAR YES ☒ NO ☐

☒ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill was requested by the Department of Agriculture, Markets, and Food to make technical improvements in RSA 438:8, I (h) and RSA 438:8, V. Direct references to the National Conference on Weights and Measures and the National Institute of Standards and Technology were added. There was no opposition to the bill.

Vote 16-0.

Rep. Peter H. Allen
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Environment and Agriculture

HB 156, relative to weights and measures. **OUGHT TO PASS**

Rep. Peter H. Allen for Environment and Agriculture: This bill was requested by the Department of Agriculture, Markets, and Food to make technical improvements in RSA 438:8, I (h) and RSA 438:8, V. Direct references to the National Conference on Weights and Measures and the National Institute of Standards and Technology were added. There was no opposition to the bill. **Vote 16-0.**

COMMITTEE REPORT

COMMITTEE: Environment & Agriculture

BILL NUMBER: HB 156

TITLE: Relative to weights and measures.

DATE: 3/4/03 CONSENT CALENDAR: YES ☒ NO ☐

☒ OUGHT TO PASS

☐ OUGHT TO PASS W/ AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

HB 156 was requested by the Department of Agriculture, Markets, and Food to make technical improvements in RSA 438:8, I(h) and RSA 438:8, V. There was no opposition to the bill.

COMMITTEE VOTE: 16 – 0

- **Copy to Committee Bill File**
- **Use Another Report for Minority Report**

RESPECTFULLY SUBMITTED,

Rep. Peter Allen

For the Committee

Rev. 07/30/99

Insert A

National Conference on Weights and Measures

direct reference to the National Institute of Standards and Technology

"Direct references to the National Conference on Weights and Measures and the National Institute of Standards and Technology were added."