CONSENT CALENDAR

January 31, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Environment and Agriculture to which was referred HB 79,

AN ACT relative to the authority of the commissioner of the department of agriculture, markets, and food to inspect apples. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Peter Bixby

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Environment and Agriculture**
Bill Number:	**HB 79**
Title:	**relative to the authority of the commissioner of the department of agriculture, markets, and food to inspect apples.**
Date:	**January 31, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2023-0212H**

STATEMENT OF INTENT

The original bill sought to remove the Department of Agriculture, Markets and Food's authority to inspect apples from RSA 434. The department testified that they no longer inspect apples under that authority. The federal Food Safety Modernization Act made that paragraph obsolete. The committee felt that it would be better to assess the relevant statutes for all elements that need updating rather than remove one obsolete passage. The amendment, which replaces the entire bill, creates a study committee to review RSA 426 and RSA 434 for necessary updates.

Vote 20-0.

Rep. Peter Bixby
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Environment and Agriculture

HB 79, relative to the authority of the commissioner of the department of agriculture, markets, and food to inspect apples. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. The original bill sought to remove the Department of Agriculture, Markets and Food's authority to inspect apples from RSA 434. The department testified that they no longer inspect apples under that authority. The federal Food Safety Modernization Act made that paragraph obsolete. The committee felt that it would be better to assess the relevant statutes for all elements that need updating rather than remove one obsolete passage. The amendment, which replaces the entire bill, creates a study committee to review RSA 426 and RSA 434 for necessary updates. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

Rep. Bixby, Straf. 13
January 30, 2023
2023-0212h
07/05

Amendment to HB 79

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

AN ACT establishing a committee to study the New Hampshire law relative to standards for farm products and marketing and grading commodities.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study laws relative to standards for farm products and marketing and grading commodities.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall review RSA 426 and RSA 434 and assess the following:

I. Are statutes consistent with current regulatory needs and practices?

II. Are there overlapping, redundant, or conflicting statutes in RSA 426 and RSA 434?

III. Do any statutes need to be transferred from one chapter to the other to provide clarity and consistency?

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2023.

6 Effective Date. This act shall take effect upon its passage.

2023-0212h

AMENDED ANALYSIS

This bill establishes a committee to study New Hampshire laws relative to standards for farm products and marketing and grading of certain commodities.

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 79

BILL TITLE: (New Title) establishing a committee to study the New Hampshire law relative to standards for farm products and marketing and grading commodities.

DATE: January 31, 2023

LOB ROOM: 301-303

MOTIONS: **OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Bixby	Seconded by Rep. Creighton	AM Vote: 20-0

Amendment # 2023-0212h

Moved by Rep. Bixby	Seconded by Rep. Creighton	Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Barbara Comtois, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/9/2023 12:02:26 PM
Roll Call Committee Registers Report

2023 SESSION

Environment and Agriculture

Bill #: HB 79 Motion: OTPA AM #: 0212h 2023 Exec Session Date: 1-31-23

Members	YEAS	Nays	NV
Aron, Judy F. Chairman	✓		
Creighton, Jim L. Vice Chairman	✓		
Comtois, Barbara Clerk	✓		
Verville, Kevin G.	✓		
Davis, Arnold G.	✓		
Brouillard, Jacob	✓		
Coulon, Matthew	✓		
Kenny, Catherine M	✓		
Potenza, Kelley L	✓		
Smart, Lisa A	✓		
Bixby, Peter W.	✓		
Sofikitis, Catherine M.	✓		
Dutzy, Sherry	✓		
Murray, Megan A.	✓		
Germana, Nicholas A	✓		
Haskins, Linda J	✓		
Howard, Molly C	✓		
Knab, Allison	✓		
Morse, Corinne	✓		
Vogt, Robin	✓		
TOTAL VOTE:	20	0	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/9/2023 12:02:26 PM
Roll Call Committee Registers Report

2023 SESSION

Environment and Agriculture

Bill #: HB 79 Motion: Adopt AM #: 2023-0212H Exec Session Date: 1-31-23

Members	YEAS	Nays	NV
Aron, Judy F. Chairman	✓		
Creighton, Jim L. Vice Chairman	✓		
Comtois, Barbara Clerk	✓		
Verville, Kevin G.	✓		
Davis, Arnold G.	✓		
Brouillard, Jacob	✓		
Coulon, Matthew	✓		
Kenny, Catherine M	✓		
Potenza, Kelley L	✓		
Smart, Lisa A	✓		
Bixby, Peter W.	✓		
Sofikitis, Catherine M.	✓		
Dutzy, Sherry	✓		
Murray, Megan A.	✓		
Germana, Nicholas A	✓		
Haskins, Linda J	✓		
Howard, Molly C	✓		
Knab, Allison	✓		
Morse, Corinne	✓		
Vogt, Robin	✓		
TOTAL VOTE:	20	0	

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 79

BILL TITLE: AN ACT relative to the authority of the commissioner of the department of agriculture, markets, and food to inspect apples.

DATE: **January 17, 2023**

ROOM: **301** **Time Public Hearing Called to Order:11:00a.m.**
Time Adjourned: 11:25a.m.

(please circle if present)

Committee Members: **Reps. Aron, Creighton, Comtois, Davis, Brouillard, Kenny, Potenza, Bixby, Sofikitis, Murray, Germana, Haskins, Howard, Knab, Morse, and Vogt**

Bill Sponsors: Rep. Ankarberg, Straf. 7; Rep. Coulon, Graf. 5

TESTIMONY

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

Rep. Ankarberg – prime sponsor – Strafford 10 – this strips out the language of the bill and goes towards the intent of the bill – constituent brought to his attention, reasonable hours, asked Commissioner Jasper if he would put rules into statue – Commissioner stated that it is covered under FSMA

Rep Aron – Q. why was this brought forward A. reasonable hours – should have clear guidelines – Q. mentioned that the hours are already mentioned in rules A. the Commissioner stated that – this was to bring forth

Rep Creighton – Q. line 4-10 is taken out A. this is already taken care of in rules

Rep. Knab – Q. where do you draw the line A. Commissioner mentioned that there may be a need to go through all these

Rep Howard – Q. it seems that you are stripping all of these things away, where can we find the departments empowerment, and it would seem that hours are the main complaint A. defer to Commissioner Q. can we get a reference A. I will be more than happy to provide to the committee for the executive session

Stephen Nass – Milton, NH - restaurant owner – looking for ways to scale back some of the regulations in our state, I am in support of the amendment 2023-0043h

Commissioner Jasper - Department of Agriculture – 426A – go to rules under the Department of Agriculture website – we are an 8 to 4 operation, but do have the authority in case of emergency for after hours – this entire chapter really needs to be looked at - the rules on apples specifically have expired and have no intention to bring them back, FSMA –

Rep Bixby – Q. do you think it might make more sense to maybe convert this bill into a study committee for the entire chapter A. yes

Rep Murray – Q. at what point does rulemaking vs FSMA take effect A. we need to separate the wheat from the chaff –

Rep Knab – Q. do you view this as getting rid of redundancy or deregulation A. deregulation is not possible because it would repeal 426 FSMA and put FSMA under Federal government as opposed to the State of NH

Rep Murray – Q. it sounds like that the response by HHS testing on apples finding listeria A. FSMA resides with the department of agriculture, the food portion of HHS should be under the department of agriculture

Rep Creighton – Q. you support this bill as a first step A. I am not sure, my intent was to send over to our attorney at DOJ – the more effective thing to do is to look at 426 and 434 and how they work together Q. given them that comparison, do you need a study committee to do that A. we could do that on our own, but when legislators do this, it makes everyone more comfortable

Rep Bixby – Q. if we wanted to turn this into a study committee, would you be able to help identify the issues A. yes

Rep Comtois – Q. would this help in bringing statues into the 21st century A. yes

Rep Murray -Q. would you still go to the DOJ before a study committee was started A. NO

Rep Potenza – Q. FSMA – under state vs federal A. FSMA is paid 100% by the federal government – do not believe in redundancies in statue – we have 2 part-time inspectors that do FSMA inspections

House Remote Testify

Environment and Agriculture Committee Testify List for Bill HB79 on 2023-01-17

Support: 1 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Johnson, II, Robert	Concord, NH robj@nhfarmbureau.org	A Lobbyist	NH Farm Bureau	Oppose	No	No	1/16/2023 10:06 PM
SAWTELLE, ERICK	LEE, NH esawtelles@aol.com	A Member of the Public	Myself	Support	No	No	1/17/2023 7:26 AM

Bribine Pro Con
1 1

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 79 Date 1/17/23

Committee Environment + Agriculture

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Rep. Katy Peternel			Carroll 6	X	
Rep Glenn Cordelli			Carroll 7	✓	
Stephen Nagy	Milton			X	

HB 79 - AS INTRODUCED

2023 SESSION

23-0108
08/10

HOUSE BILL ***79***

AN ACT relative to the authority of the commissioner of the department of agriculture, markets, and food to inspect apples.

SPONSORS: Rep. Ankarberg, Straf. 7; Rep. Coulon, Graf. 5

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill removes the authority the commissioner of the department of agriculture, markets, and food to have access for the inspection of apples.

- -

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 79 - AS INTRODUCED

23-0108
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the authority of the commissioner of the department of agriculture, markets, and food to inspect apples.

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

1 Administrative Authority; Property Access; Apples. Amend RSA 434:29 to read as follows:

434:29 Administrative Authority. The commissioner of agriculture, markets, and food shall adopt rules for carrying out the provisions of this subdivision. [~~He shall, in person or by his deputy or agent, have free access at all reasonable hours to any place, building, or vehicle in which apples are packed, stored, sold, offered, or exposed for sale or held for transportation.~~] He ***or she*** shall [~~also~~] have power, in person or by [~~his~~] ***a*** deputy or agent, to open any box, barrel, or other container and may, upon tendering the market price, take such container ***containing unprocessed apples*** and its contents or samples therefrom. He ***or she*** shall have general authority to administer and enforce the provisions of this subdivision and the rules adopted under this subdivision, and to prosecute violations thereof.

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