LEGISLATIVE COMMITTEE MINUTES

SB146

Bill as Introduced

SB 146 - AS INTRODUCED

2023 SESSION

23-0813 08/10

SENATE BILL

146

AN ACT

relative to the agricultural advisory board.

SPONSORS:

Sen. Pearl, Dist 17; Sen. Watters, Dist 4; Sen. Innis, Dist 7; Sen. Soucy, Dist 18;

Sen. Carson, Dist 14; Rep. Moffett, Merr. 4; Rep. Aron, Sull. 4; Rep. Bixby, Straf.

13

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill removes certain requirements for the terms of members of the agricultural advisory board.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT

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relative to the agricultural advisory board.

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

1 Advisory Board; Initial Term Instructions. Amend RSA 425:22, II to read as follows:

II. The term of office of members of the board shall be 5 years and until their successors are appointed and qualified. Vacancies shall be filled for the unexpired term only.[However, beginning July 1, 2001, the terms of 2 members representing agriculture as provided in subparagraph I(a) and one member representing the industry interests as provided in subparagraphs I(b) (f) shall expire each year. Initial terms for members representing agriculture shall expire in the year as follows: Belknap and Sullivan counties, 2002; Carroll and Strafford counties, 2003; Cheshire and Rockingham counties, 2004; Coos and Merrimack counties, 2005; and Grafton and Hillsborough counties, 2006. Initial terms for members representing industry interests shall expire in the year as follows: petroleum, 2002; food retailing, 2003; advertising, 2004; food distribution, 2005; and consumer, 2006. No board member shall be eligible for successive reappointment after 2004.] Appointments to the board shall be made by the governor with the advice and consent of the council on the basis of extensive experience and demonstrated ability and on a nonpartisan basis.

- 2 New Paragraph; Agricultural Advisory Board. Amend RSA 425:22 by inserting after paragraph V the following new paragraph:
 - VI. A majority of the seated membership plus one shall constitute a quorum of the board.
- 17 3 Effective Date. This act shall take effect 60 days after its passage.

SB 146 - AS AMENDED BY THE SENATE

02/22/2023 0570s

2023 SESSION

23-0813 08/10

SENATE BILL

146

AN ACT

relative to the agricultural advisory board.

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COMMITTEE:

Executive Departments and Administration

AMENDED ANALYSIS

This bill removes certain requirements for the terms of members of the agricultural advisory board.

This bill also requires public notice of a meeting of the agricultural advisory board and requires the commissioner of the department of agriculture, markets, and food to leave the room if requested to do so by a member of the board.

Explanation:

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23-0813 08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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SB 146 - AS AMENDED BY THE SENATE - Page 2 -

- 1 expiration of the term of office of the commissioner of agriculture, markets, and food, or upon the
- 2 occurrence of a vacancy in such office, it shall be the duty of the board to submit advisory
- 3 recommendations to the governor and council concerning such new appointment or the filling of such
- 4 vacancy.

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

SB 146 - VERSION ADOPTED BY BOTH BODIES

02/22/2023 0570s

2023 SESSION

23-0813 08/10

SENATE BILL

146

AN ACT

relative to the agricultural advisory board.

SPONSORS:

Sen. Pearl, Dist 17; Sen. Watters, Dist 4; Sen. Innis, Dist 7; Sen. Soucy, Dist 18;

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STATE OF NEW HAMPSHIRE

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SB 146 - VERSION ADOPTED BY BOTH BODIES - Page 2 -

- 1 expiration of the term of office of the commissioner of agriculture, markets, and food, or upon the
- 2 occurrence of a vacancy in such office, it shall be the duty of the board to submit advisory
- 3 recommendations to the governor and council concerning such new appointment or the filling of such
- 4 vacancy.

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

CHAPTER 73 SB 146 - FINAL VERSION

02/22/2023 0570s

2023 SESSION

23-0813 08/10

SENATE BILL

146

AN ACT

relative to the agricultural advisory board.

SPONSORS:

Sen. Pearl, Dist 17; Sen. Watters, Dist 4; Sen. Innis, Dist 7; Sen. Soucy, Dist 18;

Sen. Carson, Dist 14; Rep. Moffett, Merr. 4; Rep. Aron, Sull. 4; Rep. Bixby, Straf.

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COMMITTEE:

Executive Departments and Administration

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CHAPTER 73 SB 146 - FINAL VERSION

02/22/2023 0570s

23-0813 08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT

relative to the agricultural advisory board.

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

73:1 Advisory Board; Initial Term Instructions. Amend RSA 425:22, II to read as follows:

II. The term of office of members of the board shall be 5 years and until their successors are appointed and qualified. Vacancies shall be filled for the unexpired term only. [However, beginning July 1, 2001, the terms of 2 members representing agriculture as provided in subparagraph I(a) and one member representing the industry interests as provided in subparagraphs I(b) (f) shall expire each year. Initial terms for members representing agriculture shall expire in the year as follows: Belknap—and—Sullivan—counties, 2002; Carroll—and—Strafford—counties, 2003; Cheshire—and Rockingham counties, 2004; Coos and Merrimack counties, 2005; and Grafton and Hillsborough counties, 2006. Initial terms for members representing industry interests shall expire in the year as follows: petroleum, 2002; food retailing, 2003; advertising, 2004; food—distribution, 2005; and consumer, 2006. No board member shall be eligible for successive reappointment after 2004.] Appointments to the board shall be made by the governor with the advice and consent of the council on the basis of extensive experience and demonstrated ability and on a nonpartisan basis.

73:2 New Paragraph; Agricultural Advisory Board. Amend RSA 425:22 by inserting after paragraph V the following new paragraph:

VI. A majority of the seated membership plus one shall constitute a quorum of the board.

73:3 Advisory Board; Duties. Amend RSA 425:23 to read as follows:

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Any member of the board or public may request that the commissioner be excused for any

CHAPTER 73 SB 146 - FINAL VERSION - Page 2 -

- 1 portion of public input at which time the commissioner shall leave the meeting. Upon
- 2 expiration of the term of office of the commissioner of agriculture, markets, and food, or upon the
- 3 occurrence of a vacancy in such office, it shall be the duty of the board to submit advisory
- 4 recommendations to the governor and council concerning such new appointment or the filling of such
- 5 vacancy.

73:4 Effective Date. This act shall take effect upon its passage.

Approved: June 07, 2023 Effective Date: June 07, 2023

Amendments

Amendment to SB 146

Amend the bill by replacing all after section 2 with the following:

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

2023-0337s

AMENDED ANALYSIS

This bill removes certain requirements for the terms of members of the agricultural advisory board.

This bill also requires public notice of a meeting of the agricultural advisory board and requires the commissioner of the department of agriculture, markets, and food to leave the room if requested to do so by a member of the board.



Senate Executive Departments and Administration February 16, 2023 2023-0570s 08/05

Amendment to SB 146

Amend the bill by replacing all after section 2 with the following:

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

Amendment to SB 146 - Page 2 -

2023-0570s

AMENDED ANALYSIS

This bill removes certain requirements for the terms of members of the agricultural advisory board.

This bill also requires public notice of a meeting of the agricultural advisory board and requires the commissioner of the department of agriculture, markets, and food to leave the room if requested to do so by a member of the board.

Committee Minutes

SENATE CALENDAR NOTICE Executive Departments and Administration

Sen Howard Pearl, Chair Sen Sharon Carson, Vice Chair Sen Carrie Gendreau, Member Sen Rebecca Perkins Kwoka, Member

Sen Debra Altschiller, Member

Date: February 1, 2023

HEARINGS

${\bf Wednesday}$			02/08/2023		
(Day) Executive Departments and Administration (Name of Committee)			(Date)		
			State House 103	9:00 a.m. (Time)	
			(Place)		
9:00 a.m.	SB 108-FN	-	ipation of the New Hampshire	-	
9:15 a.m.	SB 210-FN		tate employee health insurance ensing of software application	-	
9:30 a.m.	SB 134-FN	relative to disability pensions for public safety employees who are victims of violence.			
9:45 a.m.	SB 204-FN	requiring trauma	a kits to be available in state-o	wned buildings.	
10:00 a.m.	SB 146	relative to the ag	ricultural advisory board.	_	
10:15 a.m.	SB 147	relative to the bo	ard of dental examiners.		
		(The previous he	aring for SB 147 was recessed	on February 2nd)	

EXECUTIVE SESSION MAY FOLLOW

Sponsors: SB 108-FN			
Sen. Carson	Sen. Whitley		
SB 210-FN			
Sen. Carson	Sen. Perkins Kwoka	Sen. Birdsell	Sen. Bradley
SB 134-FN			
Sen. Birdsell	Sen. Carson	Sen. Abbas	Sen. Soucy
Sen. Prentiss	Rep. Soucy	Rep. Moffett	•
SB 204-FN			
Sen. Prentiss	Sen. Perkins Kwoka	Sen. Whitley	Sen. Birdsell
Sen. Fenton	Sen. Rosenwald	Sen. Altschiller	Sen. Soucy
Sen. Carson	Sen. Ricciardi	Sen. Chandley	Rep. Proulx
Rep. Soucy	Rep. S. Pearson	·	•
SB 146	•		
Sen. Pearl	Sen. Watters	Sen. Innis	Sen. Soucy
Sen. Carson	Rep. Moffett	Rep. Aron	Rep. Bixby

Howard Pearl Chairman

Senate Executive Departments and Administration Committee

Phil Jasak 271-1403

SB 146, relative to the agricultural advisory board.

Hearing Date:

February 8, 2023

Members of the Committee Present: Senators Pearl, Carson, Gendreau and

Perkins Kwoka

Members of the Committee Absent : Senator Altschiller

Bill Analysis: This bill removes certain requirements for the terms of members of the agricultural advisory board.

Sponsors:

Sen. Pearl

Sen. Watters

Sen. Innis

Sen. Soucy

Sen. Carson

Rep. Moffett

Rep. Aron

Rep. Bixby

Who supports the bill: Sen. Soucy, Sen. Innis, Sen. Watters, Sen. Carson, Sen. Pearl, Shawn Jasper (NH Department of Agriculture).

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented:

Sen. Pearl

• Sen. Pearl said that this bill removes requirements for the terms of those on the Agricultural Advisory Board at the request of Commissioner Jasper. He added that the President of the Board is also in favor.

Commissioner Shawn Jasper

- Commissioner Jasper began his testimony by listing a number of dates and events relative to the board available upon request from the committee aide.
- Commissioner Jasper said that the board has never taken any action related to
 their duties laid out by the USDA. He added that the bill gets rid of the
 unnecessary language and makes it easier to re-appoint members. He then said
 that the amendment also allows the commissioner to be excused from the
 meeting without it being closed and that there will be 4 meetings per year as
 required.

- Sen. Carson asked if the language excusing the commissioner may cause an issue in the future.
 - o Commissioner Jasper answered that the commissioner is not a member of the board and there is nothing that even requires them to be there. He added that he doesn't believe it is a very important piece of the bill.
 - o Sen Carson asked if the board has the ability to go into non-public session.
 - o Commissioner Jasper answered that the board does not have that ability except every five years to make recommendations on the commissioner.
 - Sen Carson asked why the committee doesn't take minutes of their meetings.
 - o Commissioner Jasper answered that they do now but there have been a lot of lapses in the past. He added that the meetings are not currently being recorded or transcribed for minutes or approval of minutes.

PJ
Date Hearing Report completed: February 14, 2023

Speakers

Senate Executive Departments & Administration Committee

02/08	<u>/23</u>	<u>Time 10:00</u>	<u>a.m.</u>	<u>Public</u>	Hearing	on	SB 146	
		Relative to	the agricult	tural advi:	sory board	d.	# 	
			AME (Please	print)	· · · · · · · · · · · · · · · · · · ·	REPRE	SENTING	
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Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB146 on 2
Support: 4 Oppose: 0

<u>Name</u>	<u>Title</u>	Representing	<u>Position</u>
soucy, donna	An Elected Official	SD 18	Support
Innis, Senator Dan	An Elected Official	Myself	Support
Watters, Senator David	An Elected Official	Myself	Support
Carson, Sen. Sharon	An Elected Official	Myself	Support

Testimony

A Recent History of the Agricultural Advisory Board

- The minutes that are housed at the department go back to 1979.
- Until 1996 the Board had the duty to "consider and formulate the general policies of the department".
- Until 1996 the Commissioner served as Chairman and called the meetings.
- Until 1996 the Board was mandated to meet at least 4 times a year.
- Except to approve minuets, there were no motions made from 1979 until Feb. 23, 1981. The
 motion was to oppose removing the Division of Pesticides from the department.
- On Sept. 12, 1982 another motion relative to pesticides was made.
- In 1982 they did make a recommendation on the next Commissioner.
- March 11, 1983 the Board meet with Governor John Sununu.
- Feb. 12, 1983 there was a motion approved to combine the department's two labs.
- Beginning in 1983 the Board began touring farms.
- Also in 1983 the Board stopped making motions to approve minutes.
- In 1987 and 1992 the Board made recommendations on the next Commissioner.
- From 1984 through 1995, no public motions were made.
- During the preceding years the Board never met quarterly as required.
- In most years from 1986 through 1995 the board only met once a year.
- Through 1995 the Board never held any public hearings as required by law, except a couple on rules and on WMB subscription pricing. Nor were any policy recommendations made.
- In 1996 the law changed and the Board was only required to meet twice a year. They also no longer had oversight over department policies. The Governor also was required to appoint a Chairman, which was not done until 2007.
- On Oct. 26, 2001 the Board gave its support to a USDA grant for specialty crops.
- On Nov. 19, 2007 the Board recommended that the Commissioner organize a meeting of commodity groups, etc. That is the last time that the minutes show the Board made a recommendation, other than on Commissioner Appointments. Although many minutes are missing from the records.
- The records show that there were 3 meetings in 2008, 1 in 2009, 1 in 2010, 1 in 2011. There is no record of any meeting in 2012. There were 2 meetings in 2013 and one in 2014. There are no records showing any meetings being held in 2015 or 2016.
- There were recommendations made on the appointment of the Commissioner in 1997, 2002, 2007. There are no records of a recommendation being made in 2012 or 2017. However, I know a recommendation was made in 2017.
- From 1979 onward no public hearings have been held as required by law, except as noted above
- The meetings since 1979 have largely been devoted to farm tours and reports from the county representatives.
- The board has never taken any action to fulfill their duties as they relate to the USDA, UNH or farm organizations.

Voting Sheets

Senate Executive Departments & Administration Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

0/8			Bill# 5B	146
Hearing date: 2/8 Executive Session date: 2/	22			
Motion of:			Vote	e:
Committee Member Sen. Pearl, Chair Sen. Carson,VC Sen. Gendreau Sen. Perkins-Kwoka Sen. Altschiller	Present	Made by	Second	Yes No
Motion of: Americant 0	3715		Vote	e: 5 - 0
Committee Member Sen. Pearl, Chair Sen. Carson,VC Sen. Gendreau Sen. Perkins-Kwoka Sen. Altschiller	Present C C C	Made by	Second	Yes No
Motion of:			Vote	e: 5-0
Committee Member Sen. Pearl, Chair Sen. Carson,VC Sen. Gendreau Sen. Perkins-Kwoka Sen. Altschiller	Present	Made by	Second	Yes No V
Motion of: Consent			Vote	e: <u>5</u> -0
Committee Member Sen. Pearl, Chair Sen. Carson,VC Sen. Gendreau Sen. Perkins-Kwoka Sen. Altschiller	Present	Made by	Second	Yes No

Motion of:			Vote	:
Committee Member Sen. Pearl, Chair Sen. Carson, VC Sen. Gendreau Sen. Perkins-Kwoka Sen. Altschiller	Present	Made by	Second	Yes No
Motion of:			Vote	e:
Committee Member Sen. Pearl, Chair Sen. Carson,VC Sen. Gendreau Sen. Perkins-Kwoka Sen. Altschiller	Present	Made by	Second	Yes No
Motion of:		4	Vote	e:
Committee Member Sen. Pearl, Chair Sen. Carson,VC Sen. Gendreau Sen. Perkins-Kwoka Sen. Altschiller	Present	Made by	Second	Yes No
Motion of:			Vote	:
	Present	Made by	Second	Yes No
Motion of:			Vote	e:
Committee Member Sen. Pearl, Chair Sen. Carson, VC Sen. Gendreau Sen. Perkins-Kwoka Sen. Altschiller Reported out by:	Present	Made by	Second	Yes No

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE FOR THE CONSENT CALENDAR

Thursday, February 16, 2023

THE COMMITTEE ON Executive Departments and Administration to which was referred SB 146

AN ACT

relative to the agricultural advisory board.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF:

5-0

AMENDMENT # 0570s

Senator Howard Pearl For the Committee

SB 146 removes requirements for the terms of those on the Agricultural Advisory Board and at the request of Commissioner Jasper. The bill removes unnecessary language and makes it easier to reappoint members.

Phil Jasak 271-1403

FOR THE CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 146, relative to the agricultural advisory board. Ought to Pass with Amendment, Vote 5-0. Senator Howard Pearl for the committee.

SB 146 removes requirements for the terms of those on the Agricultural Advisory Board and at the request of Commissioner Jasper. The bill removes unnecessary language and makes it easier to re-appoint members.

General Court of New Hampshire - Bill Status System

Docket of SB146

Docket Abbreviations

Bill Title: relative to the agricultural advisory board.

Official Docket of SB146.:

Date	Body	Description
1/19/2023	S	Introduced 01/19/2023 and Referred to Executive Departments and Administration; SJ 5
2/2/2023	S	Hearing: 02/08/2023, Room 103, SH, 10:00 am; SC 9
2/16/2023	S	Committee Report: Ought to Pass with Amendment #2023-0570s, 02/22/2023; Vote 5-0; CC; SC 11
2/22/2023	S	Committee Amendment #2023-0570s, AA, VV; 02/22/2023; SJ 8
2/22/2023	S	Ought to Pass with Amendment 2023-0570s, MA, VV; OT3rdg; 02/22/2023; SJ 8
3/20/2023	Н	Introduced (in recess of) 03/16/2023 and referred to Executive Departments and Administration
3/28/2023	Н	Public Hearing: 04/05/2023 10:30 am LOB 306-308
4/11/2023	Н	Executive Session: 04/05/2023 10:30 am LOB 306-308
4/11/2023	Н	Committee Report: Ought to Pass 04/05/2023 (Vote 16-0; CC)
5/4/2023	Н	Ought to Pass: MA VV 05/04/2023 HJ 13 P. 12
5/31/2023	Н	Enrolled (in recess of) 04/18/2023
5/31/2023	S	Enrolled Adopted, VV, (In recess 05/18/2023); SJ 16
6/8/2023	S	Signed by the Governor on 06/07/2023; Chapter 0073; Effective 06/07/2023

NH House	NIII Compto
NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside Final docket found on Bill Status Bill Hearing Documents: {Legislative Aides} Bill version as it came to the committee All Calendar Notices Hearing Sign-up sheet(s) Prepared testimony, presentations, & other submissions handed in at the public hearing **Hearing Report** Revised/Amended Fiscal Notes provided by the Senate Clerk's Office Committee Action Documents: {Legislative Aides} All amendments considered in committee (including those not adopted): ____ - amendment # _____ - amendment # _____ Executive Session Sheet Committee Report Floor Action Documents: {Clerk's Office} All floor amendments considered by the body during session (only if they are offered to the senate): ____ - amendment # _____ - amendment # _____ ____ - amendment#_____ ____ - amendment#_____ Post Floor Action: (if applicable) {Clerk's Office} Committee of Conference Report (if signed off by all members, Include any new language proposed by the committee of conference): Enrolled Bill Amendment(s) Governor's Veto Message All available versions of the bill: {Clerk's Office} as amended by the senate as amended by the house final version Completed Committee Report File Delivered to the Senate Clerk's Office By:

Senate Clerk's Office