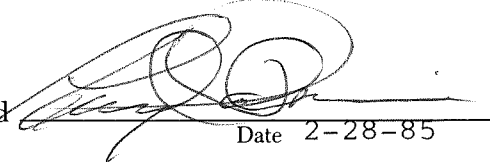


Approved 

Date 2-28-85

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Lloyd D. Polson at
Chairperson

9:00 a.m./~~p.m.~~ on February 12, 1985 in room 423-S of the Capitol.

All members were present except: Representative Dean, who was excused.

Committee staff present:

Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes' office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Harland Priddle, Secretary, Kansas State Board of Agriculture
Bill Fuller, Kansas Farm Bureau
Tom Tunnell, Kansas Grain and Feed Dealers

Raney Gilliland reviewed the study by the 1985 interim committee on the regulation of large capacity scales by the State Board of Agriculture. H.B. 2004 is the recommendation of the interim committee.

Harland Priddle informed the Committee the purpose of the bill is to achieve more efficiency in large scale testing and regulation by using the private sector. He suggested changes in lines 0070, 0077, 0124 and 0154, (Attachment A).

Bill Fuller informed the Committee in 1977 and in 1984 the Kansas Farm Bureau adopted resolutions that parallels the proposals in H.B. 2004, (Attachment B).

Tom Tunnell appeared representing grain elevators in Kansas and they have over 1,000 large capacity scales. They do not oppose or support this bill, as grain elevators already have their scales tested at least once a year and sometimes twice a year. However, one advantage to this bill is the oversight of the testing companies by the State Board of Agriculture.

The Chairman reported on the progress and activities of the Joint Committee on the Kansas Agriculture Policy Group.

The Committee adjourned at 9:35 a.m.

The next meeting will be at 9:00 a.m., Wednesday, February 13, 1985 in Room 423-S.

GUEST REGISTER

DATE 2/12/85

HOUSE OF REPRESENTATIVES
COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

NAME	ORGANIZATION	ADDRESS
Rich McKee	KLA	Topeka
MARSHA HUTCHISON	KS GRAIN & FEED DEALERS ASSN	Hurontons, KS
Ken Johnson	KLPGA	Topeka, KS
JAMES H. AKEY	KSBA - WEIGHTS & MEASURES	TOPEKA
JOHN O'NEILL	STATE SENATOR KSBA	Topeka
Gary M. Bothwell	KS Gr. Insp.	Topeka
Jim R. Jummel	KGFDA	Hickman
Archie Hunter	Ks Fed Agri	Topeka
Harland Priddle	" " "	
Kenneth M. Wilke	" " "	Topeka
Willis Leonard	KLA	Topeka
Mike Bearn	KLA	Topeka
Clarence H. Bryant	GG ASSE.	Scott City, Kans
Mary Harper	AAM	Healy, KS
Norman Harper	AAM	Healy
BILL R. FULLER	KFB	Manhattan

HOUSE BILL 2004

Subject - Large capacity scales, capacity over 5,000 pounds, applies to vehicle and livestock scales.

Inventory - approximately 3,800 scales

Present Resources - 3 employees, 3 trucks for testing large capacity scales.

History and performance of large capacity scales by Weights and Measures over the past five years.

What the Bill Does:

A close parallel to 2003 bulk delivery fuel meters bill, discussed last week.

1. Establishes a requirement for an annual inspection, test, adjustment* and repair* of large capacity scales used in weighing vehicles and livestock.
* (if necessary)
 - a. The annual inspection to be performed by the service testing companies, licensed by the Board of Agriculture.
 - b. There are approximately 23 companies presently servicing large capacity scales in Kansas.
2. Service companies will be licensed for \$50 to perform the work under the requirements set by the licensure.
3. Technical representatives will be registered by the State Sealers Office in Weights and Measures.
4. Reports of each inspection will be provided to the State Sealer by the service company.
5. The service companies equipment will be certified by the State Sealer office annually.
6. Allows the State Sealer to inspect large capacity scales to monitor service companies work performance.

Suggested conceptual changes to the Bill:

Line 0070:

1. Require out of state service companies to obtain a license for each place of business in lieu of only one license for all locations -

Rationale: Treat out of state companies the same as instate companies.

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Attachment A

Suggested Conceptual Changes to the Bill: (cont)

Line 0077:

2. Require each technical representative of each company to be registered, not just one or more per company. Also, require annual registration.

Rationale: Requires each technical representative of each company to be registered and licensed to show capability of performance before being allowed to provide the service.

Line 0124:

3. Require service companies to have equipment checked annually.

Rationale: Annual testing by Weights and Measures metrology laboratory assures greater credibility to equipment used.

Line 0154:

4. Remove 30 day period for rechecks by State Sealer; Eliminate the \$50 fee for recheck.

Rationale: Thirty day period is too restrictive; \$50 fee charge to service company could result in enforcement difficulties, report integrity may be jeopardized.

Fiscal Impact:

One-half time employee for office administrative support of licensing and registering, with supplies - \$13,905



Kansas Farm Bureau, Inc.

2321 Anderson Avenue, Manhattan, Kansas 66502 / (913) 537-2261

STATEMENT
of
KANSAS FARM BUREAU
to

AGRICULTURE AND SMALL BUSINESS COMMITTEE
Representative Lloyd Polson, Chairman

RE: House Bill 2004 - Licensing, Regulating and Testing
Large-Capacity Scales

by
Bill R. Fuller, Assistant Director
Public Affairs Division
Kansas Farm Bureau

February 12, 1985

* * * * *

Mr. Chairman and members of the Committee:

We are pleased to have this opportunity to speak on behalf of the farmers and ranchers who are members of Kansas Farm Bureau as you study proposed legislation to upgrade the large-scale testing program.

Our membership has supported this type of legislation for a number of years. In fact, the voting delegates at the Kansas Farm Bureau annual meeting in 1977, adopted a resolution that parallels the current proposal:

Weights and Measures

Scales used for agricultural commerce have increased in number in Kansas to the extent that the Weights and Measures Division of the State Board of Agriculture is able to check the accuracy of these scales only once every 36 months.

We recommend that all scales used in commercial trade be registered with the Weights and Measures Division for a nominal fee, and annually certified for accuracy by a licensed scale service agency or repairman. The scale service agency or repairman must be licensed and certified with the Weights and Measures Division and the accuracy of their work checked by the Weights and Measures Division with provision in the law to remove certification of the agency or repairman for failure to perform satisfactory service in accordance with the rules and regulations of the Weights and Measures Division of the State Board of Agriculture.

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ATTACHMENT B

However, most recently on December 4, 1984, the 414 voting delegates at the 66th annual meeting of the Kansas Farm Bureau adopted the following resolution:

Weights and Measures

Scales used for agricultural commerce have increased in number in Kansas to the extent that the Weights and Measures Division of the State Board of Agriculture is able to check the accuracy of these scales only once every 36 months.

We recommend that all large-capacity scales (5,000 pounds and over) used in commercial trade be registered with the Weights and Measures Division for a nominal fee, and annually be certified for accuracy by a licensed scale service agency or repairman. The scale service agency or repairman must be licensed and certified by the Weights and Measures Division and the accuracy of their work checked by the Weights and Measures Division. There should be a provision in the law to remove certification of the agency or repairman for failure to perform satisfactory service in accordance with the rules and regulations promulgated by the State Board of Agriculture.

We will support adequate appropriation for the Weights and Measures Division to ensure performance checks on certified large scale service agencies.

We believe H.B. 2004 carries out the suggestions of the KFB membership: (1) Test each scale annually; (2) Commercial scale companies provide the testing, calibration and repair functions; (3) Kansas State Board of Agriculture license and regulate the companies, develop oversight and provide quality control assurances; and (4) Direct the majority of state resources that are available to the inaccurate scales (30 percent).

In addition, our members believe the performance checks by the Weights and Measures Division is an important key in making this system function properly. Therefore, we support adequate additional funding to upgrade equipment, including the three scale trucks (1967 IHC, 1973 FORD, 1978 IHC). These trucks are old and each was down for repairs on an average of 23 days during 1984.

Opponents will base most of their opposition to this legislation on pointing out that many operators already check their scales annually. In considering this argument, I ask you to keep several facts in mind: (1) Under the current program, on the average, a particular scale is checked by the Weights and Measures Division only once every three years. (2) Eighteen percent of the scales inspected in 1984 had no commercial testing or service. (3) Approximately 30 percent of the scales were out of tolerance. (4) This legislation will not add an unreasonable burden on scale operators who now have an annual testing program.

Our members are directly involved with large scales. In many cases they are scale owners: grain elevators, livestock markets, feedlots, fertilizer plants, farms and ranches. We believe that most scale operators attempt to keep their equipment in good repair and properly calibrated. However, I suggest that the basis for this legislation is similar to most other laws - an attempt to force the minority to be fair and accurate when dealing with the general public.

In closing, Mr. Chairman and members of the Committee, the farmers and ranchers of Farm Bureau ask you to support the procedures expressed in House Bill 2004 in improving the large-capacity scale testing program in Kansas.