

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:00 a.m./~~p.m.~~ on March 21, 1985 in room 423-S of the Capitol.

All members were present except: Senator Thiessen (excused)

Committee staff present: Raney Gilliland, Research Department
Jim Wilson, Revisor of Statutes Department

Conferees appearing before the committee: Harland Priddle, Secretary, State Board of
Agriculture
Bill R. Fuller, Kansas Farm Bureau
Senator Jack Stieneger

Senator Allen called the committee to order at 10:05 a.m.

Senator Gannon made a motion the corrected version of the March 19 committee meeting minutes be approved. Senator Montgomery seconded the motion. Motion carried.

Senator Allen ask Raney Gilliland to explain HB 2004 and HB 2005.

Raney Gilliland explained both bills were recommended for passage by the 1984 Special Committee on Agriculture and Livestock and were amended by the House Agriculture and Small Business Committee. HB 2004 is a bill regarding requirements for annual inspection of all large capacity scales within the state. HB 2005 recodifies existing authority of the Kansas State Board of Agriculture in the area of weights and measures and this legislation would bring Kansas more into line with the uniform law that has been approved in other states.

Senator Allen called on Bill Fuller, a proponent, to testify.

Bill Fuller reported the Kansas Farm Bureau supported this legislation and had favored such legislation for as long ago as 1977 when the Farm Bureau first drew up a resolution stating their support of this kind of legislation. (see attachment A).

The chairman called on Harland Priddle to discuss HB 2004.

Harland Priddle explained the Board of Agriculture supported this legislation which would provide a more efficient and cost effective system to ensure large scales in the state are checked at least annually. (see attachment B).

Senator Allen declared the hearing completed on HB 2004 and that the committee would next hear HB 2005.

The chairman recognized Senator Steineger who explained an amendment he requested for HB 2005. (see attachment C).

The chairman called on Harland Priddle who expressed support for HB 2005. Mr. Priddle explained HB 2005 was requested to update the wording of several statutes concerning weights and measures.

Senator Allen called for committee action on HB 2005.

Senator Warren made a motion that Senator Steineger's proposed amendment be added to HB 2005. Senator Gannon seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 21, 1985

Senator Kerr made a motion that HB 2905 be recommended to the Senate favorably for passage as amended. Senator Karr seconded the motion. Motion carried.

Senator Allen turned the committees' attention to HB 2004 for action.

Jim Wilson explained several changes needed to be made to make HB 2004 comply with HB 2005. Senator Doyen made a conceptional motion that necessary changes be made to make HB 2004 compatible with HB 2005. Senator Karr seconded the motion. Motion carried.

Senator Gannon made a conceptional motion that the wording be changed in the bill to read that scale inspections shall be conducted by a registered technical representative employed by a licensed company. Senator Karr seconded the motion. Motion carried.

Senator Karr made a motion to clarify the definition in line 29 by adding used as a motor vehicle or livestock scale. Senator Montgomery seconded the motion. Motion carried.

Senator Gannon moved and Senator Montgomery seconded the motion to recommend HB 2004 favorably for passage as amended. Motion carried.

Senator Allen called for committee action on HB 2001.

Senator Doyen made a motion that HB 2001 be recommended favorably for passage. Senator Norvell seconded the motion. Motion carried.

Senator Allen declared the committee adjourned at 11:00 a.m.

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Kansas Farm Bureau, Inc.

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STATEMENT

of
KANSAS FARM BUREAU
to

SENATE AGRICULTURE COMMITTEE
Senator Jim Allen, Chairman

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

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

March 21, 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 the 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.

3/21/85
attachment A

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 the 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) Twenty-seven percent of the scales inspected during the past 5 years had no commercial testing or service program.

	% with no commercial testing or service
1980	27
1981	30
1982	20.9
1983	26
1984	18

- (3) Approximately 30 percent of the scales were out of tolerance.
- (4) The error found in the scales checked was averaged in favor of the owners-user 52.4% of the time (1977-82, KSBA).
- (5) H.B. 2004 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.

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LARGE SCALE TESTING PROGRAM

SENATE AGRICULTURE COMMITTEE

March 21, 1985

3/21/85
attachment B

LARGE SCALES REVIEW

Personnel in Program: 3

Scales Tested Each Year: 1,200

Total Large Scales in Kansas (Approximate) 3,500

Five Year Average Cost of Program (30% of Budget) \$96,533

Five Year Costs for Operating Trucks

1979	16,282 miles	47	cents per mile
1980	24,818 miles	38	cents per mile
1981	25,574 miles	41.7	cents per mile
1982	14,933 miles	72.8	cents per mile
1983	16,263 miles	58.8	cents per mile

WEIGHTS AND MEASURES SURVEY ON LARGE CAPACITY SCALES CHECKED

Fiscal Years 1977-1982

Grain Elevator Scales	45.9%
Farm & Ranch Scales	15.8%
Feedlot Scales	8.4%
Livestock Scales	6.7%
Industrial Scales	16.8%
Sand, Rock Quarry, Asphalt	3.9%
Highway Axel Load Scales	2.5%
Beam Scales	47.5%
Dial Scales	29.8%
Electronic Scales	22.7%

Have service regularly 73%; have no service 27%. 1977-1982

Have service regularly 76%; have no service 24%. 1980-1984

Scales found in error in favor of owner-user	52.4%
Scales found in error against owner-user	47.6%
Scales (Livestock Sale Barns) under USDA	5.2%
Scales (out of business and not used)	7.1% Decrease
New scales installed	8.6% Increase

Average errors in rejections, 100 lbs minus @ 20,000 lb test loads.

Average errors in rejections, 110 lbs plus @ 20,000 lb test loads.

These figures were taken from a survey of 200 locations spanning 1980-1984 (See map of Kansas dotted locations). 104 sampled scales were rejected. Overall rejection rate of 24.8% average for five years.

LARGE SCALES

CURRENT PROGRAM/PROCEDURES AND CONCEPTS

- a Randomly test approximately one-third of total scales per year (1,200)
- b Approximately 70% of scales tested are accurate
- c Scales out of tolerance (more than 2 pounds per 1,000) are retested within 30 days of initial testing
- d No fees or licensing currently assessed

COMMENTS ON CURRENT PROGRAM

- a 70% of inspections are not necessary
- b Scales are checked only once every three years
- c Responsibility for integrity of weights and measures on government action and not on industry or private sector
- d Is costly, inefficient and does not provide complete testing program

POSSIBLE ALTERNATIVE

- a Require annual testing of all scales with a weighing capability of 5,000 pounds or more. This annual testing to be accomplished by scale companies
- b Scale testing and service companies will provide owner/operator results of all tests and provide a copy of each test report to the State Sealer
- c Weights and Measures, Large Scale Section, Kansas State Board of Agriculture may test scales out of tolerance as reported by the scale companies.
- d The Large Scales Section may randomly test other large scales as time and funds permit
- e Annually license and register all scale service or testing companies performing in the State of Kansas for a fee of \$50
 - 1 As a part of the licensing procedure, require certification of company guaranteeing capability to perform
 - 2 Require all companies to have weights tested by the State laboratory at least annually.

SUMMARY OF PROPOSED NEW CONCEPT

- a Allows targeting of resources against inaccurate scales
- b Provides a system to ensure large scales in the state are adequately checked at least annually
- c Places responsibility on the private sector leaving state with oversight
- d Provides a more efficient and cost effective program

COMMERCIAL COMPANIES PERFORMANCE RECORD

FISCAL YEAR 1984

<u>COMPANY NAMES (CONFIDENTIAL)</u>	<u>COUNTIES CHECKED</u>	<u>NUMBER OF SCALES CHECKED</u>	<u>STATE REJECTION RATE</u>
A	3	12	33.3%
B	3	4	50.0%
C	6	13	38.5%
D	6	29	37.9%
E	4	5	20.0%
F	7	26	7.6%
G	4	9	33.5%
H	10	14	14.2%
I	9	22	13.6%
J	20	115	16.6%
K	19	49	20.4%
L	36	281	23.4%
M	27	118	32.2%
N	4	7	40.0%
O	13	27	33.3%

There are presently 23 companies servicing large capacity scales in Kansas, 8 of which sufficient data is not available to evaluate their performance in FY 1984. Nine of the remaining 15 companies must decrease their rejection rate.

LARGE CAPACITY SCALES

June 30, 1984

<u>COUNTY</u>	<u>NUMBER OF SCALES</u>	<u>YEAR LAST CHECKED</u>	<u>COUNTY</u>	<u>NUMBER OF SCALES</u>	<u>YEAR LAST CHECKED</u>
Allen	25	1981	Linn	19	1981
Anderson	13	1981	Logan	28	1984
Atchison	39	1984	Lyon	39	1984
Barber	29	1982	Marion	37	1982
Barton	50	1981	Marshall	31	1982
Bourbon	31	1981	McPherson	58	1984
Brown	27	1984	Meade	40	1982
Butler	61	1981	Miami	23	1980
Chase	42	1981	Mitchell	37	1983
Chatauqua	15	1981	Montgomery	46	1981*
Cherokee	20	1981*	Morris	24	1982
Cheyenne	34	1983	Morton	16	1982*
Clark	27	1982	Nemaha	33	1982
Clay	20	1981	Neosho	46	1981
Cloud	36	1983	Ness	31	1980
Coffey	19	1981	Norton	17	1983
Commanche	23	1981	Osage	27	1980
Cowley	61	1981	Osborne	33	1983
Crawford	38	1981	Ottawa	24	1983
Decatur	34	1983*	Pawnee	40	1981
Dickinson	54	1981	Phillips	24	1983
Doniphan	24	1984	Pottawatomie	44	1982
Douglas	23	1982	Pratt	40	1982*
Edwards	25	1981	Rawlins	36	1983
Elk	12	1981	Reno	79	1984
Ellis	40	1983	Republic	36	1983
Ellsworth	10	1983	Rice	48	1984
Finney	108	1982	Riley	21	1982
Ford	102	1982	Rooks	27	1983
Franklin	28	1982	Rush	21	1981
Geary	10	1982	Russell	23	1983
Gove	50	1983	Saline	46	1983
Graham	16	1983	Scott	88	1984
Grant	50	1980*	Sedgwick	101	1982
Gray	58	1982	Seward	46	1982*
Greeley	42	1984	Shawnee	40	1982
Greenwood	39	1984	Sheridan	29	1983
Hamilton	32	1980*	Sherman	52	1983
Harper	39	1982	Smith	36	1983
Harvey	34	1982*	Stafford	33	1984
Haskell	70	1978*	Stanton	66	1980*
Hodgeman	12	1982	Stevens	38	1982*
Jackson	15	1982	Sumner	61	1982
Jefferson	16	1982	Thomas	51	1983
Jewell	28	1983	Trego	23	1983
Johnson	43	1980	Wabaunsee	21	1984
Kearny	37	1980*	Wallace	36	1984
Kingman	34	1982*	Washington	43	1982
Kiowa	19	1981	Wichita	50	1984
Labette	42	1981*	Wilson	21	1982
Lane	51	1980	Woodson	14	1982*
Leavenworth	27	1982	Wyandotte	85	1983
Lincoln	21	1983	TOTAL	3,883	

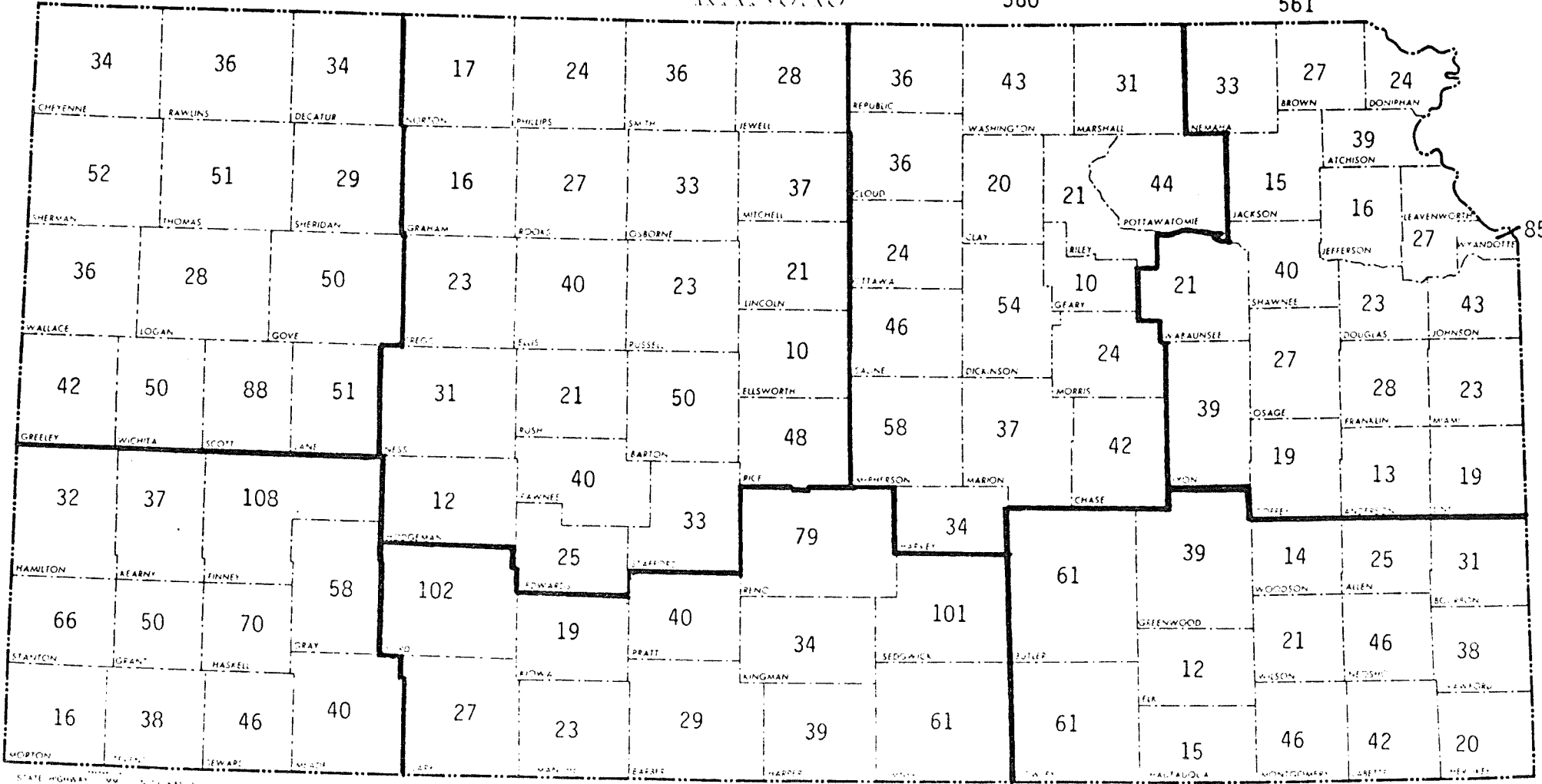
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KANSAS

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STATE HIGHWAY DEPARTMENT OF PLANNING AND DEVELOPMENT

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0232 for a county or city shall exercise such additional powers as may
0233 be granted by the governing body of such county or city, but such
0234 additional powers shall not be less than the powers granted to
0235 state inspectors of weights and measures under this act and shall
0236 not be in conflict with powers granted to the secretary under this
0237 act.

0238 Sec. 11. Except as otherwise provided by the secretary,
0239 commodities in liquid form shall be sold by liquid measure or by
0240 weight, and commodities not in liquid form shall be sold only by
0241 weight, measure or count so long as the method of sale provides
0242 accurate quantity information.

0243 Sec. 12. All bulk sales in which the buyer and seller are not
0244 both present to witness the measurement, all bulk deliveries of
0245 heating fuel and all other bulk sales specified by rule and
0246 regulation of the state board of agriculture, shall be accompanied
0247 by a delivery ticket containing the following information:

- 0248 (a) The names and addresses of the buyer and seller;
- 0249 (b) the date of delivery of the product or commodity;
- 0250 (c) the quantity delivered and the quantity upon which the
0251 price is based, if this differs from the delivered quantity;
- 0252 (d) the identity of the commodity or product being sold in the
0253 most descriptive terms commercially practicable, including any
0254 quality representation made in connection with the sale; and
- 0255 (e) the count of individually wrapped packages, if more than
0256 one.

0257 Sec. 13. (a) Except as otherwise provided in this act or by
0258 rules and regulations adopted pursuant thereto, any package
0259 kept for the purpose of sale or offered or exposed for sale shall
0260 bear on the outside of the package a definite, plain and conspic-
0261 uous declaration of:

- 0262 (1) The identity of the commodity in the package, unless the
0263 same can easily be identified through the wrapper or container;
- 0264 (2) the quantity of contents in terms of weight, measure or
0265 count; and
- 0266 (3) the name and place of business of the manufacturer,
0267 packer or distributor, in the case of any package kept, offered or
0268 exposed for sale, or sold in any place other than on the premises

PROPOSED AMENDMENT TO H.B. 2005 (As Amended
by House Committee)

For Consideration by Committee on Agriculture

(c) All departments of public inspection of weights and measures established by cities or counties prior to the effective date of this act are hereby specifically continued in existence.

attachment

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