

Approved March 3, 1986  
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

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

9:00 a.m./~~pm~~ on February 25, 1986 in room 423-S of the Capitol.

All members were present except: Representative Solbach, 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:

Representative Charles Laird  
John W. Grame, Berryton  
Representative Susan Roenbaugh  
Tom Tunnell, Kansas Grain and Feed Dealers Association  
Rich McKee, Executive Secretary, Feedlot Division, Kansas Livestock Assn.  
Jim Meetz, Lane County Feeders, Inc., Dighton  
Stan Fullmer, Lane County, Kansas  
John Blythe, Assistant Director, Public Affairs Division, Kanas Farm Bureau  
Archie Hurst, Kansas State Board of Agriculture  
Howard Tice, Executive Director, Kansas Association of Wheat Growers.

Hearing on H.B. 2263 - An act concerning weights and measures, providing for registration of moisture measuring devices.

Representative Laird testified this bill is the result of a constituent problem with moisture measuring devices and attempts to correct the problem. He introduced John W. Grame, a farmer from Berryton who had a problem with moisture measuring devices.

Mr. Grame testified to the discrepancies of two elevators testing the same grain. He said moisture meters must be brought under the state weights and measures jurisdiction, Attachment I. He recommended the penalty was not severe enough. He suggest \$10,000 to make it a real fine.

Hearing on H.B. 2963 - Requiring the testing and inspection of moisture measuring devices.

Representative Roenbaugh testified H.B. 2963 requires the person or firm operating moisture testers in the state of Kansas to have them tested once a year by a licensed service company. The accuracy of moisture testers is very important to farmers selling grain because as little as one percentage point, more or less, in the grain can mean a big difference in the price of grain sold, Attachment II.

Tom Tunnell estimated 1,500 moisture meters are owned by the members of his association and it is to their advantage to have accurate moisture meters. He stated a \$10,000 fine would be exorbitant. He testified they are opposed to a moisture meter testing program due to the concern of the ability of the state to set up an accurate testing program. He said the major problem with H.B. 2963 is that it states the equipment used by a commercial firm shall be certified annually by the State Board of Agriculture and the testing procedure used by the commercial firm shall be a master or standard testing meter used against the one at the elevator to determine the accuracy. They would require the commercial firm to carry at least 4 different models of testers in their vehicles. Under these conditions he questioned the accuracy of the standard testing meters.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,  
room 423-S, Statehouse, at 9:00 a.m./~~p.m.~~ on February 25, 1986

Rich McKee testified in opposition to H.B. 2263 and H.B. 2963, Attachment III. He stated his association has not been convinced that there is a need for this type of legislation. The grain elevator operators and the feedlot industry want their moisture testers to be as accurate as possible but don't believe that state regulation will benefit anyone. He introduced Jim Meetz and Stan Fullmer.

Mr. Meetz opposed legislation to mandate registration and regulation of grain moisture testers. He said private industry does a very thorough job of moisture meter testing. Regulation by the state does not guarantee accuracy. H.B. 2963 would add more cost to what they are already doing.

Mr. Fullmer testified he is a farmer and also owns and operates Utica Grain, Inc. The legislation would add to the cost of doing business. Competition dictates that anyone operating a moisture tester maintain and assure the accuracy of the device. They cannot afford to cheat a customer.

John Blythe supported H.B. 2963, and endorsed testing and inspection of moisture measuring devices at least annually for accuracy. The current Farm Bureau policy statement endorses legislation requiring the State Board of Agriculture to establish rules, regulations, specifications and standards for inspection of moisture testing devices used in commerce in the state of Kansas, Attachment IV.

Archie Hurst testified the Kansas State Board of Agriculture is ready to implement this bill. There are some areas of concern. He recommended the procedures for testing comply with those outlined in Handbook 44, as adopted by the National Conference of Weights and Measures Officials. He also stated there are only three known service companies in the state, and some areas may require more monitoring than others, Attachment V.

The Chairman suggested Mr. Hurst supply Representative Roenbaugh with a copy of their proposed amendments.

The prepared testimony of Howard Tice was distributed in support of H.B. 2963. His testimony expressed a concern on the type of testing equipment to be used, Attachment VI.

The hearings on H.B. 2263 and H.B. 2963 were closed.

Representative Eckert moved to approve the minutes of February 18, February 19 and February 20, 1986. Representative Buehler seconded the motion. The motion passed.

The committee meeting was adjourned at 10:10 a.m.

The next meeting will be February 26, 1986 at 9:00 a.m., in Room 423-S.



Harland Priddle  
Kansas Secretary of Agriculture  
109 SW 9th St  
Topeka, Kansas 66612

November 20, 1984

Mr Priddle

On November 9, 1984 I delivered a load of milo to Topeka Mill and Elevator on Lower Silver Lake Road here in Topeka ticket A26473 attached. Weight tested 52# and moisture 16.5%. I had them dump the sample in a can they had under the counter. I wanted to use a plastic state sample bag laying under the counter, but was told they were for official use only. I took this sample to Pauline Elevator later that day and had them test it. Pauline tested it at 54# and 15.4% moisture. A second load was delivered to Topeka Mill ticket A26500 attached. It tested 55# weight and 16.0% moisture. The next load was delivered to Pauline ticket 17817 attached and as you see test weight was 57# and 13.9% moisture. Another load was cut after 5:00 PM on 11/9/84 and delivered to Pauline on 11/10/84 after setting on truck over night. It tested 57# weight and 14.0% moisture. Calculations show I lost \$88.10 on those 2 loads delivered to Topeka Mill. All of these loads were cut in the same field which was planted with same variety and fertilized the same.

These moisture meters, used to purchase grain, must be brought under STATE weight and measures jurisdiction in fairness to all producers. It is no longer tolerable to accept discrepancies like those documented above. (OVER)

2-25-86 Hs. ASB

Attachment I

This letter is being sent to Bill Wahl,  
General Manager, Topoka Mill and Elevator;  
Dewaine Libby, General Manager, Pauline  
Farmers Coop; Charles Laird, Representative for  
my district in the State House of Representatives.

John W Lhame  
4448 SE 105th ST  
BERRYTON, KS 66409

IN BOUND

PAULINE FARMERS CO-OP ELEVATOR

Phone 862-0392

Topeka, Kansas

17832

Date 11-10-84

From John Grame

Commodity Milo Test 57 Moisture 11.0

0 1 5 0 0	lbs. Gross	Disc.	
0 0 0 0 0	lbs. Tare	Price	4.06
1 0 6 2 0	lbs. Net	Amount	
	lbs. Dockage	Driver	On Off
	lbs. Net	Weigher	
	lbs. Bu.	Approved by Kansas State Grain Inspection Dept.	

IN BOUND

PAULINE FARMERS CO-OP ELEVATOR

Phone 862-0392

Topeka, Kansas

17817

Date 11-9-84

From John Grame

Commodity Milo Test 57 Moisture 13.9

0 2 2 2 0	lbs. Gross	Disc.	
0 0 0 0 0	lbs. Tare	Price	4.06
1 3 4 6 0	lbs. Net	Amount	
	lbs. Dockage	Driver	On Off
	lbs. Net	Weigher	
	lbs. Bu.	Approved by Kansas State Grain Inspection Dept.	

IN BOUND

A 26500

John Grame Date 11-9-84

Commodity Milo Test 55# Moisture 16.0

26280	LB	Disc.	
8780	LB	Price	5.19
17500			
575			
16625			

5% Thru Pauline Co-op  
4.21 TM

John Grame 11-9-84

Milo 52 16.5

24620	LB	Price	4.16
8760	LB		

15860  
1110  
14750

DW  
7% mo. thru Pauline

28 November 1984

JOHN W GRAME  
4448 SE 105TH STREET  
BERRYTON KS 66409

MOISTURE METERS

In response to your letter of November 20, Mr. Grame, concerning a moisture meter program for Kansas, I would like to inform you the Interim Legislative Committee on Agriculture reviewed this issue during summer hearings. I am providing a copy of your letter to the Chairman, Representative Lloyd D Polson. You have outlined some specific instances which obviously bring economic impact to you as well as other individuals in the same situation. There is a possibility this subject will be discussed in the 1985 legislative session. It was reviewed during the 1984 session and referred to the interim committee for further study.

I also have passed a copy of this letter to our legislative liaison, Assistant Secretary Don Jacka. In the event this subject is reviewed during this session, we will advise you. Thank you very much for your letter.

Harland E Priddle  
Secretary

t1

c Representative Lloyd Polson  
Rt. 2, Box 21  
Vermillion KS 66544

Don Jacka

STATE OF KANSAS

SUSAN ROENBAUGH  
REPRESENTATIVE, ONE HUNDRED FOURTEENTH DISTRICT  
R.R. 1  
LEWIS, KANSAS 67552-9803



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: AGRICULTURE AND SMALL BUSINESS  
COMMERCIAL AND FINANCIAL  
INSTITUTIONS  
FEDERAL AND STATE AFFAIRS

Testimony before the  
House Agriculture Committee  
February 25, 1986

House Bill 2963

House Bill 2963 very simply requires the person or firm operating moisture testers in the State of Kansas to have them tested once yearly by a licensed service company. The service company will promptly furnish the owner or operator of the tester a report showing the results of the test. If the tester is found to be inaccurate it will be withdrawn from use until repairs and the necessary corrections are made.

For several years there have been "moisture tester" bills around and they all met defeat - primarily because of cost to the state. House Bill 2963 is patterned very much like the large scale program this very same legislature passed unanimously in both the House and Senate during the 1985 session.

Another concern about moisture testing is "state-of-the-art" in testing accuracy. Ten years ago, this was a valid concern, but since that time, manufacturers of moisture testers, National Bureau of Standards and the U.S. Department of Agriculture have done considerable work on this subject.

This legislature and this committee, have spent a great deal of time and thought on ways to help farmers at a time we

2/25/86 H. ASB  
Attachment II



Testimony - HB 2963  
February 25, 1986

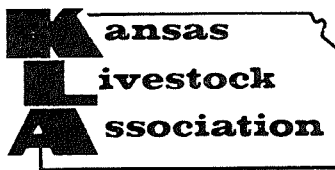
desperately need it and I would suggest to you that this might help in some way. The accuracy of moisture meters is very important to farmers selling grain, because as little as one percentage point more or less moisture in the grain can mean a big difference in the price of the grain sold.

In checking around I found that most elevators already have their moisture testers checked fairly regularly but this bill will apply to those that do not.

Mr. Jim Turner of Mid-States Testing, Wichita, Kansas, could not be here today but sent word, and I quote, "I think HB 2963 is a good idea - especially good because you're involving private industry. We keep our standards checked with the State and Federal and recommend a check on moisture testers twice yearly!"

We all know that we're not going to achieve 100% accuracy, however, advancements have been made in this field and I would urge your passage of HB 2963.

Susan Roenbaugh



2044 Fillmore • Topeka, Kansas 66604 • Telephone: 913/232-9358  
Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

Statement of the  
Kansas Livestock Association  
to the  
Committee on Agriculture and Small Business  
Rep. Lloyd Polson, Chairman  
relative to  
HB 2263  
HB 2963  
presented by  
Rich McKee  
Executive Secretary, Feedlot Division  
February 25, 1986

Mr. Chairman and members of the committee, I am Rich McKee representing the Kansas Livestock Association. KLA represents a broad range of livestock producers which of course includes both sellers and buyers of grain.

For many years the members of our association have established a policy opposing state regulatory authority to register, test, license and seal grain moisture testers. I will briefly mention several reasons for this position.

1) Moisture testers are only part of the process used to determine the approximate moisture content of grain. Many other variables have just as much, if not more, influence on what the moisture reading will be, than the actual moisture testers. Those variables include but are not limited to temperature, contamination of the sample by sweat, inaccurate weighing or what part of the truck the grain sample is probed from. Also, testing corn for moisture content has problems with variable readings. Because kernels are odd shaped each test can result in a different reading. It is suggested that to be more accurate one should take three samples and use an average moisture test.

2) The industry is already self-regulated. Grain buyers want to assure that previously purchased and stored grain is protected from going out of condition. Sellers want to make sure their grain moisture content is measured accurately. Thus the already in place check and balance system. Feedyards, elevators and co-ops make their moisture meter equipment available (at no charge) to sellers of grain to cross check other tests.

2/25/86 H. ASB  
*Attachment III*

With over 2,000 moisture meters in Kansas a second, third, fourth or fifth opinion is easy to obtain. If a buyer's tester is off, those who freely choose to sell to him will let the potential buyer know long before any civil service agent would. Furthermore, if a grain seller thinks the meter used to determine moisture content is incorrect, no one forces him to sell at that particular location.

3) Two rather extensive electronic moisture meter surveys conducted by the Department of Grain Sciences & Industry at Kansas State University found that any differences of moisture readings "were not thought to be highly significant and the results were inconclusive".

4) The state-of-the-art in calibrating moisture testers is of some question. There is no assurance that a moisture tester calibrated Monday will be measuring grain with the same accuracy by Thursday. Some of the problems that would occur with such proposed regulation include: a) even reference meters become unreliable; b) the "oven method" presents a logistical nightmare in its operation, i.e. no matter which way grain samples travel -- from Topeka to the "country" moisture tester to be sampled or from the "country" moisture tester to Topeka -- how do you insure you have the same sample with absolutely no moisture changes that you started with? (There will be significant differences in grain that has been cleaned vs. grain that has come directly from a combine.) c) If we calibrate a moisture measuring device for wheat is that accuracy still good for corn or milo or soybeans?

5) The additional cost this program would mandate would stress even further the budget of the Division of Weights & Measures of the State Board of Agriculture. The fiscal note for HB 2263 is approximately \$61,000 for the first year and \$57,500 each year thereafter. At a time when the state is struggling to meet the financial obligations of current programs we question whether it is appropriate to begin making new commitments. While HB 2963 will have a fiscal note the Division of Budget did not have one completed at the time this testimony was drafted. Whatever the cost, should taxes be raised to create more government regulation for an industry that is already monitoring its practices? KLA members believe that the private market place is a much more efficient regulator of moisture meters than any possible state mandated program.

6) If the state regulated, tested, registered and sealed moisture testers it could give grain sellers a false sense of security, making them more susceptible to inaccurate readings. During KLA's policy making process, our members have said that if a grain buyer is going to be dishonest, having a state moisture tester program certainly won't be much of a deterrent ... in fact, grain producers would probably be less suspicious and less careful if they think the state is guaranteeing the accuracy.

7) An in depth interim study by a Special Committee on Agriculture and Livestock found that no legislation should be considered that would regulate the testing of grain moisture testers. A copy of that report is attached. I submit to you that there has been no significant changes in the circumstances on which that decision was based. Members of that committee included Chairman Polson, Representatives Hamm, Roenbaugh and Weaver.

Mr. Chairman, we have several members present today who would like to bring brief testimony before your committee. With your permission, I would introduce the first at this point.

In summary, our association has not been convinced to this point that there is a need for this type of legislation. I believe that our grain elevator and feedlot industry in Kansas is comprised of honest business people who only desire to have good service at a fair price. They want their moisture testers to be as accurate as possible but they don't believe that state regulation will benefit anyone. If there is one thing our members are saying during this economic crisis in agriculture it's "cut back the growth of government and the continual onslaught of bureaucratic regulations". Let's not impose needless regulation on an already over burdened industry.

Thank you.

transportation of taxable and some nontaxable fuels over the highways of Kansas (involves checking manifests and bills of lading); (4) checking quality of gasoline by distillation; (5) calibrating, testing, and monitoring meters used for the retail sales of fuels; and (6) checking and monitoring alcohol blended fuels.

The Committee also heard that, in regard to the inspection of measuring devices of refined petroleum products, the State Board of Agriculture has only direct involvement in LP Gas meter inspection. Other refined petroleum product meter inspection is statutorily assigned to the Director of Taxation. K.S.A. 83-125 provides the Director of Taxation the authority to act as a Deputy State Sealer to "measure, calibrate, and certify the capacity of motor vehicle fuel and liquid fuel dispensing pumps, meters or other devices, and vehicle tanks used in the transportation thereof." However, it was pointed out to the Committee by the Board of Agriculture that one of the current weights and measures statutes (K.S.A. 83-122) is sufficiently broad to authorize the State Sealer's indirect activities in the inspection of all measuring devices of refined petroleum products.

The Kansas Oil Marketers Association said that the Association supports the testing of metering devices on tank wagons. The representative of the Association suggested that private industry be authorized to inspect and repair these meters and that the Division of Inspections of the State Board of Agriculture be authorized to enforce the program.

Grain Moisture Measuring Devices. Conferees gave testimony regarding the possible development of a grain moisture testing program at its September meeting at Kansas State University. The Committee heard from the following: the Assistant Secretary of the State Board of Agriculture; the Director of the Arkansas Bureau of Standards, with regard to the program of grain moisture meter testing in Arkansas; a representative of the Kansas Cooperative Council; a representative of the Kansas Grain and Feed Dealers Association; managers from two Kansas elevators; a representative of the Kansas Farm Bureau; a representative of the Kansas Livestock Association, plus three of the organization's members; a representative of the Kansas Association of Wheat Growers;

and a representative of the Dickey-John Corporation, a manufacturer of grain moisture measuring devices.

The representative of the Arkansas Bureau of Standards conducted a demonstration for the Committee using several different types of moisture measuring devices. He related these demonstrations to the type of program that they have had in Arkansas since 1973. He stated that samples are carried to the measuring device to be tested. If the device is found to be out of compliance, then the device must be repaired or no longer used to determine moisture levels of incoming grain. The Arkansas representative indicated that he has three employees, approximately 215 grain elevators to monitor, and is funded by general revenue.

The Kansas Farm Bureau supports legislation which would require the Board of Agriculture to establish rules, regulations, specifications, and standards for the inspection of grain moisture measuring devices used for commercial purposes. The Committee was told that several states have adopted a program of inspection and regulation of their state's grain moisture meters. In addition, the Committee was told that the National Bureau of Standards does have guidelines for the operation of a state inspection program. The Farm Bureau indicated that if grain moisture measuring devices are accurate enough to dock the weight and price of producer's grain, then they should be accurate enough to stand a test by an agency such as the Kansas State Board of Agriculture.

However, the Committee heard several conferees in opposition to the establishment of a grain moisture measuring testing program. Among those testifying in opposition were the Kansas Livestock Association, the Kansas Association of Wheat Growers, and the Kansas Grain and Feed Dealers Association. The following reasons for opposing the initiation of such a program were cited: (1) other variables such as temperature, contamination of a sample, and inaccurate weighing could have an influence on the moisture reading; (2) a check and balance system is already in place through buyers who want to assure grain does not go out of condition and buyers who want to make sure their grain is measured accurately; (3) lack of conclusive data on the differences

between grain moisture measuring devices; (4) lack of sophistication in calibrating moisture testers; (5) additional costs to the state; and (6) the false sense of security that a state inspection program affords, making the testing devices more susceptible to inaccurate readings.

Large Capacity Scale Inspection Program. In regard to the Large Capacity Scale Inspection Program, the Committee heard from a representative of the Kansas State Board of Agriculture, a local farmer's cooperative, the Kansas Grain and Feed Dealers, the Kansas Livestock Association, and the Kansas Farm Bureau.

After a description of the current large capacity scale testing program, the representative of the Board suggested two alternatives to correct the problems and shortcomings of the present program. The two alternatives suggested were: (1) infuse sufficient State General Fund moneys to purchase additional scale trucks and hire additional inspectors to allow annual inspection, or (2) transfer the scale accuracy assurance to private industry with state regulatory overviews.

The representative from the Kansas Grain and Feed Dealers testified that his organization has no problem with a proposal as was presented in 1984 H.B. 3119. However, the representative of the Kansas Livestock Association indicated that his organization did not believe large capacity scales should be required to be tested annually and felt that the present program works well.

#### Committee Conclusions and Recommendations

During the course of discussion on this proposal, the Committee heard that there was a model weights and measures bill that several states have approved. Those states, like Kansas, had weights and measures statutes, but were some what out of date and in need of being recodified. The Committee asked staff to draft a model weights and measures bill to recodify the Kansas statutes in this area. The proposed bill would bring Kansas more into line with the uniform law that has been approved in other states, and which has been

recommended by the U.S. Bureau of Standards. Therefore, the Committee recommends H.B. 2005 to the 1985 Legislature.

The Committee recommends no legislation be introduced to implement a program to test grain moisture measuring devices in the state. The Committee concluded that the testing may cause a disruption in the normal day-to-day operation of a grain elevator or feedlot. This would be the case if a moisture measuring device were tagged as "out of compliance" during the harvest seasons.





# PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS  
Representative Lloyd Polson, Chairman  
February 25, 1986

RE: H.B. 2963 - Requiring the testing and inspection  
of moisture measuring devices

Presented by:  
John K. Blythe, Assistant Director  
Public Affairs Division  
Kansas Farm Bureau

Mr. Chairman and Members of the Committee:

I am John Blythe, Assistant Director of the Public Affairs Division of Kansas Farm Bureau. I am speaking on behalf of the farmers and ranchers who are members of Kansas Farm Bureau in the support of H.B. 2963 which will require the testing and inspection of moisture measuring devices at least annually for accuracy.

During the 1985 Kansas Legislative Session the statutes relative to Large Capacity Scales were amended. The statutes were amended to allow large capacity scale testing and service companies to be licensed, regulated and supervised by the state sealer so that these companies would be authorized to test and inspect large capacity scales for accuracy.

H.B. 2963 follows very closely the provisions of the Large Capacity Scales statutes and we believe those provisions of law will serve the "moisture measuring devices" legislation as well.

The Kansas Farm Bureau has had a policy position of supporting state inspection of grain moisture testing devices

2/25/86 Hs. ASB  
Attachment IV

since 1967. We believe that this legislation is long overdue and we encourage this Committee give serious consideration to the adoption of this legislation during the 1986 Session of the Kansas Legislature.

Following is the Farm Bureau current policy statement on this issue:

### **Grain Moisture Testers**

**We recommend and will support legislation to require the State Board of Agriculture to establish rules, regulations, specifications and standards for inspection of moisture testing devices used in commerce in the State of Kansas.**

Kansas is not "breaking new sod" in this effort to have grain moisture measuring devices inspected and tested for accuracy. Several states have a program of inspection and regulation of their state's grain moisture meters.

The National Bureau of Standards does have guidelines for operation of a state inspection program. Those guidelines include the checking of the moisture meter scales, thermometers and charts for the meter. We would recommend that rules and regulations be proposed and adopted by the state sealer which would include strict instructions for the daily care of the devices and operating instructions for the operator which should be in plain view of the grain producer. The rules and regulations would include other items such as acceptable tolerances in the moisture meter readings for different ranges of moisture.

Proposed rules and regulations would first be subject to scrutiny by the Rules and Regulations Committee and then, of

course, the Agriculture Committee can have a "shot" at the rules and regulations.

We certainly know that the grain moisture meter, an electronic device, cannot assure 100 percent calibration with the oven test at all moisture levels. However, advancements have been made the last few years in these electronic devices to eliminate human error by automatic "read-out" with adjustments for temperature and weight of the grain sample. A program of checking the meters for accuracy along with rules and regulations establishing guidelines for the care and operation of a moisture meter would be helpful to eliminate the poor and inaccurate meters in the state. We in Farm Bureau believe that a reasonable program of moisture meter testing, and inspections, supervised by the State Board of Agriculture would be of benefit to the grain trade and producers alike.

The following states have enacted legislation which require the testing and certification of moisture measuring devices used for grains. The list of states which had legislation and regulations prior to Jan. 1, 1984 are as follows:

Arkansas	Illinois	Mississippi
California	Indiana	Missouri
Colorado	Iowa	Nebraska
Delaware	Kentucky	South Carolina
Florida	Louisiana	Tennessee
Georgia	Maryland	Virginia
		Wisconsin

When grain is purchased or sold in Kansas, such transactions are based upon weight and quality of the product.

Moisture measuring devices are used in nearly all grain transactions to determine the relative moisture content of the grain. This moisture content is then used as a factor in the pricing of the grain, similar to the grade and test weight. Just as it is critical and important that scales be calibrated and maintained in accurate working order, moisture measuring devices must also be calibrated and their accuracy maintained.

At the present time Kansas has no statute, rule or regulation which address the accuracy of moisture measuring devices.

For those who believe that testing and regulations are unnecessary, I can only ask, whose interests are they protecting? I would quote from the Extension News and Features release mailed June 24, 1983 in which Professor Keith Behnke of the Department of Grain Science at K.S.U. is quoted in saying that "the accuracy of moisture meters is important and the meter's readings are critical to farmers selling grain because as little as one percentage point more or less moisture in the grain can mean a big difference in the price of the grain that is sold."

Professor Keith Behnke surveyed grain moisture meters at 50 elevators in 1982 and revisited 43 of the elevators in 1983. The average of his survey is very acceptable. The average of the 500 samples (10 from each elevator) in 1982 and the 430 samples in 1983 indicated a low average tolerance of error. But, the important fact is that in 1982, the meters varied in a range from +2.25 percent to a -2.7 percent; that makes a total error range of 4.95 percent. In 1983 the range was from +2.4 percent to a -1.6

percent or a total error of 4 percent. Please observe that those meters that were <sup>registering</sup> ~~requesting~~ low moisture in 1982, must have been corrected in 1983.

This reminds me of the old story about the farmer who set in his kitchen with one foot in a tub of ice water and the other foot in the kitchen stove's oven---on the average he was comfortable!!

Professor Behnke, in his summary, stated that several meters were recalibrated after the results of the 1982 survey were returned to the participants. Professor Behnke also stated that some meters appeared to be out of calibration and were in need of attention.

In 1984, when the Kansas Legislature was considering this same issue, Gary Rowley, a farmer in Wabaunsee county testified before the House and Senate Agriculture committees.

The impact of this testimony was as follows:

Gary took a sample of corn (same sample) to several commercial testers. Results of two of his samples are as follows:

Corn Samples of Gary Rowley (1983)

sample number	Kansas weights measures	Farm Tester #1	Farm Tester #2	Alta Vista Coop	Alma Coop	Council Grove Western Grain		Tri-County Feedlot
		#1	#2	#1	#2			
#1	16.3	16.75	16.61	17.8	17.6	16.5	16.48	
#2		17.0		19.4				17.0

For sample #1 Gary told the Committee that the difference between a 16.3 percent and 17.8 percent test at the Alta Vista Coop was \$42.00 on a 300 bushel load of corn. For sample #2 the

difference between a 17 percent and 19.4 percent test would be \$94.50 on a 300 bushel load of corn.

I am sure that you would agree that \$42.00 on one load of corn and \$94.50 on another load should not be taken lightly.

Recall that the error in Professor Behnke's survey in 1983 was a +2.4 percent and the difference in Gary's #2 sample was 2.4 percent which would result in a \$94.50 dock on a 300 bushel load of corn.

Mr. Chairman and members of the committee our members do not take those examples of dockage lightly.

Again, we will state that if the moisture measuring devices are accurate enough to impose a dockage on a load of grain then they should be accurate enough to withstand testing and inspection.

Thank you Mr. Chairman and members of the committee. If there are questions, I will attempt to answer them.

Statement of the KANSAS STATE BOARD OF AGRICULTURE  
to the  
HOUSE AGRICULTURE COMMITTEE  
on HB 2963  
Testing and Inspection of Moisture Measuring Devices

Mr. Chairman and members of the Committee:

We appreciate the opportunity to respond to this Committee in respect to HB2963, Testing and Inspection of Moisture Measuring Devices. This legislation, in one form or another, has been presented to the legislature in this state since at least 1957. In that time, there has been considerable progress in technology as far as determining the moisture content in grain. In fact, there has been appreciable inroads during the past two or three years.

According to our information, there are three bills at the present time being considered by this legislature on moisture measuring devices. They are: SB290, HB2263 and HB2963. We would like to address HB2963 at this time.

HB2963 contains the same philosophy as HB2003-bulk meters and HB2004-large capacity scales which was passed last year. This type of legislation allows service company representatives to test devices for accuracy and to make necessary repairs. This concept is a good approach for enforcement in our opinion.

An area of concern we have on this bill is that it outlines the procedures for testing which are not the same as those outlined in Handbook 44 as adopted by the National Conference of Weights and Measures Officials. We would recommend that Weights and Measures be allowed to use the same procedures as those outlined in Handbook 44. These procedures are the most current recognized methods of testing moisture measuring devices.

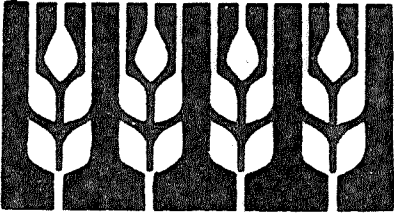
Seminars will be conducted for service technicians before they are registered so they will have the training required by Weights and Measures before they go out to service the devices.

There is concern that there are only three known service companies in the state. It is not known whether this will provide adequate service to all the moisture meters in the state. As this program is implemented, it may require monitoring some areas of the state more often than others.

There has been considerable discussion on this subject over the years. If this proposed bill becomes law, the Kansas State Board of Agriculture is ready to put it into implementation. Thank you for your time. If there are any questions, we will respond if you so desire.

2/25/86 Hs. ASB  
Attachment V

KANSAS ASSOCIATION  
OF WHEAT GROWERS



House Committee on Agriculture & Small Business  
Lloyd Polson, Chairman  
Tuesday, February 25, 1986  
Hearing on HB 2963 - State testing of moisture meters

Mr. Chairman and members of the committee, my name is Howard Tice, and I am Executive Director of the Kansas Association of Wheat Growers. I appreciate this opportunity to present the views of Kansas wheat producers on HB 2963.

We recognize the concerns expressed by some of the other farm organizations, particularly from feed grain producers. In the past, we have opposed bills for the testing of moisture meters, on the grounds that the methods suggested for state testing have not been shown to guarantee accuracy in the Kansas grain storage environment, and would therefore constitute as much threat as assistance to producers. We have also expressed concern that a meter might be taken out of service in the middle of harvest, and later found to be accurate when tested in an approved company laboratory.

HB 2963 addresses our concerns in that testing would be done on a regular, once a year basis, and done by state licensed private companies. The tests could be scheduled at a time convenient to elevator and customers alike, which would reduce the likelihood of harvest disruption. The idea proposed in HB 2963 also reduces the concern that the testing methods may not be able to guarantee testing accuracy on the part of the inspectors, due to the spreading of the work load among several companies, and the scheduling of inspections in such a way as to avoid the problem of having to be on the road too long to maintain accuracy in samples.

I understand that there may be a problem with reference to the type of equipment in the bill, so I would urge the committee to look at that area closely.

With that one concern stated, I would conclude by saying that moisture variances traditionally are not as big a problem in wheat as in other grains, and our past opposition has been to testing methods, and because of fears of harvest disruption. We can support this bill because it appears to speak to the needs of feed grains producers within the framework of a more reliable testing scheme.

2/25/86 Hs. A.S.B.  
Attachment VI