

Approved February 16, 1988  
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Clifford Campbell at  
Chairperson

9:05 a.m./p.m. on February 10, 1988 in room 423-S of the Capitol.

All members were present ~~except~~:

Committee staff present: Raney Gilliland, Legislative Research Department  
Marjorie Brownlee, Committee Secretary

Conferees appearing before the committee: Dr. A. T. Kimmell, Animal Health Department  
Mike Beam, Kansas Livestock Association  
Donald Jacka, Kansas State Board of Agriculture

A hearing was held on HB 2766 which concerns livestock brands.

Dr. A. T. Kimmel, Animal Health Department, addressed the Committee with regard to the change in K.S.A. 47-717 which would shorten the period that a renewal of a brand registration now requires. Instead of three notices, the Animal Health Division is requesting the mailing be decreased to two thereby effecting a savings of \$350 monetarily, the man hours to do the third mailing, and shortening the "limbo" status for the brand and/or registrant. He also stated the bill calls for "F" branding to be added to K.S.A. 47-418 which would update the statute and add another tool for disease control. (Attachment I)

Mike Beam, Kansas Livestock Association, spoke in favor of HB 2766.

A brief question and answer period and discussion followed the presentations

Representative Eckert moved to pass HB 2766. The motion was seconded by Representative Bryant. The motion carried.

Donald Jacka, Kansas State Board of Agriculture, was acknowledged by Chairman Campbell. Mr. Jacka was present to request of the Committee two amendments proffered by the State Department of Agriculture regarding scales (Attachment II) and motor vehicle fuel and liquid fuel dispensing pumps and measuring devices. (Attachment III)

After presenting facts concerning the need for these bills, Mr. Jacka answered questions by members of the Committee in explanation of the reasons for these bills.

Representative Solbach moved that the Committee introduce two bills which would effect the amendments proposed by the Kansas State Board of Agriculture. Representative Neufeld seconded the motion. The motion was passed by the members of the Committee.

The meeting was adjourned at 9:50 a.m.

The next meeting of the House Agriculture and Small Business Committee is February 11, 1988, at 9:00 a.m.



The change asked for in K.S.A. 47-417 would shorten the period that a renewal of brand registration now allows.

For example: assume you had a brand for which the registration expired on April 1, 1988 and you failed to renew at that time. From April 1 to October 1 your brand would be placed in a delinquency status, and the use of a delinquent brand shall be unlawful. However, it remains delinquent for a period of 1 year and if you fail to request renewal, it then constitutes abandonment of any and all property rights. Therefore, this brand is in limbo from April 1, 1988 to October 1, 1989 - a period of 18 months. The brand is then made available for registration to another party.

We would like to shorten the grace period from 6 months to 60 days (2 months). We are also asking to shorten the delinquent period from 1 year to 120 days (4 months). Thus shortening the limbo status to 6 months from April 1, to October 1 of the same year.

The fiscal impact would be favorable for the Department. We now send three (3) notices to the registrant, if they do not renew or do not let us know that they wish to cancel. The first notice is sent prior to the April 1 renewal date. The second is mailed during the grace period; prior to being placed in the delinquent status. The third notice is sent just prior to the brand being cancelled. The savings and earnings should exceed \$350 per renewal year. This includes the printing of the third notice, the envelopes and postage. Not included in this is the amount of time it takes the Brands Division staff to prepare and work up these notices.

If our proposed changes are adopted we plan to only send two (2) notices to the registrant. We will save mailing costs on those not renewed.

The second method of savings to the Animal Health Department is that the brand becomes available to register to someone else much sooner. Approximately 200 brands would become available 12 months earlier than the present system. Each year this could amount to a \$7,000 increase in income if all of these brands were registered to another party.

As you see, brands not renewed which amount to approximately 5% of our first notice sent, generate no income for one and one-half years.

The request to add "F" branding to K.S.A. 47-418 is updating this statute after initiating our "F" branding regulation last September 1. This regulation states that all heifers under 18 months of age from the seven (7) high Brucellosis incidence states must be marked with a "F" on the left jaw or left tailhead. This indicates a "Feeder" and this heifer cannot be kept for breeding.

We are adding the "F" brand to "B", "T", "S" and "V" all of which can be branded on the jaw or the tailhead for disease control.

This fiscal impact is of no importance except "F" branding is another tool that we are now using to help eliminate Brucellosis from the cattle herds in Kansas. Hopefully, Kansas can become Brucellosis free by 1991.

**Article 3.—LARGE-CAPACITY SCALES**

**83-301.** Definitions. As used in K.S.A. 1985 Supp. 83-301 to 83-311, inclusive:

(a) ~~“Large-capacity scale” means any scale having a weighing capacity of 5,000 pounds or more which is used as a motor vehicle or livestock scale;~~

device used for the commercial weighing of commodities

(b) “Person” means any individual, partnership, association, corporation or governmental agency;

(c) “State sealer” means the state sealer of weights and measures;

(d) “Place of business” means any location from which a ~~large~~ scale testing and service company, or one or more representatives or employees thereof, sell and perform services for the purpose of testing, repairing, adjusting or calibrating ~~large~~ scales;

(e) “Technical representative” means an individual who is employed by a ~~large~~ scale testing and service company and who is responsible for the proper repair, adjustment or calibration of ~~large~~ scales by the ~~large~~ scale testing and service company at a place of business.

History: L. 1985, ch. 343, § 1; July 1.

**83-302.** Large-capacity scales; testing and service company license required; application; fees; out-of-state places of business; technical representatives, registration; weights tested by state sealer; deposit of moneys. (a) Each person desiring to operate and perform testing and other services as a ~~large~~ scale testing and service company in Kansas shall apply to the state sealer for a ~~large~~ scale testing and service company license, on a form to be supplied by the state sealer, and shall obtain such license from the state sealer before operating and performing testing or other services as a ~~large~~ scale testing and service company. Each ~~large~~ scale testing and service company shall obtain a license for each place of

business maintained in Kansas and shall pay a license application fee of \$50 and thereafter an annual license renewal application fee of \$50 for each place of business. Each ~~large~~ scale testing and service company license shall expire on June 30 following issuance and shall not be transferable.

(b) If any ~~large~~ scale testing and service company maintains any out-of-state places of business which the company operates in serving Kansas patrons, the applicant seeking to obtain or renew a license under this section shall list in the application such places of business and the firm names under which the company operates at each such place of business. If any out-of-state place of business is established by a ~~large~~ scale testing and service company after being licensed under this section, the licensee shall supply such information to the state sealer before any work is performed in Kansas from such out-of-state location. Each non-resident ~~large~~ scale testing and service company shall designate a resident agent to whom service of notice or process may be made to enforce the provisions of K.S.A. ~~1977~~ Supp. S3-301 to S3-311, inclusive, or any liabilities arising from operations thereunder. Each nonresident ~~large~~ scale testing and service company which maintains no established place of business in Kansas shall obtain a license under this section for each out-of-state place of business and shall list on the application the firm name or names for each place of business from which the ~~large~~ scale testing and service company intends to operate.

(c) On and after September 1, 1985, each ~~large~~ scale testing and service company shall have each of their technical representatives registered annually by the state sealer. The technical representative shall be required to pass a reasonable examination prescribed by the state sealer before being registered. On and after September 1, 1985, each ~~large~~ scale testing and service company shall have at least one registered technical representative in its employ at each licensed place of business.

(d) No ~~large~~ scale testing and service company license may be issued or renewed under this section until the applicant's weights have been tested for accuracy and sealed by the state sealer. The state sealer is authorized to accept a certification of the accuracy of the applicant's weights or measures issued by the national bureau of standards or by a weights and measures laboratory certified by the national bureau of standards in lieu of a test by the state sealer, if such certificate shows that the weights or measures have been tested within the 12

(c) The state sealer shall remit all moneys received under this section to the state treasurer at least monthly. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the weights and measures fee fund.

History: L. 1985, ch. 343, § 2; July 1.

**83-303.** Rules and regulations of state board of agriculture; access to private premises by state sealer. (a) The state board of agriculture with the recommendation of the state sealer may adopt, amend and re-

make reasonable rules and regulations con-

standards of workmanship for large scale testing and service companies;

(2) requirements for contractual responsibilities and fulfillment of agreements by large scale testing and service companies;

(3) furnishing of reports and information necessary for the state sealer to carry out the provisions of K.S.A. 1985 Supp. 83-301 to 83-311, inclusive; and

(4) other matters necessary for the administration of the provisions of K.S.A. 1985 Supp. 83-301 to 83-311, inclusive.

(b) For purposes of inspection, the state sealer or authorized representatives of the state sealer may enter upon private premises with consent of the occupant.

History: L. 1985, ch. 343, § 3; July 1.

**83-304.** Annual inspection required; exemptions; report of results; withdrawal of inaccurate scale from use; notification of state sealer. (a) The owner or operator of a large scale which is used for the commercial weighing of commodities shall have the large scale tested and inspected at least annually for accuracy. The test shall be conducted by a registered technical representative employed by a licensed large scale testing and service company in accordance with rules and regulations adopted by the state sealer. The test

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weights used by the ~~large~~ scale testing and service company shall have been approved and sealed by the state sealer pursuant to K.S.A. ~~1985~~ Supp. 83-214 and amendments thereto within the 12 calendar months preceding the date of the test. The annual tests and inspections of each ~~large~~ scale shall be at the expense of the owner or operator of the ~~large~~ scale. Farmers or ranchers who own and operate ~~large~~ capacity scales used in private treaty transactions are exempt from the annual testing requirements.

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(b) A ~~large~~ scale testing and service company which conducts tests pursuant to this section shall, at the time of testing and inspection, promptly furnish to the owner or operator of the ~~large~~ scale a report showing results of the tests and inspection. Within five calendar days thereafter, the ~~large~~ scale testing and service company shall furnish a copy of such report to the state sealer.

(c) Subject to the provisions of K.S.A. ~~1985~~ Supp. 83-215 and amendments thereto, the owner and operator of a ~~large~~ scale which is found to be inaccurate at the time of testing shall withdraw immediately the ~~large~~ scale from further use until the necessary corrections, adjustments or repairs are made and the ~~large~~ scale is determined to be accurate by a ~~large~~ scale testing and service company. ~~Large~~ scales which have been repaired or serviced shall meet the tolerances and specifications adopted by the state sealer by rule and regulation. The ~~large~~ scale testing and service company shall notify the state sealer of any ~~large~~ scales which are found not to comply with such tolerances and specifications. A copy of the report prepared by the ~~large~~ scale testing and service company showing the results of the ~~large~~ scale test and the work done to correct any deficiencies shall be filed with the state sealer by the owner or operator of the ~~large~~ scale within 15 days after the test and inspection has been completed.

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History: L. 1985, ch. 343, § 4; July 1.

**83-305. Test of large scale for accuracy by state sealer, when.** When the state sealer has been notified by a licensed ~~large~~ scale testing and service company that a ~~large~~ scale does not comply with tolerances and specifications adopted by the state sealer, by rule and regulation, then the state sealer



may test the ~~large~~ scale for accuracy after repairs have been made.

History: L. 1985, ch. 343, § 5; July 1.

**83-306.** Falsifying accuracy of scale and filing false reports prohibited. No person may falsify a test or determination of the accuracy of a ~~large~~ scale tested under K.S.A. ~~1985~~ Supp. 83-301 to 83-311, inclusive, or shall file with the state sealer a false report of any test of a ~~large~~ scale under K.S.A. ~~1985~~ Supp. 83-301 to 83-311, inclusive.

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History: L. 1985, ch. 343, § 6; July 1.

**83-307.** Railroad track scales exempt from act. K.S.A. ~~1985~~ Supp. 83-301 to 83-311, inclusive, do not apply to a railway track scale used exclusively for the weighing of commodities on railroad vehicles.

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History: L. 1985, ch. 343, § 7; July 1.

**83-308.** Grounds for revocation of, suspension of, failure to renew or failure to issue a license; suspension of license without a hearing, when. (a) At any time after a hearing held under K.S.A. ~~1985~~ Supp. 83-309, the state sealer may revoke, suspend, decline to renew or decline to issue a ~~large~~ scale testing and service company license, when the ~~large~~ scale testing and service company:

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(1) Has refused to provide the state sealer with reasonably complete and accurate information regarding methods used, materials used or work performed; or

(2) has failed to comply with any provision or requirement of K.S.A. ~~1985~~ Supp. 83-301 to 83-311, inclusive, or the Kansas weights and measures laws or any rule and regulation adopted thereunder.

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(b) On and after September 1, 1985, the state sealer shall suspend the license of any ~~large~~ scale testing and service company which does not have a registered technical representative at each licensed place of business. Suspension pursuant to this subsection shall not require a hearing.

History: L. 1985, ch. 343, § 8; July 1.

**83-309.** Notice and hearing; conduct of hearing; appointment of hearing officer; effect of decision and order of state sealer; service thereof. (a) Before any ~~large~~ scale testing and service company license may be revoked, denied renewal, or suspended for any cause other than for failure to have a registered technical representative at each

licensed place of business, the state sealer shall inform the licensee of a date and place of hearing upon a proposed revocation, denial or suspension. The notice of hearing shall be sent to the licensee at least 15 days prior to the hearing date and shall be served upon the licensee by letter sent to the licensee's address as shown by the records of the state sealer and setting out the time and place of the hearing and the alleged grounds for revocation, denied renewal or suspension.

(b) The licensee shall have the right to appear at the hearing in person and by counsel and to testify and introduce evidence. If the licensee fails to appear, the matter may be heard in the licensee's absence.

(c) Any such hearing may be conducted by the state sealer or by a hearing officer duly appointed by the state sealer. The state sealer may appoint a hearing officer to make investigations and conduct hearings under this section. The state sealer and the hearing officer may administer oaths in the making of investigations or conducting of hearings under this section and the state sealer may provide for a record to be made of any such hearing or investigation.

(d) The hearing officer shall report findings and recommendations to the state sealer. The state sealer may consider the record made by the hearing officer and the state sealer may hear additional evidence and hold further hearings or make further investigations, if the state sealer so desires. The decision and order of the state sealer shall have the same force and effect as though the entire hearing and investigation had been held before the state sealer. The decision and order shall become effective on the date set by the state sealer. Service of a copy of the decision and order shall be made in the same manner as provided for notice of hearing.

History: L. 1985, ch. 343, § 9; July 1.

**83-310. Unlawful acts.** It is unlawful for any person, other than the state sealer or the state sealer's authorized representative, to: a. Operate or perform services as a large scale testing and service company without having a valid large scale testing and service company license; or

b. adjust, calibrate or repair any large scale testing and service company equipment other than at the person's residence or

at the person's established place of business without having a valid ~~large~~ scale testing and service company license.

History: L. 1985, ch. 343, § 10; July 1.

~~83-311~~. Penalty for violations. Any person violating or failing to comply with any of the provisions of K.S.A. ~~1985~~ Supp. 83-301 to 83-311, inclusive, or violating or failing to comply with any authorized rule and regulation of the state sealer adopted thereunder, shall be deemed guilty of a class A misdemeanor. Each separate violation shall be a separate misdemeanor.

History: L. 1985, ch. 343, § 11; July 1.

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**Article 4.—MOTOR-VEHICLE FUEL AND LIQUID FUEL DISPENSING PUMPS AND MEASURING DEVICES**

**83-401.** Motor-vehicle fuel and liquid fuel dispensing pumps, meters and similar measuring devices and vehicle tanks used in transportation thereof; definitions. As used in K.S.A. 1985 Supp. 83-401 to 83-410, inclusive:

(a) "Person" means any individual, partnership, association, corporation or governmental agency but does not include the state sealer or the state sealer's authorized representative or the director of taxation or the director's authorized representative when performing duties as a deputy state sealer under K.S.A. 1985 Supp. 83-221 and amendments thereto;

(b) "State sealer" means the state sealer of weights and measures;

(c) "Place of business" means any location from which a testing service, or one or more representatives or employees thereof, sell and perform services for the purpose of testing, repairing, adjusting, measuring or calibrating motor-vehicle fuel and liquid fuel dispensing pumps, meters or other similar measuring devices and vehicle tanks used in the transportation thereof;

(d) "Technical representative" means an individual who is employed by a testing service and who is responsible for the proper repair, adjustment or calibration of motor-vehicle fuel and liquid fuel dispensing pumps, meters or other similar measuring devices and vehicle tanks used in the transportation thereof by the testing service at a place of business;

(e) "Testing service" means a person

who measures, calibrates, tests, repairs, adjusts and certifies the capacity of motor-vehicle fuel and liquid fuel dispensing pumps, meters or other similar measuring devices and vehicle tanks used in the transportation thereof, but such term does not include a technical representative.

**History:** L. 1985, ch. 344, § 1; July 1.

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**83-402. Same; testing service license** required; application; fees; technical representative registration; weights and measures tested for accuracy by state sealer; deposit of moneys. (a) Each person desiring to operate and perform testing and other services as a testing service in Kansas shall apply to the state sealer for a testing service license, on a form to be supplied by the state sealer, and shall obtain such license from the state sealer before operating and performing testing or other services as a testing service. Each testing service shall obtain a license for each place of business maintained in Kansas and shall pay a license application fee of \$50 and thereafter an annual license renewal application fee of \$50 for each place of business. Each testing service license shall expire on June 30 following issuance and shall not be transferable.

(b) If any testing service maintains any out-of-state places of business which the testing service operates in serving Kansas patrons, the applicant seeking to obtain or renew a license under this section shall list in the application such places of business and the firm names under which the testing service operates at each such place of business. If any out-of-state place of business is established by a testing service after being licensed under this section, the licensee shall supply such information to the state sealer before any work is performed in Kansas from such out-of-state location. Each nonresident testing service shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of K.S.A. ~~1985~~ Supp. 83-401 to 83-410, inclusive, or any liabilities arising from operations thereunder. Each nonresident testing service which maintains no established place of business in Kansas shall obtain a license under this section for each out-of-state place of business and shall list on the application the firm name or names for each place of business from which the testing service intends to operate.

(c) On and after September 1, 1985, each testing service shall have each of their technical representatives registered annually by the state sealer. The technical representative shall be required to pass a reasonable examination prescribed by the state sealer before being registered. On and after September 1, 1985, each testing service shall have at least one registered technical representative in its employ at each licensed place of business.

(d) No testing service license may be issued or renewed under this section until the applicant's weights and measures have been tested for accuracy and sealed by the state sealer. The state sealer is authorized to accept a certification of the accuracy of the applicant's weights or measures issued by the national bureau of standards, by a weights and measures laboratory certified by the national bureau of standards, or by the appropriate certifying agency of another state in lieu of a test by the state sealer, if such certificate shows that the weights or measures have been tested within the 12 calendar months next preceding the license application.

(e) The state sealer shall remit all moneys received under this section to the state treasurer at least monthly. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the weights and measures fee fund.

**83-403.** Same; rules and regulations of state board of agriculture; access to private premises by state sealer. (a) The state board of agriculture with the recommendation of the state sealer may adopt, amend and revoke reasonable rules and regulations concerning:

(1) Standards of workmanship for testing services;

(2) requirements for contractual responsibilities and fulfillment of agreements by testing services;

(3) furnishing of reports and information necessary for the state sealer to carry out the provisions of K.S.A. ~~1985~~ Supp. 83-401 to 83-410, inclusive; and

(4) other matters necessary for the administration of the provisions of K.S.A. ~~1985~~ 83-401 to 83-410, inclusive.

state sealer may enter upon private premises with consent of the occupant.

History: L. 1985, ch. 344, § 3; July 1.

**83-101. Annual inspection required; exemptions; report of results; withdrawal of inaccurate pump or device from use; notification of state sealer.** (a) The owner or operator of a motor-vehicle fuel and liquid fuel dispensing pump, meter or other similar measuring device, and vehicle tank used in the transportation thereof, which are used for commercial purposes shall have such device and tank tested and inspected at least annually for accuracy. The test shall be conducted by a testing service in accordance with rules and regulations adopted by the state sealer. The test weights and measures used by the testing service shall have been approved and sealed by the state sealer pursuant to K.S.A. 1985 Supp. 83-214 and amendments thereto within the 12 calendar months preceding the date of the test. The annual tests and inspections shall be at the expense of the owner or operator.

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(b) Owners or ranchers who own and operate a motor-vehicle fuel and liquid fuel dispensing pump, meter or other similar measuring device, and vehicle tank used in the transportation thereof, used in private treaty transactions are exempt from the annual testing requirements.

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(c) A testing service which conducts tests pursuant to this section, at the time of testing and inspection, shall promptly furnish to the owner or operator a report showing the results of the tests and inspection. Within five calendar days thereafter, the testing service shall furnish a copy of such report to the state sealer.

(d) Subject to the provisions of K.S.A. 1985 Supp. 83-215 and amendments

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thereto, the owner and operator of a motor-vehicle fuel and liquid fuel dispensing pump, meter or other similar measuring device and vehicle tank used in the transportation thereof, which are found to be inaccurate at the time of testing shall withdraw immediately the device and tank from further use until the necessary corrections, adjustments or repairs are made and the device is determined to be accurate by a testing service. The devices which have been repaired or serviced shall meet the tolerances and specifications adopted by

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any devices which are found not to comply with such tolerances and specifications. A copy of the report prepared by the testing service showing the results of the test and the work done to correct any deficiencies shall be filed with the state sealer by the owner or operator of the device within 15 days after the test and inspection have been completed.

History: L. 1985, ch. 344, § 4; July 1.

**83-105.** Test of pump, meter or measuring device for accuracy by state sealer, when. When the state sealer is notified by a license testing service that a motor-vehicle fuel and liquid fuel dispensing pump, meter or other similar measuring device and vehicle tank used in the transportation thereof does not comply with tolerances and specifications adopted by the state sealer, by rule and regulation, the state sealer may test for accuracy after repairs have been made.

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History: L. 1985, ch. 344, § 5; July 1.

**83-106.** Falsifying accuracy of pump, meter or measuring device and filing false reports prohibited. No person may falsify a test or determination of the accuracy of a motor-vehicle fuel and liquid fuel dispensing pump, meter or other similar measuring device, and vehicle tank used in the transportation thereof, tested under K.S.A. 1985 Supp. 83-401 to 83-410, inclusive, or shall file with the state sealer a false report of any test under K.S.A. 1985 Supp. 83-401 to 83-410, inclusive.

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History: L. 1985, ch. 344, § 6; July 1.

**83-107.** Grounds for revocation of, suspension of, failure to renew or failure to issue a license; suspension of license without a hearing, when. (a) At any time after a hearing held under K.S.A. 1985 Supp. 83-408, the state sealer may revoke, suspend, decline to renew or decline to issue a testing service license, when the testing service:

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(1) Has refused to provide the state sealer with reasonably complete and accurate information regarding methods used, materials used or work performed; or

(2) Has failed to comply with any provision or requirement of K.S.A. 1985 Supp. 83-401 to 83-410, inclusive, the Kansas weights and measures laws or any rule and regulation adopted thereunder.

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History: On and after September 1, 1985, the



state sealer shall suspend the license of any testing service which does not have a registered technical representative at each licensed place of business. Suspension pursuant to this subsection shall not require a hearing.

History: L. 1985, ch. 344, § 7; July 1.

**§§-103.** Revocation, denial of renewal or suspension of license; notice and hearing; conduct of hearing; appointment of hearing officer; effect of decision and order of state sealer; service thereof. (a) Before any testing service license may be revoked, denied renewal or suspended for any cause other than for failure to have a registered technical representative at each licensed place of business, the state sealer shall inform the licensee of a date and place of hearing upon a proposed revocation, denial or suspension. The notice of hearing shall be sent to the licensee at least 15 days prior to the hearing date and shall be served upon the licensee by letter sent to the licensee's address as shown by the records of the state sealer and setting out the time and place of the hearing and the alleged grounds for revocation, denied renewal or suspension.

(b) The licensee shall have the right to appear at the hearing in person and by counsel and to testify and introduce evidence. If the licensee fails to appear, the matter may be heard in the licensee's absence.

(c) Any such hearing may be conducted by the state sealer or by a hearing officer duly appointed by the state sealer. The state sealer may appoint a hearing officer to make investigations and conduct hearings under this section. The state sealer and the hearing officer may administer oaths in the making of investigations or conducting of hearings under this section and the state sealer may provide for a record to be made of any such hearing or investigation.

(d) The hearing officer shall report findings and recommendations to the state sealer. The state sealer may consider the record made by the hearing officer and the

state sealer may hear additional evidence and hold further hearings or make further investigations, if the state sealer so desires. The decision and order of the state sealer shall have the same force and effect as though the entire hearing and investigation had been held before the state sealer. The decision and order shall become effective on the date set by the state sealer. Service of a copy of the decision and order shall be made in the same manner as provided for notice of hearing.

**History:** L. 1985, ch. 344, § 8; July 1.

**83-109. Unlawful acts.** (a) It is unlawful for any person to: (1) Operate or perform services as a testing service without having a valid license under K.S.A. 1985 Supp. 83-401 to 83-410, inclusive; or

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(2) adjust, calibrate or repair a motor-vehicle fuel and liquid fuel dispensing pump, meter or other similar measuring device, and vehicle tanks used in the transportation thereof, other than the person's own equipment without having a valid license under K.S.A. 1985 Supp. 83-401 to 83-410, inclusive.

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(b) Nothing in K.S.A. 1985 Supp. 83-401 to 83-410, inclusive, shall be construed to limit or affect the authority of the director of taxation under K.S.A. 1985 Supp. 83-221 and amendments thereto.

(c) Nothing in K.S.A. 1985 Supp. 83-401 to 83-410, inclusive, shall be construed to apply to motor-vehicle fuel or liquid fuel dispensing pumps, meters or similar measuring devices affixed to real property.

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**History:** L. 1985, ch. 344, § 9; July 1.

**83-410. Penalty for violations.** Any person violating or failing to comply with any of the provisions of K.S.A. 1985 Supp. 83-401 to 83-410, inclusive, or violating or failing to comply with any authorized rule and regulation of the state sealer adopted thereunder, shall be deemed guilty of a class A misdemeanor. Each separate violation shall be a separate misdemeanor.

**History:** L. 1985, ch. 344, § 10; July 1.