

Approved March 24, 1992
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE

The meeting was called to order by Representative Lee Hamm at
Chairperson

9:05 a.m./~~p.m.~~ on Thursday, March 19, 1992 in room 423-S of the Capitol.

All members were present except: Representative Wisdom, Representative Heinemann,
Representative Jennison (all were excused)

Committee staff present: Raney Gilliland, Legislative Research
Jill Wolters, Revisor of Statutes Office
Pat Brunton, Committee Secretary

Conferees appearing before the committee: DeVern H. Phillips, State Sealer
Administrator of the Weights and
Measures Program
Division of Inspections

Rebecca Rice
Legislative Counsel
to the Amoco Oil Company

Hearings were opened on **SB 676** - concerning weights and measures; re.
to the standards used.

DeVern H. Phillips, Division of Inspections, appeared before the committee and explained that **SB 676** deals primarily with changing nomenclature concerning name changes of what was formerly the National Bureau of Standards and is now called the National Institute of Standards and Technology. He stated this act also establishes a 10 day period during which service companies licensed under this act must provide to our office, a written report of their device testing or repairing activities. (Attachment 1).

Rebecca Rice, Legislative Counsel to the Amoco Oil Company, testified in opposition to **SB 676** due to a minor technical problem which they believe this committee can easily rectify. She further stated this legislation does not designate with specificity the publication upon which the department will rely for the standards utilized to require compliance from the public. Ms. Rice informed Chairman Hamm that if the committee could amend the bill to name, with specificity, which publication the department will require compliance with, Amoco will no longer be in opposition to this legislation. (Attachment 2).

Questions and answers followed the testimony.

After discussion, Representative Reinhardt made a motion to amend SB 676 using 1991 version of handbook 130. Representative Garner seconded. Motion carried.

Representative Reinhardt made a motion to pass SB 676 as amended. Seconded by Representative Bryant. Motion carried.

The meeting adjourned at 9:30 a.m. The next meeting of the House Agriculture Committee will be at 9:00 a.m., Tuesday, March 24, 1992, in room 423-S, State Capitol.

HOUSE AGRICULTURE COMMITTEE

TESTIMONY - SENATE BILL 676

March 19, 1992

Mr. Chairman, Members of the Committee. My name is DeVern H. Phillips. I am the State Sealer and Administrator of the Weights and Measures Program of the Division of Inspections. Senate Bill 676 deals primarily with changing nomenclature concerning name changes of what was formerly the National Bureau of Standards and is now called the National Institute of Standards and Technology.

This act also establishes a 10 day period during which service companies licensed under this act must provide to our office, a written report of their device testing or repairing activities. Current law in some places require a 5 day and in others, a 15 day time period in which to submit these reports to our office.

The current Weights and Measures program requires annualized testing of all commercial weighing and measuring devices as part of their privatized enforcement program. This privatized enforcement program has shown increases in accuracy of devices from 50-60% when only the State provided inspections to now nearly 90% accuracy in all programs.

The Weights and Measures program licenses 186 service companies whose 500 technicians test, service and repair devices throughout Kansas. Privatized Weights and Measures enforcement activities provides the work equivalency of an additional 31 field staff. Our office monitors over 40,000 weights and measures reports annually. This includes the monitoring of the activities of those companies involved in privatized testing of weighing and measuring devices.

There will be no fiscal impact upon industry nor to the

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ATTACHMENT 1

administration due to these changes requested, other than the cost to administration for printing and distribution, which is anticipated to be less than five hundred dollars (\$500.00).

TESTIMONY PRESENTED TO THE
HOUSE AGRICULTURE COMMITTEE
re: SB 676

March 19, 1992

by Rebecca Rice, Legislative Counsel
to the Amoco Oil Company

Thank you Mr. Chairman and members of the committee. I appear before you today on behalf of Amoco Oil Company in opposition to SB 676 due to a minor technical problem which we believe this committee can easily rectify.

On page two, in line 24, the committee will note that a specific handbook was designated as the standard to be utilized in carrying out the duties of the department. Please also note the very general term "any publication" stated as the new standard to be utilized in the department.

As some members of this committee will recall, the courts determined several years ago that this Legislature could not delegate its legislative authority. As you will recall, that court case is Grand Theater v. City of Topeka.

The Legislature is authorized to determine a specific publication to be the standard utilized for certain purposes. Such specific designation does not delegate authority but eliminates the necessity for reprinting certain publications in the statute books.

This legislation does not designate with specificity the publication upon which the department will rely for the standards utilized to require compliance from the public. As an industry which is subject to the authority of the Division of Weights and Measures, we would prefer to know, with specificity, with which publication we will be required to be in compliance. A certain amount of specificity can be left to the rules and regulations procedure, which we do not endorse, but this legislation is much too general even for later clarification through such procedure.

Mr. Chairman, if this committee could amend the bill to name, with specificity, which publication the department will require compliance with, Amoco will no longer be in opposition to this legislation. We recognize that requiring updated legislation as publications change and are modified is time-consuming for departments and therefore resisted. However, the legislative process is important, and the courts will not allow delegation of that process to entities in Washington over which this body has no control.

For the committee's information, I did not appear before the Senate Agriculture committee with this suggestion. It was not discussed fully by Amoco internally until after that hearing. Although this particular provision was questioned in the committee, the question of constitutionality was not raised if I remember correctly.

Thank you, Mr. Chairman.

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