

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Sen. Don Montgomery at  
Chairperson

10:00 a.m./~~p.m.~~ on March 26, 19 92 in room 423-S of the Capitol.

All members were present except:

Committee staff present:

Raney Gilliland, Legislative Research  
Jill Wolters, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Ken Wilke, Board of Agriculture  
Rebecca Rice, Amoco Production  
Ken Wasserman, Attorney at Law, Salina

The chairman asked for the committee's consideration of HB 3043, concerning cooperative marketing, which had been previously heard.

Sen. Doyen made a motion to report HB 3043 favorable for passage, Sen. Frahm seconded, and the motion carried.

Attention was turned to HB 3079, concerning weights and measures, which had been heard yesterday. Staff had worked with Rebecca Rice of Amoco Productions and Ken Wilke of the Board of Agriculture and reported that there does not seem to be a compromise. A balloon had been prepared for both as requested by Ms. Rice and by the State Board of Agriculture. (Attachments 1 and 2).

The chairman had two handouts for the committee's information. (Attachments 3 and 4).

Ken Wilke of the Board of Agriculture reported that no compromise had been reached. He feels current law would allow the dispensing of compressed natural gas if dual declaration is used which seems to be the point of disagreement.

Ms. Rice informed the committee that Amoco was told last summer that a dual display would be required. However, Amoco had researched and found a new handbook goes into effect July 1. Therefore, they chose to seek legislation to allow them to not use a dual display. Mr. Wilke stated that Handbook 67 was adopted by Rules and Regs in October of 1991. Ms. Rice noted that there was a disagreement as to what the law says, therefore, Amoco chose to ask the legislature for an exception.

Mr. Wilke said Handbook 44 which covers the subject had been adopted, and it requires that the compressed natural gas must be sold in mass units or volumes and would require a dual display. Ms. Rice said it was never planned to use a dual display because it was felt that Amoco was not subject to the law.

Sen. Webb asked what would happen if nothing is done. Both Ms. Rice and Mr. Wilke agreed that, in that case, a dual display would be required. Mr. Wilke established for Sen. Webb that as long as the pump shows mass or volume and a placard is also displayed, it would be within in the law. Sen. Webb felt that a conceptual motion to allow a placard would be in order.

Sen. Doyen made a motion to adopt the amendment requested by Amoco, Sen. Francisco seconded the motion.

Sen. Frahm stated she disagrees with legislation to overrule rules and regs.

Sen. Webb asked Mr. Wilke if displaying a placard would suffice. Mr. Wilke said it would.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE,

room 423-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 26, 1992

Sen. Webb made a substitute motion to amend HB 3079 to require a placard stating the conversion ratio, Sen. Frahm seconded.

Sen. Doyen stated that he feels this is unnecessary.

Upon a call for a vote on Sen. Webb's substitute motion, the motion failed.

The chairman called for a vote on the original motion by Sen. Doyen, and the motion carried.

Sen. Sallee made a motion to recommend HB 3079 favorable for passage as amended, Sen. Doyen seconded, and the motion carried.

SB 773 - Enacting the Kansas equine professional liability exemption act; declaring an exemption for equine professionals and equine activity sponsors from civil liability for injuries or deaths of participants resulting from the inherent risks of equine activities and requiring the posting of warning notices regarding the exemption.

Ken Wasserman, an attorney from Salina, testified in support of the bill. (Attachment 5).

The chairman asked Mr. Wasserman if he had visited with the chairman of the Judiciary committee where the bill had also been heard. Mr. Wasserman had not had a chance to do so. However, he plans to visit with the chairman and provide him information regarding a court case.

The chairman explained the reasoning for having the bill referred to two committees, Judiciary and Agriculture. It was felt that the Judiciary Committee would only determine if there would be a legal problem, but they took action, and reported it adversely. The President of the Senate asked the Judiciary Committee to reconsider its action to keep the bill alive. The chairman suggested to Mr. Wasserman that he visit with Sen. Winter, chairman of Judiciary. At this time, the Agriculture Committee will take no action. If the Judiciary Committee proceeds with it this year, an effort will be made to rerefer the bill. However, since time is running out for passage of bills this year, it is probable that it will have to be reintroduced next year.

The chairman announced that HB 3046, the dairy stabilization bill, will be the subject of discussion and possible action at tomorrow's meeting. He noted that there was a misunderstanding of the hearing date, and several milk manufacturers had thought the bill was to be heard on Tuesday rather than on Monday. If it is felt that the milk manufacturers need another day, this is possible, but committee members felt the time was too late and that they had the information they need. There have been several fax transmittals from milk manufacturers in opposition saying that the bill would cause a rise in the price of milk. However, producers hope they never have to use the fund. They are not asking for a profit but only a break even price.

The minutes of March 25 were approved.

The meeting was adjourned at 10:40 a.m.



HOUSE BILL No. 3079

By Committee on Agriculture

2-20

9 AN ACT concerning weights and measures; relating to dispensing  
10 compressed natural gas; amending K.S.A. 83-202 and 83-211 and  
11 repealing the existing sections.

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 83-202 is hereby amended to read as follows:  
15 83-202. (a) *Except as provided further:*

16 (1) The system of weights and measures in customary use in the  
17 United States and the metric system of weights and measures are  
18 jointly recognized, and either one or both of these systems shall be  
19 used for all commercial purposes in the state.

20 (2) The definitions of basic units of weight and measure, the  
21 tables of weight and measure and weights and measures equivalents  
22 as published on January 1, 1985 1991, by the national bureau  
23 institute of standards and technology are recognized and shall govern  
24 weighing and measuring equipment and transactions in the state.

25 (b) *A dispensing device used to dispense compressed natural gas*  
26 *for use as a motor vehicle fuel may display the measurement of*  
27 *natural gas in gallon equivalent units or fractions thereof, and may*  
28 *compute the sales price in such units or fractions thereof, so long*  
29 *as the volume of natural gas measured as a gallon equivalent unit*  
30 *contains not less than 112,000 British thermal units (BTUs) 120*  
31 *cubic feet.*

32 Sec. 2. K.S.A. 83-211 is hereby amended to read as follows: 83-  
33 211. *Except as otherwise provided in subsection (b) or by the sec-*  
34 *retary, commodities in liquid form shall be sold by liquid measure*  
35 *or by weight, and commodities not in liquid form shall be sold only*  
36 *by weight, measure or count so long as the method of sale provides*  
37 *accurate quantity information.*

38 (b) *Compressed natural gas dispensed and sold as a motor vehicle*  
39 *fuel may be dispensed by a dispensing device which displays and*  
40 *computes sales price in gallon equivalent units or fractions thereof,*  
41 *so long as the volume of natural gas so dispensed and measured as*  
42 *a gallon equivalent unit contains not less than 112,000 British*  
43 *thermal units (BTUs) 120 cubic feet.*

- 1 Sec. 3. K.S.A. 83-202 and 83-211 are hereby repealed.
- 2 Sec. 4. This act shall take effect and be in force from and after
- 3 its publication in the statute book.

Senate Agriculture  
3-26-92  
Attachment 1

(a)

If such dispensing is used, such device shall be the exclusive display and sales price measurement and shall not be subject to further requirements by any state agency.

As Amended by House Committee

Session of 1992

HOUSE BILL No. 3079

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Senate Agriculture  
3-26-92  
Attachment 2

Amoco Corporation

Western Area  
1670 Broadway  
Post Office Box 800  
Denver, Colorado 80201  
Public and Government Affairs  
303-830-4104  
Representing  
The Amoco Companies

E. Richard Brewster  
Director, Western Area

December 16, 1991

Mr. Sam Brownback, Secretary  
Kansas Board of Agriculture  
901 S. Kansas Ave.  
Topeka, Kansas 66612-1280

Re: Compressed Natural Gas Metering

Dear Mr. Secretary:

I sincerely appreciate your time and interest in our meeting, December 12, as we discussed the legally acceptable methods of dispensing Compressed Natural Gas as a motor vehicle fuel in Kansas. I want to also thank Director of Inspections Larry Woodson, and State Sealer DeVern Phillips for their assistance in working through this issue with us. As you know, we have been in conversation with Mr. Phillips on this issue for several weeks, since he brought it to our attention, and we deeply appreciate his efforts and willingness to help develop a solution.

To restate our understanding, your office concurred that the 1985 edition of National Bureau of Standards, does not directly speak to the acceptable methods of metering and displaying CNG. The 1985 edition has been adopted by reference by the Kansas statute. Therefore, until the Kansas Legislature amends K.S.A.83-201 et seq., we may dispense CNG to the motoring public, through a dispensing device which displays "gallon-equivalents."

The Micro-motion meter in our dispensing unit in Topeka does measure the CNG by mass, or weight, and then converts that measurement to volume, and then to gallon-equivalent, using 120 cubic feet as an equivalent gallon. One gallon of gasoline contains approximately 114,000 Btu. And, 120 cubic feet of natural gas delivered in Topeka contains approximately the same energy.

X The 1991 edition of Handbook 44, which Weights and Measures will ask the 1992 Legislature to adopt, does require natural gas to be metered and displayed by weight or volume, and makes no provision for displaying by gallon-equivalent. If the Legislature adopts the 1991 edition, the change in Kansas law will become effective July 1, 1992. With that in mind, we agreed that Amoco would continue to work with the Weights and Measures Department in Kansas so that our CNG dispensing units in Kansas will be in compliance with the law on or before July 1, 1992.

The only problem, of course, is the display itself, not the actual measuring system or device. In addition, we agreed to assist Weights and Measures in fulfilling its legal requirement to certify the accuracy of

Senate Agriculture  
3-26-92  
Attachment 3

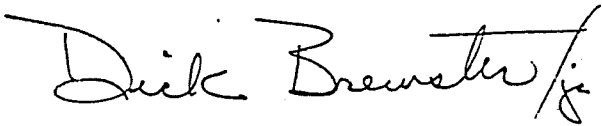
Mr. Sam Brownback, Secretary  
Page 2  
December 16, 1991

our dispensing equipment. To that end, I will facilitate getting needed testing and measuring equipment to the Topeka site at a time when Weights and Measures can use it to certify the dispensing unit.

Again, current Kansas law allows Amoco to continue dispensing CNG in Kansas through a device that displays gallon-equivalent. We will, therefore, be allowed to continue this method of dispensing CNG and will work with Weights and Measures so that we will be in compliance with anticipated changes in the law, on or before these anticipated changes become effective, July 1, 1992.

It was a pleasure meeting you and discussing this issue. I look forward to meeting you again, and for Amoco and myself, offer you our best wishes this holiday season.

Sincerely,

A handwritten signature in cursive script that reads "Dick Brewster". The signature is written in dark ink and is positioned above the typed name.

E. R. Brewster

Terry Botruff - Amoco  
Jerry Levine - Amoco  
Tom Medaglia - Amoco  
Rick Morris - Amoco  
DaVern Phillips  
Rebecca Rice - Amoco  
Jim Rogers - Amoco  
Roger Sherwood - Amoco  
Larry Woodson

*DeVern*

# STATE OF KANSAS



## STATE BOARD OF AGRICULTURE

SAM BROWNBACK, Secretary

DONALD L. JACKA, JR., Assistant Secretary

January 16, 1992

Ms. Martha Walker, Press Secretary  
Governor Joan Finney's Office  
State Capitol  
Topeka, Kansas 66612

Dear Ms. Walker:

This is in reference to your query about the method of sale of Compressed Natural Gas in Kansas. On December 12, 1991 a meeting was held with E. Richard Brewster of Amoco Oil; Larry Woodson, Director of the Division of Inspections; Secretary of Agriculture Sam Brownback; and me relative to this matter.

The appropriate method of sale of natural gas in Kansas is by mass (weight) or by cubic feet. Amoco has proposed selling natural gas by an "equivalent gallon" method. While technically no universal "equivalent gallon" exists, we have agreed to permit Amoco to retail natural gas for vehicle fuel purposes in an "equivalent gallon" method until their dispensing equipment can be converted to show mass or cubic feet as the primary method of sale with a dual declaration of equivalent gallons.

Under my authority as State Sealer, I have given Amoco until July 1, 1992 to bring this new product dispensing equipment into compliance with Kansas Weights and Measures Laws (K.S.A. 83-211).

I am enclosing a copy of Mr. Brewster's letter of December 16, 1991 confirming this agreement.

If I may be of further assistance to you or the Governor, please contact me.

Very Respectfully,

DeVern Phillips  
State Sealer  
Kansas State Board of Agriculture  
Division of Inspections

cc: Secretary Sam Brownback, Kansas State Board of Agriculture  
E. Richard Brewster, Amoco  
Larry D. Woodson, Director, Division of Inspections, KSBA  
Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture

*Senate Agriculture*  
*3-26-92*  
*Attachment 4*



Senate Agricultural Committee  
Senator Don Montgomery, Chairman

RE: Senate Bill 773

My name is Kenneth W. Wasserman. I am an attorney practicing law in Salina, Kansas with the firm of Norton, Wasserman, Jones & Kelly.

I asked Senator Vidricksen to introduce Senate Bill 773 after reviewing an identical bill passed by the State of Colorado last year. I also reviewed a current court case in the State of Colorado wherein the Colorado Supreme Court upheld the bill as passed.

Prior to asking Senator Vidricksen to introduce the bill, I visited with some of the lawmakers from the State of Colorado and also several persons who own and operate dude ranches, carriage businesses and other horse-related businesses. I found that those businesses were virtually ceasing to exist in the State of Colorado due to liability problems and the inability to obtain adequate insurance. The various horse related industries have seen a substantial rebirth of business since the law was passed in Colorado.

I am President of the Saline County Fair Association, Past President of the Central Kansas Harness Club, a member of the Kansas Draft Horse Association and a member of several Quarter Horse and Arabian associations throughout the State of Kansas, all of whom are extremely interested in seeing Senate Bill 773 pass.

Since Senator Vidricksen introduced the bill in the Kansas Senate, I have also discovered that the State of Georgia has passed a very similar bill. Although I have only visited with a limited number of residents of the State of Georgia, I understand that the bill was passed for reasons very similar to the reason it was passed in Colorado.

The Central Kansas Harness Club and the Kansas Draft Horse Association have numerous requests for historical reenactments, buggy, carriage and wagon rides, as well as draft horse farm demonstrations. The members are reluctant to participate in these events without the liability protection that this bill would afford.

Senate Agriculture  
3-26-92  
Attachment 5

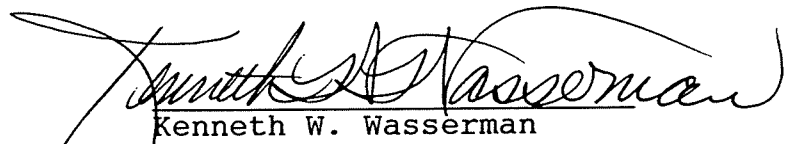
The bill does not relieve any person who owns or controls horses of liability for negligence in doing so, however, it does place some responsibility on participants, spectators and the general public for their own negligent conduct in and around horses and horse-related activities.

For instance, the Saline County Fair Board sponsors a rodeo each year as part of the Fair activities. Certain spectators insist on being at or near the bucking chutes despite barriers being installed, security guards patrolling the area and Fair Board member volunteers, all attempting to keep them in the spectator area. This law would make those persons who refuse to remain in the spectator area, liable for their own negligence in being in or near an area where there is some propensity for injury.

I have visited with horse-related organizations in Nebraska, Oklahoma and Missouri, all of whom intend to seek to obtain similar legislation in their states.

I feel this is an opportunity for Kansas to be a leader, not only in this very specific area, but in setting a trend to make individual persons more responsible for their own negligent acts. This appears to be a trend which is catching on and which I feel will be expanded to many other areas in the future. I request that the Committee favorably consider this bill and recommend it for passage.

Thank you.

  
Kenneth W. Wasserman