

MINUTES OF THE SENATE UTILITIES COMMITTEE.

The meeting was called to order by Chairperson Sen. Pat Ranson at 1:30 p.m. on February 22, 2000 in Room 231-N of the Capitol.

All members were present except:  
Sen. Morris was excused

Committee staff present:  
Lynne Holt, Legislative Research Department  
Mary Torrence, Revisors of Statute Office  
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:  
Marvin Spees, Legislative Chair, Propane Marketers Association of Kansas

Others attending:  
See attached list

Sen. Ranson welcomed committee members to the new meeting room. She referred to the Minutes of the Meeting for February 8 and 10 and committee action on them. Sen. Clark made a motion the Minutes of both meetings be approved, and it was seconded by Sen. Lee; the Minutes were approved. She then acknowledged Sen. Hensley's pages, who are assisting the committee today.

Sen. Ranson asked the committee to turn attention to **SB 640-Weights and measures; annual inspections.** She introduced Marvin Spees, who presented testimony (Attachment 1) to the committee. Sen. Ranson announced that staff from the Department of Agriculture is present to answer questions - Mary Jane Stattelmann, Assistant Secretary of Department of Agriculture and Constantine Cotsoradis, Director of Weights & Measures for the Department of Agriculture. Sen. Steffes asked if the vapor meter device was new, and Mr. Spees answered it is not and that attention was brought to the problem, after complaints from the field to the Weights and Measures Program. Mr. Spees stated the statute requires yearly inspections, and their proposal is to adopt the standard of the National Institute of Standards and Technology by rule and regulations to establish a ten year standard nationwide and allows the Secretary to adopt subsequent versions without statutory change. Sen. Steffes asked if inspections are required for home gas meters, and Mr. Spees answered that home gas meters are certified when installed, and there are no further tests on the meters. Sen. Ranson noted in Mr. Spees' testimony, no one in the state is certified to inspect these devices, and asked who has been inspecting the vapor meters. Mr. Spees answered that no one has been inspecting them. Sen. Barone then asked if the problem being discussed has gone unnoticed by the department and if the statutes are reviewed thoroughly to assure the department is in compliance with the law. Ms. Stattelmann responded that the oversight has not been an issue with the department and added that the statute conflicts with the national standard; that regardless of errors in the past, the weights and measures is a very good program. Sen. Barone added that he hopes the department would check the statutes to be sure they are in compliance with the law. Sen. Pugh then asked if the vapor meter goes on the tank, and Mr. Spees stated the vapor meter is used on a multi-use system, such as in a trailer park; that the propane is measured on the truck by a meter on the truck. Sen. Salisbury stated Mr. Spees' testimony is that yearly inspections are unnecessary and asked for a review as to why the bill was constructed in this manner; she stated that she wanted to make it clear as to what the committee is considering adopting. Sen. Ranson stated the bill opens the door regarding all weights and measures and wipes out current state requirements, leaving it to the discretion of the Secretary of Agriculture's rules and regulations; that it does not restrict it to propane only. She asked Ms. Torrence if that interpretation is correct, and Ms. Torrence replied that is correct. She asked Ms. Stattelmann, representing the Department of Agriculture, if that is the intent of the bill, and Ms. Stattelmann answered that it is their desire to come into compliance with the national standards; that they do not want to lock into specific inspection times but to rely on requirements by Rules and Regulations. She added that some of the meters are now guaranteed for fifteen years instead of ten; that the Rules and Regulations do state a date certain for the inspections.

CONTINUATION SHEET

MINUTES OF THE SENATE UTILITIES COMMITTEE, Room 231-N Statehouse, at 1:30 p.m. on February 22, 2000.

Sen. Salisbury returned to the fact that the bill is all inclusive regarding all weights and measures, and Sen. Lee asked if the statute supersedes the Rules and Regulations and cautioned the committee to think carefully before passing a bill which includes all weights and measures. Questions arose regarding the testing and frequency, and Mr. Cotsoradis stated that all vapor meters are tested when they are installed and are due for a re-test every ten years. In answer to questions regarding certification of inspectors, Mr. Cotsoradis stated that there are service companies who can inspect the meters; they may also be sent back to the manufacturer for inspection. Ms. Stattelmann stated the department does not want standards it cannot comply with in a reasonable manner.

The committee continued discussing testing of the meters and at what intervals. Sen. Barone asked if the bill is narrowed to be effective July 1, who will inspect the meters? Mr. Spees answered that they would probably try to get the ones in the field grandfathered in through Rules and Regulations. Sen. Barone clarified that the meters have not been inspected for 30 years, now we are going to grandfather them in so that it will be another ten years before they are inspected!! Sen. Clark stated if the committee adopts the standards in the statute, he believes it is an improper delegation of authority.

Sen. Ranson stated she believes it is the Committees' consensus to re-draft the bill, narrowing its application to vapor meters only and requested Ms. Torrence to bring the draft to the Tuesday meeting next week. She noted the bill came from the Senate Federal and State Affairs Committee, so it does not have to meet this week's deadline. She also announced the committee will have a briefing and hearing on **HB 2826-oil and gas; relating to unitization and unit operations** next Thursday, March 2. Following meetings will focus on the plugging of oil wells and funding, beginning with a Post Audit Report

Sen. Brownlee asked Ms. Eudaley to clarify her intention on Page 3 of the February 10 Minutes, and the clarification will be done.

Meeting adjourned at 2:15.

Next meeting will be February 29.



A-1

February 22, 2000

RE: Senate Bill 640

Madam Chair and members of the Committee:

I am appearing today as a representative of the Propane Marketers Association of Kansas to request your help in passing Senate Bill 640. It has been recently discovered that K.S.A. 83-304(a) which pertains to the inspection of weighing and measuring devices requires an annual inspection regardless of the type of device.

A device known as the "vapor meter," which is similar to the natural gas meter on your home, is required to be inspected every ten years by national standards. Without a change to the statute these meters will have to be inspected every year. Not only is it unnecessary, but presently no one in the state is certified to inspect these devices.

We are proposing the language be added as follows:

83-304(a) "***Unless otherwise provided by the secretary in rules and regulations***, the owner or operator of a weighing and measuring device which is used commercially shall have such weighing and measuring device tested and inspected at least annually for accuracy....."

This change would allow the adoption of the National Institute of Standards and Technology Handbook #44 by the Secretary of Agriculture by rule and regulation which establishes the ten year standard nationwide and allows the Secretary to adopt subsequent versions without statutory change.

Thank you for your consideration of this matter.

Marvin G. Spees

Senate Utilities  
2-22-00  
Attach. 1