

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 7, 2005, in Room 423-S of the Capitol.

All members were present except:

Representative John Faber- excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Amy VanHouse, Kansas Legislative Research Department
Gordon Self, Revisor of Statutes Office
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

George Teagarden, Livestock Commissioner, Kansas Animal Health Department
Adrian Polansky, Secretary, Kansas Department of Agriculture
Mike Beam, Senior Vice President, Kansas Livestock Association
Brad Harrelson, State Policy Director, Governmental Relations, Kansas Farm Bureau
Doran Junek, Executive Director, Kansas Cattlemen's Association
Donn Teske, President, Kansas Farmers Union
Woody Moses, Managing Director, Kansas Aggregate Producers Association
Constantine Cotsoradis, Assistant Secretary, Kansas Department of Agriculture
Mary Jane Stankiewicz, Administrator, Kansas Agricultural Remediation Board

Others attending:

See attached list.

Minutes of the January 31 and February 2 and 3 meetings were distributed. Members were asked to notify the committee secretary of any corrections or additions prior to Friday, February 11, or the minutes will be considered approved as presented.

Hearing on HB 2053 - Premises registration and animal identification and tracking system

Chairman Johnson opened the hearing on **HB 2053**. Raney Gilliland explained that this bill would remove the sunset date of May 15, 2005, for the Livestock Commissioner to develop and implement an Animal Identification and Tracking System. The bill also includes technical adjustments: to add tribal officials to the list of industry and governmental representatives; to make the program voluntary; to adopt rules and regulations in a uniform method; and to require the Commissioner to report to the 2006 Legislature on the status of the program.

George Teagarden, Livestock Commissioner, Kansas Animal Health Department, appeared in support of **HB 2053** introduced at his request. He explained that this legislation will allow KAHD to go forward, not only with premises registration, but with voluntary animal identification as the National Animal Identification and Tracking System progresses and develops. (Attachment 1)

Adrian Polansky, Secretary, Kansas Department of Agriculture, appeared in support of **HB 2053**. He reported that he and Governor Sebelius have been working with stakeholders to resolve issues recently faced by the beef industry. Agreement was reached on two points related to the Kansas Animal Health Department: funding and removal of the sunset clause for a Kansas premises identification program. (Attachment 2)

Mike Beam, Senior Vice President, Kansas Livestock Association, testified in support of **HB 2053** to repeal the May 15, 2005, sunset date. By removing this expiration date, the legislature will continue to allow the state to participate in a pending federal/multi-state pilot program and renew the confidentiality provision for records and data collected by KAHD. The Kansas Livestock Association believes the state of Kansas should continue to develop a voluntary individual animal identification program and prepare the state and Kansas producers for a nation-wide implemented program. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE House Agriculture Committee at 3:30 p.m. on February 7, 2005, in Room 423-S of the Capitol.

Brad Harrelson, State Policy Director, Governmental Relations, Kansas Farm Bureau, appeared in support of **HB 2053** and the development and implementation of a National livestock identification program. KFB members are concerned about the cost to producers and their ability to comply with the program, as well as confidentiality of the information provided. KFB believes costs should be balanced and shared among all others who ultimately benefit; the public good should be considered when determining who pays the bill. (Attachment 4)

Doran Juneck, Executive Director, Kansas Cattlemen's Association, appeared in qualified support of **HB 2053** and urged the state to proceed with caution and allow plenty of time to evaluate all the proposed systems in the pilot phase of the National animal identification system. (Attachment 5)

Donn Teske, President, Kansas Farmers Union, testified in support of **HB 2053** and a National animal identification system. He expressed concern about data confidentiality and the expense of the animal identification system to the producer. (Attachment 6)

There being no other conferees, the hearing on **HB 2053** was closed.

Hearing on HB 2103 - Standards and requirements of commercial weighing and measuring devices

Chairman Johnson opened the hearing on **HB 2103**. Raney Gilliland explained that **HB 2103** would make permanent the temporary exemption passed in 2001, and extended in 2003, for vehicle scales used solely for the purpose of weighing aggregate products from meeting the national and state compliance regulations. The temporary exemption is set to expire on August 31, 2005.

Woody Moses, Managing Director, Kansas Aggregate Producers Association, appeared in support of **HB 2103** introduced at the association's request. He reported that the Kansas Aggregate Producers Association has pursued this issue with the National Conference of Weights and Measures at the urging of the Kansas Division of Weights and Measures making presentations at two different conferences. NCWM would not consider the economic merit of the association's argument. He felt that passage of the temporary variance has been beneficial to Kansas consumers and has not resulted in any unintended consequences during the four years it has been in effect. He urged the committee to pass **HB 2103** and make this exemption permanent. (Attachment 7)

Constantine Cotsoradis, Assistant Secretary, Kansas Department of Agriculture, testified in opposition to **HB 2103** and discussed the impact this bill would have on the Department of Agriculture and Kansas businesses. He stressed that uniformity is a statutory mandate of the weights and measures program. In 2001, and again in 2003, it was agreed that the industry would comply with existing tolerances, without any special consideration or further extensions, if the proposal failed at the national level. He explained that in 2003 the National Conference on Weights and Measures specification and tolerances committee withdrew the issue because they found that it had "no technical merit" and "tolerances should not be modified to accommodate equipment that is not able to maintain NIST Handbook 44 tolerances and other technical requirements."

Mr. Cotsoradis said the Kansas Department of Agriculture opposes this bill because it provides unwarranted special consideration for one segment of industry. Granting exceptions to one segment of industry contradicts their statutory mandate to be uniform with other states and makes them vulnerable to other exceptions. The Department believes that granting this exception will harm the weights and measures program and reverse some of the progress that has been made in the last nine years. (Attachment 8)

There being no other conferees, the Chairman closed the hearing on **HB 2103**.

Hearing on SB 16 - Kansas agricultural remediation board; terms of members

Chairman Johnson opened the hearing on **SB 16**. Raney Gilliland explained that this bill would amend the Agricultural and Specialty Chemical Remediation Act to set March 15 as the expiration date of the terms of members of the Kansas Agricultural Remediation Board. Under current law, terms of members of the Board expire on June 30. This bill was introduced by the Senate Confirmation Oversight Committee. The bill

CONTINUATION SHEET

MINUTES OF THE House Agriculture Committee at 3:30 p.m. on February 7, 2005, in Room 423-S of the Capitol.

would provide for expiration of terms during the legislative session rather than at a time when the legislature is not in session and also conform expiration dates of this board with terms of other boards.

Mary Jane Stankiewicz, Administrator, Kansas Agricultural Remediation Board, appeared in support of **SB 16**. She explained that the Remediation Board, established in 2000, is composed of 5 appointed members that represent various segments of the grain and chemical industry. The statute does not specifically address the expiration date so members have been appointed with an expiration date of June 30. The Board recognizes that it would be more convenient for the terms to expire during the legislative session so that legislators would be readily available for the confirmation process. (Attachment 9)

There being only one conferee, the hearing on **SB 16** was closed.

The meeting adjourned at 5:15 p.m. The next meeting is scheduled for February 9, 2005.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 7, 2005

NAME	REPRESENTING
CV Cotsonadis	KDA
Adrian Polansky	KDA
Woody Moses	KAPA
Debra Duncan	KAHD
George Teagarden	KAHD
Twila Drybread	Division Budget
Donna Teske	KFU
Doran JuneK	KCA
LARRY KENDIG	KCA
BRAD HARRELSON	KFB
SEAN MILLER	KS Dairy Assn
Mary Jane Stankiewicz	KGFA
Deann Williams	KS Motor Carriers Assoc.
Mike Beam	Ks. LUSTK. Assn.
Tim Tyson	KDA
Matt Tolin	Freeborn's intern
Wanda Kinney	K.C.A
Gale Plesch	Larkin Intern.
RAMON GONZALEZ	N.R. HAMM QUARRY

STATE of Kansas
KANSAS ANIMAL HEALTH DEPARTMENT

George Teagarden, Livestock Commissioner
708 S Jackson, Topeka, KS 66603-3714
Phone 785/296/2326 Fax 785/296/1765
e-mail – gteagarden@kahd.ks.gov

web site – www.accesskansas.org/kahd

February 7, 2005

House Agriculture Committee
Representative Dan Johnson, Chairman

Re: HB 2053, relating to premises registration and animal identification

Mr. Chairman and members of the committee,

I am George Teagarden, Livestock Commissioner, Kansas Animal Health Department. I appear before you as a proponent of HB 2053. This bill updates K.S.A. 47-674 which the legislature approved last session.

As I reported to the committee on January 26, 2005, progress is being made in Kansas on the National Animal Identification System, the official name for the USDA's animal identification system. As you know, Kansas was granted a "pilot project" by the USDA to register premises within the state and to develop and test a reading and reporting system that will be attached to commercial transport trucks.

The pilot project is picking up steam. One of the companies developing a system that will be mounted on commercial transports has delivered its unit to Kansas State University. The other company will have one ready for initial testing by next week.

The KAHD began registering premises in December, 2004. We started out quietly, so we could gain experience within our office. Registration applications are now in the hands of county extension agents, as well as several farm and ranch organizations. And, as of last week, individuals can also choose to register their premises themselves on-line. To date, there are 150 registered premises in Kansas.

HB 2053 simply allows the KAHD to go forward on the issue of voluntary animal identification as the USDA directs, not only with premises registration but with individual animal identification and a national tracking system.

The bill adds "tribal officials" to the statute to include all of the players in the national system.

House Agriculture Committee
February 7, 2005
Attachment 1

In addition to inserting language to clarify that the program is voluntary we have removed the sunset provision from the original statutory language. We also ask that the bill take effect with publication in the Kansas register.

The National Animal Identification System is a reality. HB 2053 will insure that Kansas is posed to implement the voluntary system as it progresses and develops. I urge your favorable consideration of this bill.

Mr. Chairman, I will entertain any questions that you or your committee members might have.



KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2053
to
The House Agriculture Committee**

**by Adrian Polansky
Secretary
Kansas Department of Agriculture**

February 7, 2005

Good afternoon, Chairman Johnson and members of the committee. I am here this afternoon to give very brief testimony in support of HB 2053.

This bill extends the authorization granted by the Legislature last year for the livestock commissioner to develop and implement a voluntary premises registration and animal identification and tracking system for Kansas.

Kansas was fortunate to be selected for its premises identification pilot project under the National Animal Identification System. I commend Commissioner Teagarden and the Kansas Animal Health Department for their work on this important project.

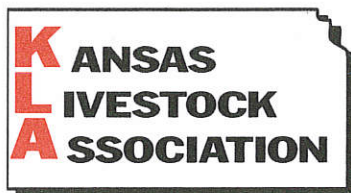
Kansas ranks second in the nation in cattle on farms and on feed, and third in red meat production. It's appropriate that we be among the states that help shape and implement the National Animal Identification System. It will be the system we rely on to respond to and contain foreign animal disease. That's why I encouraged my son, Adam, to register his premises as soon as the Animal Health Department started taking applications.

Although the National Animal Identification System is designed to help animal health officials rapidly respond to foreign animal disease, USDA does not prevent producers from using it to collect data on the quality of beef they produce and to increase their marketing options.

Animal identification is important to the future of the Kansas beef industry. Governor Sebelius and I traveled to Japan in September to meet with retailers and trade officials to find out what we could do to expedite resumed beef exports to that nation. While there, we learned that traceability is extremely important to Japanese consumers. Beef trade with Japan is extremely important to Kansas beef producers. We sold \$175 million worth of beef products to Japanese consumers in 2003.

Governor Sebelius and I also have been working with stakeholders to resolve issues recently faced by the beef industry. The group represents producers, feeders, packers, associations, academics and government. Although we don't reach consensus on every issue, we did agree on two points related to the Animal Health Department. The group said funding and removal of the sunset clause for a Kansas premises identification program should be a priority. Therefore, I support the passage of H.B. 2053.

Thank you.



Since 1894

TESTIMONY

To: The House Agricultural Committee
Rep. Dan Johnson, Chairperson

From: Mike Beam, Senior Vice President

Date: February 7, 2005

Subj: **House Bill 2053** –A continuation of authority for the Kansas Animal Health Department and Livestock Commissioner in conducting a voluntary livestock identification program.

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 6,000 members on legislative and regulatory issues. KLA members are involved in many aspects of livestock production, including cow-calf/stocker enterprises, cattle feeding, seed stock production and diversified farming operations.

Kansas ranked second nationally with 6.65 million cattle on ranches and in feedyards as of January 1, 2004. The state's beef industry consumes 72% of the corn, 16% of the soybeans, and 60% of the hay grown in Kansas. At over \$5 billion, cattle sales typically generate nearly two-thirds of all annual agricultural receipts.

The Kansas Livestock Association (KLA) is a proponent of HB 2053. We support this bill because it will repeal the May 15, 2005 sunset date in last year's legislation. By removing this expiration date, the legislature will continue to allow the state to participate in a pending federal/ multi-state pilot program and renew the confidentiality provision (subsection g) for records and data collected by the Kansas Animal Health Department (KAHD).

Last year the Kansas legislature wrestled with the uncertainty of a mandated federal individual animal identification program. At this time a year ago, many of us thought USDA and/or Congress would enact a mandatory program prior to January 1, 2005. We believe the Kansas legislature responded appropriately by clearly authorizing KAHD to prepare for a federal-uniform identification program. It was wise for the legislature to require the Livestock Commissioner to involve various stakeholders in crafting a "premise definition" regulation (subsection i). Including a provision (subsection f) suggesting the state cooperate with other entities and a subsection (h) to establish a fund for federal assistance was insightful as KAHD was awarded one of the more significant pilot projects by USDA.

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The confidentiality provision in subsection (g) has proven to be on track as producers repeatedly tell us this is a concern they have with any premise or animal registration program. This committee should know this issue has yet to be resolved at the federal level, and we are hoping similar language will be incorporated in federal law.

For now, it appears USDA and/or Congress is not prepared to mandate that premises be registered, individual animals be identified, and animal movement be tracked and reported. Nonetheless, our members feel someday individual animal identification will be the normal practice in the market place. Animal identification could become mandatory if we are unfortunate and experience a serious and contagious foreign animal disease outbreak.

Since last spring, KLA has had a working group of over 30 individuals meet, share information, deliberate, and make recommendations to the full membership. This group of cow-calf producers, seed stock breeders, stocker operators, cattle feeders, veterinarians, order buyers, auction market managers, and KSU Extension Specialists made the following conclusions and recommendations:

1. A top priority for KLA should be facilitating premises registration. Recognizing premises registration is the first step to a successful National Animal Identification System, therefore working group members recommend producers register premises by July 1, 2005.
2. Current market forces may offer incentives for producers who implement individual animal identification as part of a verified production program. Market premiums for source-verified and/or age-verified cattle may allow cattle producers to more than offset the costs of implementing individual animal identification, at least in the short term.
3. To begin the process of qualifying for source-verified programs, including the Japanese export program, KLA recommends the following:
 - Producers should record birth dates; if not of individual calves, then at least first calf and last calf born during the calving season. Calving records should be kept for two years.
 - Individually identify calves, preferably with compliant RFID tags placed in the left ear.
 - Producers should work with their customers to determine the most efficient method to transfer the necessary source verification documentation.

4. KLA should encourage the Kansas Legislature to repeal the sunset date of last year's legislation.

In conclusion, it's our belief the state of Kansas should continue to develop a voluntary individual animal identification program and prepare the state and Kansas producers for a nation-wide fully implemented program. To move ahead, the sunset date from last year's bill should be repealed and the suggested amendments adopted with the passage of HB 2053.

Thank you for your attention and thoughtful consideration.

PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON AGRICULTURE

RE: HB 2053 – an act relating to premises registration and animal identification

February 7, 2005
Topeka, Kansas

Testimony provided by:
Brad Harrelson
State Policy Director
KFB Governmental Relations

Chairman Johnson, and members of the House Committee on Agriculture, thank you for the opportunity to appear before you today. I am Brad Harrelson and I serve as the State Policy Director—Governmental Relations for Kansas Farm Bureau. KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

As producers of livestock, our members acknowledge and appreciate the vital importance of animal disease control. In light of the events of December 23, 2003 where a single case of BSE was confirmed in Washington State, an elevated awareness for the need of an effective tracking system for livestock was recognized. Subsequently, increased support and urgency for a reliable program was understood by the industry.

For the most part, our members view this as an issue of national importance and relevance. As such, Kansas Farm Bureau supports policy on livestock identification as adopted by the American Farm Bureau Federation. That policy statement is as follows:

We support the establishment and implementation of a national animal identification system capable of providing support for animal disease control and eradication, as well as enhancing food safety. A cost effective national system of livestock identification, with adequate cost share among government, industry and producers, should be established and regulated by an advisory board of producers, processors and USDA. Any such program must protect producers from liability for acts of others after livestock leaves the producers' hands. The program should ensure the security of producer information and respect the privacy of producers by only collecting data necessary to establish a traceback system.

AFBF Policy # 105

It is our understanding that a national animal ID plan is under development and that it is a cooperative effort between the U.S. government, national and state animal health officials, the livestock industry and many other stakeholders. We believe this is the best approach. It is also our understanding that ultimately, individual states will be asked to provide an integral role in implementation of that plan. We feel it is important on behalf of Kansas livestock producers that the state have a role in development, coordination and implementation of the program.

As previously stated, our members are concerned about the associated cost to producers and their ability to comply with the program. Not only are there proposed costs for program implementation through registration fees, there will be per head costs for individual animal identification such as ear tags and tag reading equipment. While we can accept reasonable producer costs to support an effective program, contribute to overall food safety efforts, and maintain consumer confidence, we believe costs should be balanced and shared among all others who ultimately benefit. The public good, which will certainly be enhanced by this program should be considered when determining who pays the bill.

Kansas Farm Bureau represents grass roots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.

Also of deep concern to our members is the confidentiality of the information provided. Any data collected to comply with an animal ID program must be maintained and used solely for the purpose of animal disease prevention and control.

In conclusion, Kansas Farm Bureau policy favors the development and implementation of a national livestock ID program. To the extent that state involvement is beneficial to that effort, we urge your favorable passage of HB 2053. Thank you, once again, for the opportunity to appear before you and share the position of our members. KFB stands ready to assist you as you consider this measure.

Kansas Farm Bureau represents grass roots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.

Kansas Cattlemen's Association

P.O. Box 251
Brewster, Kansas 67732

House Bill 2053
Testimony from Doran Junek, Executive Director
February 7, 2005

Chairman Johnson and Member of the House Ag Committee,

I am Doran Junek, Executive Director for the Kansas Cattlemen's Association. Our organization is comprised of independent cattlemen and feedlot operators that individually elect to pay dues to support our cause. One of our primary focuses is to restore profitability to the cattle producers, cattle industry, and rural communities. We are concerned about animal identification and feel it should definitely be looked at as a tracking mechanism for disease outbreaks and bio-security risks. Our members have recognized the need for disease trace back but only feel we should proceed after all confidentiality concerns have been addressed.

We are supportive in the Animal Health Departments pursuit to voluntarily register premises along with other livestock and farm organizations. The Kansas Cattlemen's Association feels that this system needs to gain maturity through the pilot phase. Our organization feels the current ISO standards proposed need to be re-evaluated as new technology with more useful applications are being developed as we speak. Producer participation cost is still a concern of our members and only through the implementation of the pilot programs will the true cost of the system be quantified.

KCA believes that no steadfast decisions or law-making needs to be pursued until the pilot programs have run their course. By USDA's own admission, the National Animal Identification System (NAIS) is not progressing as quickly as announced. In our opinion, this warrants caution in proceeding to quickly with rules and regulations.

We support the Livestock Commissioner and his pursuit of preparing his department for the necessary steps that will be needed to implement their disease trace back system. We request that it be done in the most economical fashion possible and does not cost livestock producers through a fee-based system. We applaud the Commissioner for continuing to work through study groups to ensure stakeholders in our industry have input in this project.

In closing, the Kansas Cattlemen's Association is supportive of House Bill 2053. We would again like to stress that fact that we need to proceed with caution and take plenty of time to evaluate all the proposed systems in the pilot phase of the NAIS.

Thank you for your time and I now will respond to questions

Sincerely

Doran Junek
Executive Director

House Agriculture Committee
February 7, 2005
Attachment 5

Testimony of Ks. Farmers Union on HB 2053 to the House Ag Committee
2-7-2005

Donn Teske, President Ks. Farmers Union

Good day Chairman Johnson and Representatives of the House Ag Committee. I am Donn Teske and I serve as president of the Kansas Farmers Union. My testimony today is in regards to HB 2053, the animal ID bill.

Kansas Farmers Union's policy is in support of a national animal ID system and in that regards I am here today testifying in support of this process. It appears to me that HB 2053 has momentum and that it will be passed this year.

As the process develops, again, I urge that the process be equable between all producers without the cow-calf (and other species) producer being stuck with the entire cost of the animal identification expenses. Often an animal is sold and purchased several times throughout its life and the cost of the program should be spread equitably throughout the system.

I testified last year expressing my concern with Kansas moving ahead of the national ID program and the precedent that may set. HB 2053 does a good job of tying the state program into whatever the national ID program might evolve into. However, considering stakeholders lack of cooperation with the proposed voluntary animal ID program presented by Sec of Agriculture Polansky, on behalf of the governors efforts to establish an interim program to facilitate the opening of the Japanese export market as soon as possible, I guess I still have to ask what the rush is now for implementation before the national program goes online?

I now wish to focus on section G of HB 2053. This is the section that deals with confidentiality. I have heard commissioner Teagarden testify many times about the need to keep the data gathered in this program confidential. I agree. But what does section G actually say? All I see is that the information is confidential and that it shall not be disclosed to the public.

- Who does the information get disclosed to?
- What conditions warrant the release and to what entities?
- What exactly does "public" mean?
- What are the penalties for breaking this confidentiality?

These are serious questions. I feel they are really pertinent in this situation. I have long had a serious concern in what I feel is an extremely incestuous relationship between the Kansas Animal Health Department (a state agency) and the Kansas Livestock Assn. (a private commodity organization).

There needs to be real barriers that ensures the Kansas public this data is truly confidential and that one entity doesn't have access to data that others wouldn't. This is extremely valuable data just for logistics and numbers of animals that would let someone who acquires this knowledge an unfair advantage in the marketplace. In the case of an outbreak, advance knowledge would be worth fortunes for anyone fortunate enough to have advance information.

As you pass HB 2053 and it is implemented it is in your best interest as representatives of the state of Kansas not to have any questions about the ethics of the process arise in the case of another possible outbreak such as what happened in the Holton foot and mouth fiasco.

Thank you for your time. Are there any questions?

KAPA

Kansas Aggregate
Producers' Association

Edward R. Moses
Managing Director

TESTIMONY

Date: February 7, 2005

By: Woody Moses, Managing Director
Kansas Aggregate Producers Association

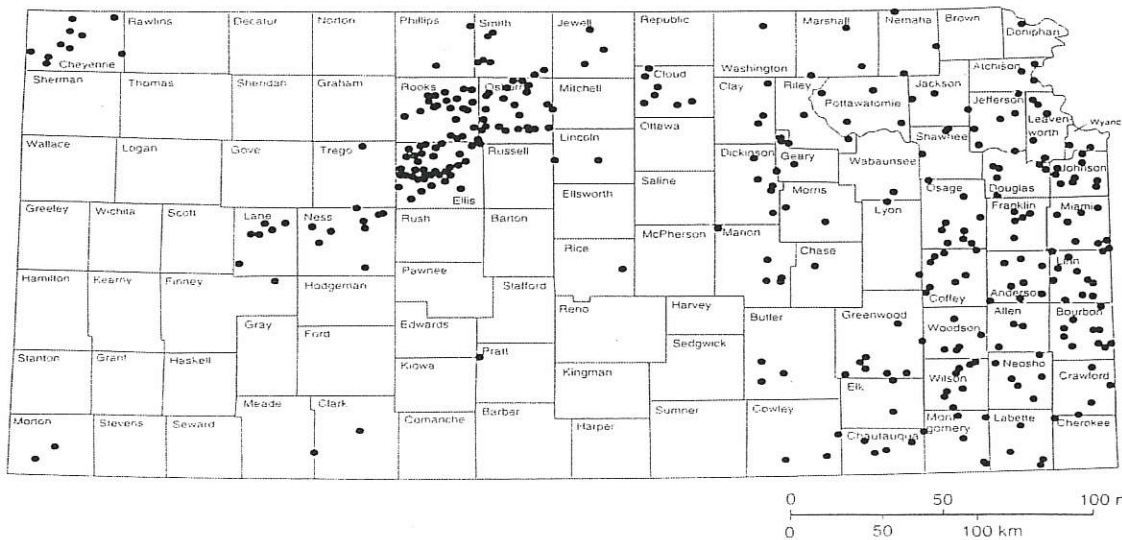
Regarding: HB 2103 – An act concerning standards and requirements of commercial weighing and measuring devices.

Before: The House Committee on Agriculture

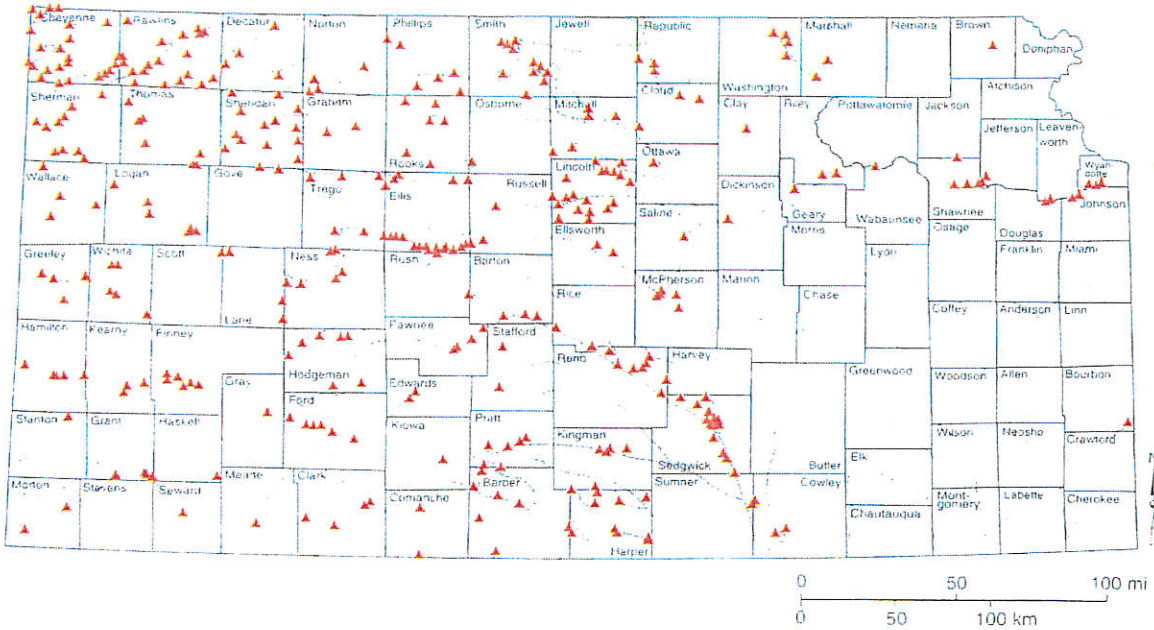
Good afternoon Mr. Chairman and Members of the Committee:

My name is Woody Moses, Managing Director of the Kansas Aggregate Producers Association. The Kansas Aggregate Producers Association (KAPA) is an industry wide trade association comprised of over 170 members located or conducting operations in all 165 legislative districts in this state, providing basic building materials to all Kansans. I appreciate the opportunity to appear before you today in support of HB 2103.

Unlike Missouri and many eastern states blessed with abundant sources of limestone in formations with thick ledges, the Kansas mining industry is forced to mine from several small widely scattered quarries and pits in order to service our clients (primarily local units of government).



CRUSHED STONE QUARRIES IN KANSAS



SAND AND GRAVEL OPERATIONS IN KANSAS

In order to serve this market the common practice is to locate a portable crusher at the site and then produce and stockpile 2-3 years worth of material in 2-3 months. Over the course 2-3 years our clients then purchase this inventory and it is weighed by a set of scales permanently left at the site.

Most of the scales sited at these locations, while adequate to the task of weighing rock in 100 lbs. increments, are usually unable to meet modern testing and tolerances (implemented in the late 90's) which require accuracy to within ± 20 lbs. The costs of sustained maintenance or complete replacement (up to \$50,000) to achieve a ± 20 lbs. tolerance when only ± 50 lbs. is needed, is prohibitive. In a small quarry, this could add up to \$2.50 per ton to a product commonly priced in a range of \$3-4 per ton. Such a scenario would increase a township road rock budget by 50%. Simply put, the high fixed operating costs and low sales and unit values associated with these operations make it uneconomical to continue operations. Forcing local units to transport road materials from consolidated high volume operations usually located much further away.

To address this situation, we requested and received during the 2001 session an amendment to K.S.A. 82-202 granting a limited tolerance variance for aggregate scales from the tolerance requirements mandated by the National Institute of Standards and Technology (NIST) Handbook 44 which the state of Kansas adopts by reference. Please note this variance only concerns the national standard up to 50,000 lbs., after 50,000 lbs., where most transactions occur, we are in full compliance with the NIST Handbook. For example, transactions weighed in standard double axle dump are still meeting the standard.



The current variance was authorized with a sunset by the 2001 Legislature on the condition the KAPA would pursue the issue with the National Conference of Weights and Measure (NCWM) at the urging of the Kansas Division of Weights and Measure (KDWM). During the almost four years this variance has been in place, KAPA has pursued the issue making presentations at two different conferences of this organization. Unfortunately, the NCWM, a technically oriented organization, will not consider the economic merit of our argument and has refused to put it on their agenda for consideration by the whole body. Faced with this outcome, we are now asking the Kansas Legislature to make this variance permanent in the form of HB 2103 the bill before you today.

While we empathize with KDWM desire to maintain uniformity with NIST Handbook 44, we also believe it is impractical in this case. Conversely, adoption of HB 2103 will provide many benefits to all Kansans, among them:

1. Adoption of HB 2103 will allow Kansas aggregate producers to continue serving small markets at a fair and reasonable price.
2. Adoption of HB 2103 will prevent undue and unnecessary price or cost increases to local units of government.
3. Adoption of HB 2103 will allow the Kansas Division of Weights & Measure to allocate their limited resources to higher priority areas.
4. Adoption of HB 2103 will not allow a total exemption for aggregate scales. Aggregate scales will continue to be regulated in all other aspects and to be fully regulated above 50,000 lbs.
5. Adoption of HB 2103 will not create a great disparity in uniformity with NIST standards, which as evidenced by the attached table is not all that standard to begin with.

In 2001 the Kansas Legislature acted wisely by adopting a policy to address local needs as opposed to national conformance. The result has beneficial to Kansas consumers and has not resulted in any unintended consequences during the last four years it has been in effect. We urge this committee to continue this policy by recommending HB 2103, as drafted, favorably for passage. Thank you for the opportunity to come before you with our comments on HB 2103. I will be happy to respond to any questions you may have.

II. Uniformity of Laws and Regulations

1. National Conference Goal

The goal of the National Conference on Weights and Measures with respect to these Uniform Laws and Regulations is to achieve their acceptance in all States and local jurisdictions that have authority over such matters. The Conference stands ready to assist any jurisdiction in any way possible in securing adoption.

2. Status of Promulgation

The following pages list, by State, information regarding the adoption of the Uniform Laws and Regulations. The tabulated data indicates if the State has adopted the Uniform Law or Regulation by reference, including subsequent amendments (thereby operating under the most recent version of the recommended regulation in this handbook), or if the State has used some version of the NCWM-recommended law or regulation as guidance in developing a similar law or regulation.

The information is verified with each State annually; the entries represent the status of the State adoption at the time of the survey.

Unless a State adopts the recommended regulations and subsequent amendments and revisions, there may be variation in the actual degree of adoption. Adoption, implementation, and clarification may be determined by comparing a State law with the Uniform Law, section-by-section or by contacting the State.
(Amended 1997 and 1998)

3. Summary of State Laws and Regulations in Weights and Measures (as of September 2003)

This is an overview of the status of adoption of NCWM standards by the States. In earlier editions of Handbook 130, State laws and regulations were compared to the NCWM standard from the prior year. This did not indicate whether the standard as printed in the current edition had been adopted by any given State. The table lists those States that adopt NCWM-recommended updates automatically ("YES"); see Sections 4 through 10 and paragraph 12(m) of the Uniform Weights and Measures Law. This means the State's regulations are current with those printed in this edition of the Handbook. If a State has adopted an NCWM recommendation in whole or in part from a particular year, but updates are not incorporated automatically, a lower case "yes" is shown. For additional information on the status of adoption, please contact the appropriate State officials.

State	Laws			Regulations									
	Weights and Measures Law	Weighmaster Law or Regulation	Uniform Engine Fuel Law	Packaging and Labeling	Method of Sale	Price Verification	Unit Pricing	Registration of Service Agencies	Open Dating	Type Evaluation	Uniform Engine Fuel Regulation	Handbook 44	Handbook 133
Alabama	yes	yes	yes	yes	yes	X	NO	yes	NO	yes	yes*	YES	YES
Alaska	yes	NO	NO	yes	yes	no	NO	yes	NO	yes	NO	YES	yes
Arizona	yes	yes	yes*	yes	yes	X	yes	yes	no	yes	yes*	YES	YES
Arkansas	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
California	yes	yes*	yes*	YES	yes*	Y	yes*	yes*	NO	yes	yes*	YES	YES
Colorado	yes	yes	yes*	yes	yes	X	NO	yes	NO	YES	yes*	YES	YES
Connecticut	yes	yes	yes*	YES	YES	Y	yes*	yes*	yes*	yes	yes	YES	YES
Delaware	yes	yes	yes*	yes	yes	yes	no	yes*	no	yes	yes*	YES	YES
District of Columbia	yes	yes	NO	yes	yes	X	NO	NO	yes*	no	NO	yes	no
Key:	YES	Adopted and updated on an annual basis.											
yes	Law or regulation in force, NCWM standard used as basis of adoption, but from an earlier year.												
yes*	Law or regulations in force, but not based on NCWM standard.												
NO	No law or regulation.												
no	No law or regulation, but NCWM standard is used as a guideline.												
X	Price verification program in place. Inspection based on NCWM Price Verification Procedure.												
Y	Price verification program in place. Inspection not based on NCWM Price Verification Procedure.												

State	Laws			Regulations									
	Weights and Measures Law	Weighmaster Law or Regulation	Uniform Engine Fuel Law	Packaging and Labeling	Method of Sale	Price Verification	Unit Pricing	Registration of Service Agencies	Open Dating	Type Evaluation	Uniform Engine Fuel Regulation	Handbook 44	Handbook 133
Florida	yes	NO	yes*	yes	yes	yes	yes*	yes	yes*	NO	yes*	yes	yes
Georgia	yes	yes	yes*	yes	yes	X	NO	yes	yes*	yes	yes*	YES	YES
Hawaii	yes	yes	yes*	yes	yes	X	yes	yes	NO	yes	yes*	yes	yes
Idaho	yes	yes	yes*	yes	yes	X	no	yes	NO	yes	yes*	YES	YES
Illinois	yes	NO	yes*	YES	YES	Y	NO	yes	NO	yes	yes	YES	YES
Indiana	yes	yes*	yes*	yes	yes	NO	NO	NO	NO	yes	yes*	yes	yes
Iowa	yes	yes*	yes*	yes	yes	X	NO	yes*	NO	yes	yes*	yes	yes
Kansas	yes	NO	yes	yes	yes	yes	NO	yes	NO	yes	yes	yes	yes
Kentucky	yes	NO	yes*	yes	yes	yes	NO	yes	NO	yes	yes*	YES	yes
Louisiana	yes*	yes*	yes*	yes*	NO	YES	NO	yes*	NO	yes*	yes*	YES	no
Maine	yes	yes	yes*	YES	YES	X	NO	yes	NO	yes	yes*	YES	no
Maryland	yes	NO	yes*	YES	yes	X	yes*	NO	yes*	yes	yes*	YES	YES
Massachusetts	yes*	yes*	yes*	yes	yes*	YES	yes*	NO	NO	yes	yes*	yes	no
Michigan	yes	yes	yes	yes	yes	NO	NO	yes	yes	yes	yes	yes	yes
Minnesota	yes	NO	yes*	yes*	yes*	NO	NO	yes*	yes*	yes	yes*	yes	yes
Mississippi	yes	yes	yes*	yes	yes	X	yes	yes	NO	yes	yes*	YES	YES

Key: YES Adopted and updated on an annual basis.
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 NO No law or regulation.
 no No law or regulation, but NCWM standard is used as a guideline.
 X Price verification program in place. Inspection based on NCWM Price Verification Procedure.
 Y Price verification program in place. Inspection not based on NCWM Price Verification Procedure.

Uniformity of Laws and Regulations

State	Laws			Regulations									
	Weights and Measures Law	Weighmaster Law or Regulation	Uniform Engine Fuel Law	Packaging and Labeling	Method of Sale	Price Verification	Unit Pricing	Registration of Service Agencies	Open Dating	Type Evaluation	Uniform Engine Fuel Regulation	Handbook 44	Handbook 133
Missouri	yes	NO	yes	YES	YES	YES	NO	yes	NO	YES	yes	YES	YES
Montana	yes	NO	yes	yes	yes	yes	yes	yes	NO	yes	yes	yes	yes
Nebraska	yes	NO	NO	yes	yes	yes*	NO	yes	NO	yes*	NO	yes	yes
Nevada	yes	yes	yes*	YES	YES	X	YES	YES	YES	YES	yes*	YES	YES
New Hampshire	yes	yes*	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
New Jersey	yes	yes	yes*	yes	yes	yes*	yes*	yes*	NO	yes*	NO	YES	NO
New Mexico	yes	yes	yes*	NO	yes	X	NO	yes	yes*	NO	yes*	YES	YES
New York	yes	yes	yes*	yes	yes	NO	yes*	NO	NO	yes	yes*	YES	YES
North Carolina	yes	yes*	yes*	YES	YES	X	NO	yes	NO	yes	yes*	YES	YES
North Dakota	YES	NO	NO	NO	yes*	NO	NO	yes*	NO	NO	yes*	yes*	NO
Ohio	yes	NO	NO	yes	yes	X	NO	yes	NO	yes	NO	YES	YES
Oklahoma	yes	NO	yes*	YES	YES	YES	NO	yes*	YES	yes	yes*	YES	YES
Oregon	yes	NO	yes*	yes	yes	yes	yes*	NO	yes*	yes	yes*	yes	yes
Pennsylvania	yes	yes	NO	yes	yes	yes	NO	yes	NO	YES	NO	YES	YES
Puerto Rico	yes	yes	yes*	yes	yes*	Y	yes*	yes	yes*	yes	yes*	YES	YES
Rhode Island	no	no	yes*	yes*	YES	no	yes*	NO	yes*	no	no	YES	no
Key:	YES	Adopted and updated on an annual basis.											
yes	Law or regulation in force, NCWM standard used as basis of adoption, but from an earlier year.												
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Uniformity of Laws and Regulations

State	Laws			Regulations									
	Weights and Measures Law	Weighmaster Law or Regulation	Uniform Engine Fuel Law	Packaging and Labeling	Method of Sale	Price Verification	Unit Pricing	Registration of Service Agencies	Open Dating	Type Evaluation	Uniform Engine Fuel Regulation	Handbook 44	Handbook 133
South Carolina	yes	yes*	yes*	YES	YES	X	NO	YES	NO	YES	yes*	YES	YES
South Dakota	yes	NO	yes*	yes	yes	X	NO	yes	NO	yes	yes	yes	yes
Tennessee	yes	yes	yes	YES	YES	X	NO	yes	NO	YES	yes	YES	YES
Texas	yes	yes*	NO	YES	YES	yes*	NO	yes	NO	NO	yes*	YES	YES
Utah	yes	NO	yes*	YES	YES	X	NO	yes	NO	YES	yes	YES	YES
Vermont	yes*	yes	yes*	YES	YES	yes*	yes*	yes	NO	no	NO	YES	no
Virginia	yes*	yes*	yes*	YES	YES	Y	NO	yes*	NO	yes*	yes*	YES	YES
Virgin Islands	yes	NO	yes*	yes	NO	NO	yes	NO	yes	NO	yes	YES	no
Washington	yes	yes	yes	YES	YES	YES	NO	yes	NO	yes	NO	YES	YES
West Virginia	YES	NO	YES	YES	YES	yes*	YES	yes*	YES	YES	YES	YES	YES
Wisconsin	yes*	NO	yes*	yes	yes	X	NO	yes*	NO	YES	yes*	YES	YES
Wyoming	yes	NO	yes*	yes*	no	no	no	yes	no	YES	yes*	YES	YES
Totals: YES	3	0	2	19	18	7	4	4	5	12	3	39	31
yes	44	21	7	28	27	7	5	29	2	29	10	13	13
yes*	5	10	36	4	5	5	11	12	10	4	31	1	0
NO	0	21	8	2	2	6	30	8	33	5	8	0	2
no	1	1	0	0	1	3	3	0	3	3	1	0	7
X						20							
Y						5							
Key:	YES	Adopted and updated on an annual basis.											
yes		Law or regulation in force, NCWM standard used as basis of adoption, but from an earlier year.											
yes*		Law or regulations in force, but not based on NCWM standard.											
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800 S.W. Jackson Street, #1408
Topeka, Kansas 66612-2214
(785) 235-1188 • Fax (785) 235-2544

KAPA

Kansas Aggregate
Producers' Association

Edward R. Moses
Managing Director

April 19, 2002

Mr. Sid Colbrook
Illinois Department of Agriculture
Bureau of Weights & Measures
801 E. Sangamon Ave.
Springfield, IL 62794

Dear Sid,

Attached please find the proposal we discussed by phone a few weeks ago. I appreciate the assistance you have given us in facilitating this submittal. Please review and advise if we need to take any other steps, otherwise we assume you will forward this material to the Committee on Specifications and Tolerances.

Woody Moses and myself look forward to seeing you next week in Springfield.

If you have any questions or concerns, please don't hesitate to contact me at (785) 235-1188.

Sincerely,


Wendy Harms
Associate Director

Enclosures

Cc: Constantine Cotsoradis, KS Division of Weights & Measures
Steve Gills, S&T Chairman
Joy Wilson, National Stone, Sand & Gravel Assn.
Robert Garbini, National Ready Mixed Concrete Assn.

KAPA

Kansas Aggregate
Producers' Association

Edward R. Moses
Managing Director

TESTIMONY

Date: March 14, 2001
By: Wendy Harms, Associate Director
Kansas Aggregate Producers' Association
Regarding: HB 2102
Before: Senate Committee on Agriculture

Good Morning Mr. Chairman and Members of the Committee:

My name is Wendy Harms, Associate Director of the Kansas Aggregate Producers' Association. The Kansas Aggregate Producers' Association is an industry wide trade association comprised of over 250 members located in all 165 legislative districts in this state, providing basic building materials to all Kansans. I appreciate the opportunity to appear before you today in support of HB 2102 as amended by the House.

Unlike Missouri and many eastern states blessed with abundant sources of limestone in formations with thick ledges, the Kansas mining industry is forced to mine from several small widely scattered quarries. The common practice is to locate a portable crusher at the site and then produce and stockpile one to two years worth of inventory in a period of three to four months.

Customers then purchase this inventory and it is weighed by a set of scales permanently left at the site. The scales sited at these locations, while adequate the task of weighing rock in 100 lbs increments, are usually unable to meet modern testing and tolerances which require accuracy to within ± 20 lbs. The costs of sustained maintenance or complete replacement (up to \$50,000) to achieve a ± 20 lbs tolerance when only ± 50 lbs, is needed, is prohibitive. In a small quarry, this could add up to \$2.50 a ton to the price.

The high fixed operating costs and low sales volumes associated with these quarries simply make it more uneconomical to continue operations. To address this situation, we requested and received an amendment to HB 2102 granting our industry a limited exemption from the tolerance requirements mandated by the National Institute of Standards and Technology (NIST) Handbook 44 which Kansas adopts by reference. Please note this amendment would only allow a relaxation of the standard up to 50,000 lbs after 50,000 lbs, where most transactions occur, we are in full compliance with the NIST Handbook 44.

I have with me here today Mr. Marvin Zielsdorf of N.R. Hamm Quarries and Mr. Jim Waggle of W.H. Scale Co. to answer any questions you may have regarding this issue. In closing, I would simply request your favorable recommendation on HB 2102 as amended. Thank you.

NCWM Form 15

Proposal to a Standing Committee

Committee: Specifications & Tolerances

Date: April 19, 2002	Regional Association: Central Weights and Measures Association
Name, Address, Telephone of Contact Person: Edward R. Moses, Managing Director Kansas Aggregate Producers Association 800 SW Jackson - #1408 Topeka, Kansas 66612 PHONE: 785-235-1188 FAX: 785-235-2544 EMAIL: emoses@ink.org Constantine V. Cotsoradis, Director Kansas Division of Weights & Measures Forbes Field - Building 282 PO Box 19282 Topeka, KS 66619-0282 PHONE: (785) 862-2415 FAX: 785-862-2460 EMAIL: ccotsora@kda.state.ks.us	Regional Actions: (votes for and against)

Please Attach Additional Pages and Information as Needed

Proposal: Amend NIST Handbook 44 (2001) by inserting the following text in the appropriate place on page 2-23: T.N.X-X. Vehicle Scales equipped only with weigh beam and used to weigh aggregate. The minimum tolerance applied to vehicle scales equipped only with weigh beam and used solely to weigh aggregate products shall be 100 pounds.

Problems/Justification: The purpose of this amendment is to provide limited relief to aggregate scale operators with older weigh beam type scales unable to change divisions in order to comply with current tolerances set forth in NIST Handbook 44 (2001). In many areas of the country where limestone ledges are shallow (thin) it is not uncommon for quarry operators to mine and crush 2 – 3 years supply of material over a 2 – 6 month period. The material is then sold and weighed during the 2-3 year time frame. In most cases this will amount to 10,000 – 20,000 tons per year. The majority of the material is sold to townships, counties and small villages. Scales used to measure products in this market are very old and in many cases it is impossible to or cost prohibitive, especially when the low volumes of material are considered, to modify the tolerances by changing the divisions to align with the unit of measure. Further it is equally difficult and distinctly uneconomic to maintain these scales at a ± 20 lbs. Tolerance. This is of national concern as; (a) many states have shallow ledges in some or most portions of their geology and geography, (b) it is easier to maintain uniformity in all states through adoption of the amendment.

Other Contacts:

Ms. Joy Wilson, President, National Stone, Sand & Gravel Association, 2101 Wilson Blvd, Arlington, VA 22201, Phone: (800) 342-1415, FAX (703) 525-7782

Mr. Robert Garbini, P.E., President, National Ready Mixed Concrete Association, 900 Spring Street, Silver Spring, MD 20910, Phone: (301) 587-1400, FAX (301) 585-4219

Other Reasons For:

1. Conserves resources for enforcement agencies.
2. Improve aggregate scale compliance.
3. Provides counties, townships and other small rural users with reasonably priced aggregate products.
4. Does not affect current tolerances in major markets as: (a) tolerances are current handbook the same over 50,000-ton level, and (b) most urban markets (99%) have modern scales with digital readouts.

Other Reasons Against:

Additional Considerations: Adoption of the proposal will provide greater uniformity for all parties, economic benefit to all parties, while not adversely affecting the accurate measurement of materials. Adoption of this proposal will allow for the equalization of measurement system for all devices weighing aggregate.

Attachments:

1. Proposed amendment in engrossed form.
2. Testimony of the Kansas Aggregate Producers Association before the Kansas Senate Agriculture Committee on March 14, 2001.

Suggested Action: The Specifications & Tolerances Committee of the Central Weights and Measures Association recommend the amendment as set forth above favorable for adoption by the National Conference on Weights and Measures.

Recommend NCWM: Adoption
Withdrawal

Submit as a Regional Developing Issue

Other (Please describe)

T.N.3.4. Crane and Hopper (Other than Grain Hopper) Scales. - The maintenance and acceptance tolerances shall be as specified in T.N.3.1. and T.N.3.2. for Class III L, except that the tolerance for crane and construction materials hopper scales shall not be less than 1d or 0.1 percent of the scale capacity, whichever is less.
(Amended 1986)

T.N.3.5. Separate Main Elements: Load Transmitting Element, Indicating Element, Etc. - If a main element separate from a weighing device is submitted for type evaluation, the tolerance for the element is 0.7 that for the complete weighing device. This fraction includes the tolerance attributable to the testing devices used.

T.N.3.6. Coupled-In-Motion Railroad Weighing Systems. - The maintenance and acceptance tolerance values for the group of weight values appropriate to the application must satisfy the following conditions:
(Amended 1990 and 1992)

T.N.3.6.1. - For any group of weight values, the difference in the sum of the individual in-motion car weights of the group as compared to the sum of the individual static weights shall not exceed 0.2 percent.
(Amended 1990)

T.N.3.6.2. - If a weighing system is used to weigh trains of five or more cars, and if the individual car weights are used, any single weight value within the group must meet the following criteria:

- (a) no single error may exceed three times the static maintenance tolerance;
 - (b) not more than 5 percent of the errors may exceed two times the static maintenance tolerance; and
 - (c) not more than 35 percent of the errors may exceed the static maintenance tolerance.
- (Amended 1990 and 1992)

T.N.3.6.3. - For any group of weight values wherein the sole purpose is to determine the sum of the group, T.N.3.6.1. alone applies.
(Amended 1990)

T.N.3.6.4. - For a weighing system used to weigh trains of less than five cars, no single car weight

within the group may exceed the static maintenance tolerance.
(Amended 1990 and 1992)

T.N.3.7. Uncoupled-in-Motion Railroad Weighing Systems. - The maintenance and acceptance tolerance values for any single weighment within a group of non-interactive (i.e., uncoupled) loads, the weighment error shall not exceed the static maintenance tolerance.
(Amended 1992)

T.N.3.8. Dynamic Monorail Weighing System. - Acceptance tolerance shall be the same as the maintenance tolerance shown in Table 6. On a dynamic test of 20 or more individual test loads, 10 percent of the individual test loads may be in error, each not to exceed two times the tolerance. The error on the total of the individual test loads shall not exceed ± 0.2 percent. (See also Note in N.1.3.6.1.)
(Added 1986) (Amended 1999)

T.N.3.9. Materials Test on Customer-Operated Bulk Weighing Systems for Recycled Materials. - The maintenance and acceptance tolerance shall be ± 5 percent of the applied materials test load except that the average error on 10 or more test materials test loads shall not exceed ± 2.5 percent.
(Added 1986)

T.N.4.0 Vehicle Scales used to Weigh Aggregate The minimum tolerance applied to vehicle scales solely used to weigh aggregate products shall be 100 pounds.



KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on House Bill 2103
to
The House Committee on Agriculture**

**by Constantine V. Cotsoradis
Assistant Secretary
Kansas Department of Agriculture**

February 7, 2005

Good afternoon Chairman Johnson and members of the committee. I am Constantine Cotsoradis, assistant secretary of agriculture. I am here to testify in opposition to HB 2103 and to discuss the impact this bill would have on the Department of Agriculture and Kansas businesses.

In 2001, the Legislature decided that aggregate scales could, for a period of two years, be allowed a greater tolerance (+/- 100 pounds) for accuracy than originally allowed by weights and measures standards. In return, the Kansas Aggregate Producers' Association agreed to pursue changing the tolerance requirements through the National Conference on Weights and Measures. The conference is the national authority on such issues. The aggregate association was asked to pursue the tolerance change at the national level so uniform weights and measures laws could be maintained between Kansas and other states. This uniformity is one statutory mandate of the weights and measures program. At that time, it was agreed that industry would comply with existing tolerances if the proposal failed at the national level.

In 2003, the aggregate association asked for an extension of time because the National Conference on Weights and Measures specification and tolerances committee had not ruled on their proposal. Since it still was being developed, we did not oppose HB 2245 and the two-year extension on the allowable tolerance. We believed it would have been premature to revert to the original tolerance as long as there was a chance that it could change at the national level. Again, we emphasized that if the proposal was withdrawn, or it failed at the National Conference on Weights and Measures, we expected the aggregate industry to comply with the tolerances without any special consideration or further extensions.

In 2003 the National Conference on Weights and Measures specification and tolerances committee withdrew the issue because they found that it had "no technical merit" and "tolerances should not be modified to accommodate equipment that is not able to maintain NIST Handbook 44 tolerances and other technical requirements."

We oppose this bill because it provides unwarranted special consideration for one segment of industry. All businesses and industries should ensure that their scales are properly maintained and accurate. We believe that all consumers should be entitled to purchase commodities, regardless of unit price, on an accurate scale. Granting exceptions to one segment of industry contradicts our statutory mandate to be uniform with other states and makes us vulnerable to other exceptions.

Some may recall the actions that were necessary to overhaul and improve this state's weights and measures program in 1995. Actions like this, such as granting special exceptions and not uniformly applying the law, were at the heart of the program's problems and gradual decay. Back then, adjectives like "black hole" and "troubled" were used to describe the weights and measures program. Today, because of a collective effort, including actions by the Legislature, our weights and measures program is a model program that gets asked to train staff from other state weights and measures programs. We truly believe that granting this exception will harm the program and reverse some of the progress we have made in these last nine years.

Thank you. I will gladly stand for questions at the appropriate time.



K A N S A S

AGRICULTURAL REMEDIATION BOARD

KATHLEEN SEBELIUS, GOVERNOR

HOUSE AGRICULTURE COMMITTEE

SENATE BILL 16

FEBRUARY 7, 2005

Good afternoon, Chairman Johnson and members of the House Agriculture Committee. My name is Mary Jane Stankiewicz and I am the administrator for the Kansas Agricultural Remediation Board.

The Remediation Board was established in 2000 and is composed of 5 appointed members that represent various segments of the grain and chemical industry and a producer representative and 2 agency representatives. I have attached a list of the Remediation Board members to this testimony for your reference.

The statute does not specifically address the expiration date so the members have been appointed with an expiration date of June 30th. Since the inception of this program, there have been 5 members whose terms have expired and these individuals were either replaced or reappointed so this issue has become apparent over the past few years. We recognize that it would be more convenient for the terms to expire during the session so that the legislators would be readily available for the confirmation process. The Remediation Board is supportive of any change that would assist the smooth and timely confirmation of board members.

This bill has come before the legislature previously and unfortunately was used as a vehicle for other legislation. We are hopeful that this bill can successfully move through the legislative process this year. We supported the previous bills and stand in support of this bill. I would be glad to answer any questions you may have about this bill. Thank you for your time and attention.