

HOUSE BILL REPORT

HB 2522

As Reported By House Committee On:
Agriculture & Rural Development

Title: An act relating to weights and measures.

Brief Description: Modifying weights and measures provisions.

Sponsors: Representatives Rayburn, Chandler, Chappell, Foreman, Hansen, Silver, Lemmon and Springer; by request of Department of Agriculture.

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, February 3, 1994, DPS.

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Grant; Karahalios; Lisk; McMorris and Roland.

Staff: Kenneth Hirst (786-7105).

Background: In general, all weighing and measuring instruments or devices used for commercial purposes in this state must be inspected and tested for accuracy by the director of the Department of Agriculture or by a city sealer. These devices must be inspected at least once every two years. Devices that conform to the applicable standards and requirements are considered to be "correct." Those that do not are considered to be "incorrect."

The Department of Agriculture is authorized to set inspection fees with the advice of a task force. Fees may be collected for instruments and devices found to be correct.

Summary of Substitute Bill: The authority of the Department of Agriculture to establish inspection fees for weighing and measuring instruments and devices is repealed. The fee schedule currently in effect by rule is placed in statute.

Inspection fees must be paid for instruments and devices found to be incorrect. The Department of Agriculture or a city sealer is authorized to establish reasonable reinspection fees for such instruments and devices. The fees must be limited to those necessary for covering, to the extent possible, the direct costs associated with the reinspection of each type or class of weighing or measuring device. These reinspection fees must be approved by an industry task force appointed by the director. The task force and this authority to establish reinspection fees terminates June 30, 1995.

A provision of law is repealed which requires rejected devices to be removed from commercial use until they have been reexamined, found to be correct, and issued a seal of approval.

Reasonable fees for responding to special requests by the owners of weighing and measuring devices to inspect such devices must be limited to recovering direct costs and may not be set to compete with agents which normally provide such services.

A provision of law is repealed that requires cities which conduct inspections of weighing or measuring devices to remit 10 percent of the inspection fees they collect.

The director of the Department of Agriculture has oversight authority of the weights and measures programs of cities, not general supervisory powers, as under current law. A provision of law requiring the per unit assignment of the price of packages containing various lots of the same commodity applies if the commodity is in such a packaged form at the time it is exposed for sale at retail.

The relationship between the state's primary weights and measures standards, certified as being in conformity with the national standards, and the secondary standards used in inspections is clarified. It is clarified that the weights and measures of a city sealer that are to be inspected biennially by the department are its secondary standards. The department is expressly granted authority to establish reasonable fees for services performed by its metrology lab.

Fees collected under the weighmaster laws must be deposited in the weights and measures account of the state treasury. Monies from the account may be used for enforcing and implementing the weights and measures law, not just for inspections and testing.

Substitute Bill Compared to Original Bill: Supplied by the substitute bill are the provisions that: repeal the

authority of the department to set inspection fees and place the current fee schedule in statute; require a task force to approve reinspection fee schedules, terminate the authority for setting such fees, and terminate the task force on June 30, 1995; and clarify the authority to set metrology lab fees.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: On the original bill: (1) The bill permits the department to be paid for inspecting devices that fail inspections and to establish reinspection fees. (2) Without the bill, a device that fails an inspection must await retesting by the department before it may be used in commerce. The bill allows these instruments to be used as soon as they are corrected by a private service agent. (3) Cities currently ignore the requirement that they remit 10 percent of their inspection fees to the state. (4) The bill provides a common sense approach to testing devices.

Testimony Against: On the original bill: (1) The department has ignored the task force's objections to fee increases. Emergency rules increased fees 50 to 80 percent without the advice of the task force. (2) Fee increases are likely to remove customer services such as the availability of propane at gas stations.

Witnesses: In favor of the original bill: Bob Arrington, Department of Agriculture; Tom Dooley, Association of Washington Business; and Jan Gee, Washington Retail Association. Commented on current fee schedules: Jan Gee, Washington Retail Association; David Gerdts, C&D Propane; and Ray Shindler, Pacific Northwest Propane Association.