

HOUSE BILL REPORT

SSB 6099

As Reported By House Committee On:
Agriculture & Rural Development
Revenue

Title: An act relating to weights and measures.

Brief Description: Modifying weights and measures provisions.

Sponsors: Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Newhouse and Snyder; by request of Department of Agriculture).

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, February 23, 1994, DPA;
Revenue, February 28, 1994, DPA(Rev w/o AG)s.

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

Majority Report: Do pass as amended. Signed by 9 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Chandler, Ranking Minority Member; Schoesler, Assistant Ranking Minority Member; Chappell; Grant; Karahalios; 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 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 Amended 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of the Department of Agriculture to establish inspection fees for weighing and measuring instruments and devices is repealed.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A provision of law is repealed which requires rejected devices to be removed from commercial use until they have been reexamined, found to be correct and issued a seal of approval.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 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 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.

Amended Bill Compared to Substitute Bill: Supplied by the amended 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 Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (1) A study by the Office of Financial Management identified operational changes that would improve the administration of the state's weights and measures program; this bill authorizes those changes. (2) With this bill, the department can charge a fee for inspecting a device that fails the inspection. However, such a device may be placed back in commercial service by a private technician. (3) The bill as amended will prevent the adoption of unrestricted fees by the department.

Testimony Against: The department should be permitted to set per unit price rules that would allow the price per unit of a dry product (particularly infant formula) when reconstituted with water to be compared to the price of ready-to-consume products.

Witnesses: In favor: Senator Rasmussen, prime sponsor; and Julie Sandberg and Bob Arrington, Department of Agriculture. In favor of striking amendment: David Gerds, C&D Propane; Tom Dooley, Association of Washington Business; and Jan Gee, Washington Retail Association. In favor of a unit price amendment: Cliff Webster and Barbara Cavalier, Abbott Laboratories.

HOUSE COMMITTEE ON REVENUE

Majority Report: Do pass as amended by Committee on Revenue and without amendment by Committee on Agriculture & Rural Development. Signed by 12 members: Representatives G. Fisher, Chair; Holm, Vice Chair; Foreman, Ranking Minority Member; Anderson; Brown; Caver; Cothorn; Leonard; Romero; Rust; Silver and Wang.

Minority Report: Do not pass. Signed by 3 members: Representatives Fuhrman, Assistant Ranking Minority Member; Talcott and Van Luven.

Staff: Rick Peterson (786-7150).

Summary of Recommendation of Committee on Revenue Compared to Recommendation of Committee on Agriculture & Rural Development: The Revenue Committee striking amendment incorporates the Agriculture and Rural Development striker but restores current law for setting fees by rule, rather than in statute. The Revenue Committee striking amendment

also removes the requirement that the task force approve fee levels before the department can assess reinspection fees.

Fiscal Note: Available.

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

Testimony For: This bill provides some needed technical changes to the weights and measures program.

Testimony Against: None.

Witnesses: Senator Rasmussen, prime sponsor; and Bob Arrington, Washington State Department of Agriculture.