



**B-1
Water Litigation**

**B-2
State Water Plan
Fund, Kansas
Water Authority,
and State Water
Plan**

**B-3
Kansas Corporate
Farming Law**

**B-4
Weights and
Measures
Program**

**B-5
Waters of the U.S.**

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Agriculture and Natural Resources

B-4 Weights and Measures Program

Weights and measures is one of the oldest government functions. It is specifically mentioned in the *Articles of Confederation* and the *U.S. Constitution*. The global and U.S. economies depend on uniform standards of mass, volume, and length. Thus, the Kansas Department of Agriculture's Weights and Measures program serves an important role in consumer protection and in facilitating trade.

Weights and Measures inspectors test all commercial weighing and measuring devices. They test scales used in grocery stores, grain elevators, livestock sale barns, pawn shops, and other locations. They test gas pumps and meters used to sell chemicals or to sell propane to home owners. They check packages containing edible and inedible products to ensure that the consumer receives the quantity stated on the label. They even verify that in-store scanners scan the correct price. Essentially, all consumer goods are subject, in one way or another, to the weights and measures law.

Kansas' Weights and Measures Program

Kansas requires every commercial weighing or measuring device to be tested by a licensed service company each year, excluding gas pumps, which are regulated specifically by Weights and Measures personnel. Service companies and technicians must be licensed by the Weights and Measures program. Licensed companies and technicians are authorized to repair, install, and certify commercial weighing and measuring devices. Kansas is believed to be the only state that allows service technicians to certify commercial weighing and measuring devices.

The Weights and Measures program provides oversight to these service companies and technicians. Computer-generated lists of scales recently tested by service companies are provided to inspectors of large and small scales. The inspectors retest the devices and compare results to ensure that the device was properly tested. Commercial scales found to be improperly tested by the service company are required to be retested. Compared to some other states, the number of devices tested by the Weights and Measures program is low, but Kansas' compliance rate for accuracy of these devices tends to be higher than other states.

Service companies in Kansas must pay a license fee of \$50 each year, but there are no additional registration requirements for weights and measures devices in the state. Every technician must attend a continuing

education class and pass a test annually for each type of device for which they wish to be licensed. Each scale and propane meter is required to be tested every 365 days by a licensed service company or by the state. Every gas pump and vehicle tank meter must be inspected by the state every 18 months.

There are no registration requirements for weights and measures devices in Kansas; below are Kansas' definitions of weights and measures devices.

- Small Scales – Any scale with a capacity of 200 lbs. or less. Small scales can be mechanical or digital.
- Large Scales – Any scale with a capacity of more than 200 lbs.
- Scanners – The scanner reads the Uniform Price Code (UPC) on the package scanned and shows the price of the item scanned. Prices are entered into the scanner's computer by the store or by corporate headquarters.
- Bulk Fuel Meters – tank meters.
- Gas Pumps – retail gas pumps.
- Packages – Packages are classified into two categories: standard pack and random pack.
- Liquefied Petroleum Meters – tank meters and bottle gas meters.

Surrounding States Weights and Measures Programs

Included are the weights and measures policies of seven surrounding states (Colorado, Iowa, Missouri, Nebraska, Oklahoma, Arkansas, and Texas). While each state has a unique regulatory composition, there are some similarities that can be generalized.

Four states (Colorado, Iowa, Nebraska, and Texas) require devices be state registered by the device owners before they can be used in the state. Five states (Colorado, Iowa, Missouri, Nebraska, and Oklahoma) rely on state Weights and Measures employees to inspect and certify devices for use. Arkansas and Texas inspections and certifications

are completed by privately licensed inspection companies.

In all seven states, some form of annual inspection or certification of devices in use is required. State weights and measures departments range in size from 13 to 63 employees. A majority of these states allow private scale companies to provide service, repairs, and recalibration of registered devices, as needed. The devices are then inspected and sealed by state employees. Annual device registration and service technician fees, when collected by a state, range from \$5.00 to \$100.00.

Arkansas

Scale inspections are completed by privately-licensed inspection companies, which inspect registered devices on an annual basis. It is unknown how many devices are in operation in the state. The Weights and Measures Department has 13 employees, of which 12 are field inspectors. There is no fee for registering devices in the state, nor are there any fees associated with registering as a licensed inspector in the state.

Colorado

Inspectors for the Colorado Department of Agriculture (CDA) are responsible for the inspection and certification of certain commercial devices for accuracy. Those devices are scales, textile meters, cordage meters, and grain moisture meters. CDA does not contract out such duties to the private sector. Devices are registered when instrument owners procure a license from the CDA for the operation of the devices listed above if they are used commercially. The license is acquired on an annual basis. Registration fees are determined by device capacity. Scale companies also must renew their certificate annually. Certification fees vary from year to year, depending upon the total number of service licenses requested. Registered device service providers (scale companies) repair, service, and replace in-service commercial devices.

Commercial devices are inspected once a year and as needed by CDA employees. At the end

of 2012, there were 25,832 scales, 254 grain moisture meters, and 788 length measuring devices registered in the state. CDA does not license or register scanning devices. Gas pumps and fuel meters are regulated by the Colorado Department of Labor and Employment, Division of Oil and Public Safety. There are 20 employees in the CDA's Weights and Measurements Division, including 17 field employees. CDA field inspectors certify that all devices are National Conference on Weights and Measures (NTEP) and National Institute of Standards and Technology (NIST) Handbook-compliant.

Iowa

Iowa Department of Agriculture (IDA) employees are responsible for conducting inspections of regulated devices. Scales in the state are inspected on a regular basis and fuel pump inspections are conducted annually. As of July 1, 2013, there were more than 39,000 fuel meters and 19,000 registered scales in the state. The IDA has 13 full-time employees in the Weights and Measures Department, 11 of which are field employees.

Service companies seal those devices in need of calibration, and state employees seal the devices after they are inspected. The state receives a phone call if a seal has been broken and registered service companies repair devices as needed. Owners register devices upon acquisition and pay an annual license fee. Registered services companies pay a \$5.00 annual fee per company and a \$5.00 annual fee per technician.

Missouri

Employees of the Missouri State Weights and Measures Department are responsible for conducting all inspections of regulated devices. The Department has 64 employees, including 45 field inspectors. As of July 1, 2013, there were 77,320 gas pumps, and 4,709 large capacity and 22,830 small capacity scales in operation throughout the state. Scales, propane meters, refined fuel tank delivery vehicle meters, and marinas are inspected annually, while retail fuel, including high flow dispensers and terminal rack

meters, are inspected every six months. Registered technicians can make calibrations, repair, and place devices into service. Any device placed in service, repaired, or recalibrated must be followed by an official state inspector who will then replace the security seal with the state security seal.

There is no device registration requirement. The state has an inspection fee for scales. All petroleum inspections, including fuel quality, are funded by a petroleum inspection fee fund. Currently, the petroleum inspection fee is 2.5 cents per 50 gallon barrel. Scale and petroleum technicians must renew their licenses every two years. There is no fee except for certification of standards. Petroleum standards and test weight calibration is \$60.00 per hours. This fee is scheduled to increase in the near future.

Nebraska

Nebraska relies primarily on state employees to complete annual inspections of the 23,616 devices registered in the state. The Weights and Measures Department consists of 20 employees, including 15 field inspectors and one metrologist. State employees and registered service companies are authorized to seal devices and ensure compliance with all categories of integrity. Only licensed service companies repair and install devices. Devices are registered in the state by device type, make, model, and serial number. Upon registration by device owners and payment of inspection fees, the devices are assigned a number by the Weights and Measures Department. Technicians and service companies are required to register annually with the state; the cost is \$45.00 per registered service person.

Oklahoma

State employees annually inspect all commercial scales, conduct price inspections, and package check inspections. Oklahoma does not have a device registration requirement. In 2012, Oklahoma tested 9,808 scales and conducted 2,754 scanner inspections. Fuel pumps are regulated by the Oklahoma Corporation Commission. In 2012, the state tested 7,997 small capacity and platform

scales, 36 livestock scales, 107 ranch scales, and 1,668 vehicle scales. There are 14 employees in the Weights and Measures Division, including 12 field employees and two office employees.

Scale companies have the initial authority to place a scale into service. Once a scale is placed into service, state scale technicians and inspectors will follow-up to verify the scale is accurate. Scale owners can repair scales themselves or they can contact a licensed scale company for the repairs, when necessary. Company and technician licenses are renewed annually. The license is valid from July 1 to June 30 of each year. The company license fee is \$100 and the technician license fee is \$25.

Texas

Scale inspections are completed by privately licensed inspection companies, which inspect registered devices on an annual basis. As of July 1, 2013, there were more than 192,082 registered scales, gas pumps, fuel meters, and other devices registered in the state. When these devices are in need of repair, maintenance is performed by private companies who also can place the devices back into service. Owners of these devices pay a registration fee of between \$8.00 to \$172.00. Additionally, an annual fee of \$100 is assessed to device owners, and registered technicians pay an annual licensing fee of \$100.00 per device class certification.

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