

HB

351

(7)

HOUSE COMMITTEE REPO:

Date Referred: May 20, 1991

FURTHER REFERRALS:

Labor & Commerce
Finance

Date of Committee Action: 2/20/92

The TRANSPORTATION Committee considered:

HB 351

HOUSE BILL NO. 351

WEIGHTS & MEASURES: TESTS/VIOLATIONS

"An Act relating to the frequency of inspection and testing of weighing and measuring devices; and authorizing the issuance of citations for violations of the Weights and Measures Act."

RECOMMENDATIONS:

be replaced with CS HB 351 (Transp)

~~of~~ the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note DCEP

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Robert D. Lewan</i>	✓				
<i>Eugene B. Kukuna</i>	✓				
<i>Bill Gaudin</i>	✓				
<i>Gail Phillips</i>	✓	<i>[Signature]</i>			✓
<i>Richard Storey</i>	*	<i>[Signature]</i>			

Richard Storey
CHAIRMAN'S SIGNATURE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. CSHB351

Revision Date: February 18, 1992 Department Affected: Commerce and Economic Dev.
 Title: Weights and Measures Tear/ BRU: Measurement Standards
Violations Components: Measurement Standards
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						
FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

In 1986, certain modifications were made to AS45.75 to provide the authority for Weigh Station Operators to issue citations for truck size and permit violations. The then present authority for Weights and Measures Inspectors to issue citations was inadvertently deleted.

Prepared By: Jennifer Breslin Phone: 345-7750
 Division: Measurement Standards Date: February 18, 1992
 Approved by Commissioner: Glenn A. Olds *(Signature)* Comm. 2-19-92
 Agency: Department of Commerce and Economic Development Dir: _____

Department of Commerce & Economic Development / POSITION PAPER

CSHB351

CSHB 351: An Act relating to the frequency of inspection and testing of weighing and measuring devices; and authorizing the issuance of citations violations of the Weights and Measures Act.

Prior to 1986, weights and measures inspectors had the authority to issue citations for weights and measures violations. Changes were made to AS 45.75 in 1986 to authorize weigh station operators to issue citations for truck size and permit violations. When these changes were made, the weights and measures inspectors were inadvertently stripped of their authority to issue citations. During the last year the Division of Measurement Standards promulgated regulations that provide for the registration of all weighing and measuring devices with the division and the payment of an annual fee. To allow the division to adequately enforce AS 45.75 and 3 AAC, it is necessary for the weights and measures inspectors to have the authority to issue citations for those persons who choose to violate the law. Most, if not all, Weights and Measures jurisdictions in the United States and Canada possess this authority. This does not mean that a rash of new citations will be issued, but it does give the weights and measures official an effective-enforcement tool.

House Bill 351, as submitted by the Governor, contains language that allows the director to set the frequency of device inspections in his/her discretion. This language was originally proposed under the previous administration. The present Administration has now had an opportunity to review this provision and wishes the frequency of inspection to remain at twice annual. We therefore request that lines 7 and 8 on the first page of the bill be restored to the existing language found in AS 45.75.080(a). (See CSHB351)

The Department of Commerce and Economic Development strongly recommends passage of these changes.

 2.19.92

Glenn A. Oids, Commissioner
 Department of Commerce and
 Economic Development