

SB

152

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 152

Revision Date: _____
Title: Weights and Measures Test/Violations
Sponsor: Judiciary
Requestor: _____

Department Affected: Commerce and Economic Development
BRU: Measurement Standards
Component: Measurement Standards
COMPONENT SERIAL NO. 349

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
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 (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

In 1986, certain modifications were made to AS 45.75 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
Division: Measurement Standards

Phone: 345-7750
Date: 3/10/93

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

Date: 3-15-93

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OVERVIEW SB 152

The Division of Weights and Measures, Department of Territorial Police, enforced territorial weights and measures laws adopted in 1939. Devices found incorrect were marked "condemned for repairs" and had 90 days for repairs. The fine for penalty was \$500 or one year in jail.

The "Weights and Measures Act," Alaska Statute Title 45, Chapter 75, was enacted in 1961. Implementing regulation, Alaska Administrative Code, Title 3, Chapters 33 and 34, were adopted in 1964, establishing the Weights and Measures Program, requiring the testing and certification of accuracy of weighing and measuring devices used in commerce in Alaska.

The Division of Measurement Standards is charged with the responsibility of assuring that all weights and measures in commercial service within the state are suitable for their intended use and accurate to determine prices by weight, measure, or account and to test prepackaged commodities to ensure that the appropriate net weight, unit price, total price and product identification are stated on the label.

Currently the Weights and Measures Act requires the twice annual device and package testing of over 20,000 devices in 300 locations across the state. However, in view of declining financial resources, the division is in the process of rearranging its method of legislative requirements in the area of enforcement cycles, generating funds through "program receipts" and restructuring administrative practices in an effort to maximize existing resources and maintain a credible weights and measures program in the fast pace of technological advancements in the industry.

Weights and Measures officials currently have no enforcement mechanism requiring device owners and managers to comply with weights and measures regulations pertaining to the following but not limited to: Stop-use orders, removal of a state seal, misleading packaged commodities, removing a rejected tag, hindering or obstructing an inspector in the performance of official duties under this chapter, failing to register devices with the director, failure to pay registration fees and failure to keep accurate records of devices.

Prior to 1986, Weights and Measures Officials were authorized to issue citations for violations of the Weights and Measures Act. In 1986, changes were made to the Weights and Measures Act to authorize Weigh Station Operators to issue citations for violations of the truck size and permitting laws. In this process, the Weights and Measures Officials' authority inadvertently disappeared.

This proposed legislation will provide:

- the reestablishment of the Weights and Measures officials' authority allowing for effective administration and enforcement of the weights and measures regulations and, specifically, provide the authority to effectively enforce the registration fee requirements of the regulations.
- the ability to increase program receipts by ensuring that all who are obliged to register weighing and measuring devices will register and pay the fee.
- the director with the ability to better utilize available resources and improve the level of coverage of the state with an increase in the number of devices inspected and registered. The present law requires twice annual inspection for all weighing and measuring devices in the state. Since the enactment of the law in 1964, it has not been possible to meet the twice annual requirement. This change will allow the director to reduce the frequency of testing of certain types of devices that, through experience, do not require such frequent testing. This change will allow the division to redirect its efforts into areas that have not received as much attention because of the twice annual testing for all other devices.
- the ability to search our new devices used in commerce for testing and registration purposes.

The fiscal impact related to additional financial allocations is based on estimated devices in service across the state, funding generated through the "device registration" program receipts could optimistically total \$100.0 annually. Therefore, it is division management's position that the proposed changes in AS 45.75 would expedite collection of device registration fees and place basic policy powers in the day-to-day weights and measures regulatory process. Reducing the twice annual field device inspections would put the state and the division closer to a legal operation, also, allowing the director flexibility to efficiently administer the Weights and Measures program.

Edward Moses, Director
Division of Measurement Standards
Department of Commerce and
Economic Development

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ARTICLE 13. WEIGHING AND MEASURING
 DEVICE REGISTRATION AND FEES

Section

- 700. Registration Required
- 710. Forms, Certificates, and Application
- 720. Term of Registration
- 730. Schedule of Fees
- 740. Past Due Fees
- 750. Transitional Provision
- 760. Definitions

3 AAC 32.700. REGISTRATION REQUIRED. A person who uses, or has in possession for the purpose of using, for a commercial purpose specified in AS 45.75.080, a new or used weighing or measuring device not previously used in commerce, must register the device with the Division of Measurement Standards and pay the registration fee before the device is used in commerce. (Eff. 8/15/91, Reg. 119)

Authority: AS 45.75.040
 AS 45.75.050
 AS 45.75.380

3 AAC 32.710. FORMS, CERTIFICATES, AND APPLICATION. Application for registration of a weighing or measuring device must be made on a form prescribed and furnished by the Division and must contain the information the Division requires. Upon completion of registration and receipt of the registration fee, the Division will provide a certificate or other evidence of device registration compliance to the registrant. (Eff. 8/15/91, Reg. 119)

Authority: AS 45.75.040
 AS 45.75.050
 AS 45.75.380

3 AAC 32.720. TERM OF REGISTRATION. Weighing and measuring device registrations expire on June 30 of each year. Application for renewal of registration, and the registration fee, are due by July 1 of each calendar year. (Eff. 8/15/91, Reg. 119)

Authority: AS 45.75.040
 AS 45.75.050
 AS 45.75.380

3 AAC 32.730. SCHEDULE OF FEES. The following registration fees apply for weighing and measuring devices:

(1) Liquid Measuring Devices:	
(A) Maximum Flow Rate	Annual Fee
(Manufacturer's rate)	
25 gpm	\$15
150 gpm	30
greater than 150 gpm	60
(B) Retail Remote Control, Indicating or Recording Unit	50
(C) Key Lock or Card Reader System	
25 gpm	15
150 gpm	30
greater than 150 gpm	60
(D) Bulk Plant Remote Indicating or Recording Unit	50

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: "An Act changing the frequency of certain state inspections of weights and measures . . ." BRU: _____
 Sponsor: Senate Judiciary Committee Component: _____
 Requestor: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current (FY94) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Remond Henderson *Remond Henderson* Director Phone: 465-4703
 Division: Administrative Services Date: 3/21/94
 Approved for the Commissioner by: Bruce Geraghty *Bruce Geraghty* Deputy Commissioner Date: 3/21/94
 Agency: Community & Regional Affairs

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SB 152: "An Act changing the frequency of certain state inspections of weights and measures and relating to the issuance of citations for weights and measures violations."

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, 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.

Within current budget constraints, the division is unable to maintain semiannual inspections in all locations in Alaska. Amending AS 45.75.080 will allow the Director to establish inspection priorities based on inspection history of various device types, inspecting most devices at least annually, and others more often if necessary.


Paul Fuhs, Commissioner

Date

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