

1999 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1155

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1155

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 1-26-98

Tape Number	Side A	Side B	Meter #
2	x		28.4
Committee Clerk Signature <i>Lisa Horner</i>			

Minutes:

HB 1155 Relating to public service commission regulation of price scanners and testing of weighing devices, and transient vendors.

Chairman Berg opened the hearing on the bill.

Mr. Chuck Johnson, Attorney for Public Service Commission, testified in support of the bill. He presented some amendments.

(see attached written testimony)

Chairman Berg closed the hearing on the bill.

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House Industry, Business and Labor Committee

Bill/Resolution Number Hb 1155

Hearing Date 1-26-99

Moved by Representative Froseth to adopt the amendments, Second By Representative

Kempnich.

By voice vote, all yes, 0 no, motion carried.

Moved by Representative Froseth to do pass as amended, Second by Representative Severson

By roll vote, 12 yes, 0 no, 3 absent.

Representative Severson will carry the bill.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1155

Amendment to: HB 1155

Requested by Legislative Council

Date of Request: 1-27-99

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative: *The amendment eliminates the proposal to allow the Public Service Commission to test scanners. With the approval of the amendment, the remaining bill will have no fiscal impact on the General Fund.*

- State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	N/A	N/A	N/A	N/A	N/A	N/A
Expenditures:	N/A	N/A	N/A	N/A	N/A	N/A

- What, if any, is the effect of this measure on the appropriation for your agency or department:

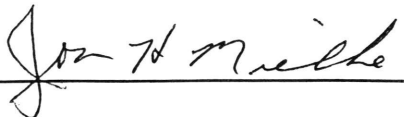
- For rest of 1997-99 biennium: N/A
- For the 1999-2001 biennium: N/A
- For the 2001-03 biennium: N/A

- County, City, and School District fiscal effect in dollar amounts: *No Effect*

	1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
	Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

If additional space is needed, attach a supplemental sheet.

Date Prepared: *January 27, 1999*

Signed: 

Typed Name: *Jon H. Mielke, Executive Secretary*

Department: *Public Service Commission*

Phone Number: *328-2400*

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: HB 1155

Amendment to:

Requested by Legislative Council

Date of Request: 1-4-99

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative: See attached supplement

- State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	< \$500	N/A	< \$500	N/A	< \$500	N/A
Expenditures:	N/A	N/A	N/A	N/A	N/A	N/A

- What, if any, is the effect of this measure on the appropriation for your agency or department:

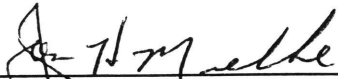
- For rest of 1997-99 biennium: N/A
- For the 1999-2001 biennium: N/A
- For the 2001-03 biennium: N/A

- County, City, and School District fiscal effect in dollar amounts: *No Effect*

	1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
	Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

If additional space is needed, attach a supplemental sheet.

Date Prepared: *January 5, 1999*

Signed: 

Typed Name: Jon H. Mielke, Executive Secretary

Department: Public Service Commission

Phone Number: 328-2400

Public Service Commission
Fiscal Note Supplement
HB 1155

1. Narrative: *The bill allows the Public Service Commission to randomly check price scanners for accuracy. Testing will be done by present Public Service Commission staff as they do their other duties. There will be no effect on the General Fund. Testing will be done mainly in response to complaints. Even though the bill proposes a \$10 testing fee, the number of tests will not be significant so that the revenues raised are expected to be minimal.*

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1155

Page 1, line 1, after "enact" remove "a new chapter to title 64 and"

Page 1, line 3 remove "price scanners and"

Page 1, line 4 remove "and 64-02-10", after "to" remove "price scanners,"

Page 1, remove line 5

Page 1, remove lines 7 through 23

Page 2, remove lines 1 through 2

Page 2, remove lines 18 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 8

Re-number accordingly

Date: _____
Roll Call Vote #: _____

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1155

House Industry, Business and Labor Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass

Motion Made By Froseth Seconded By Koppang

Representatives	Yes	No	Representatives	Yes	No
Chair - Berg	/		Rep. Thorpe		
Vice Chair - Kempenich	/				
Rep. Brekke	/				
Rep. Eckstrom	/				
Rep. Froseth	/				
Rep. Glassheim	/				
Rep. Johnson	/				
Rep. Keiser					
Rep. Klein	/				
Rep. Koppang	/				
Rep. Lemieux					
Rep. Martinson	/				
Rep. Severson	/				
Rep. Stefonowicz	/				

Total (Yes) 12 No 0

Absent 3

Floor Assignment Severson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1155: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1155 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new chapter to title 64 and"

Page 1, line 2, remove "public service commission regulation of"

Page 1, line 3, remove "price scanners and", replace "sections" with "section", and remove the comma

Page 1, line 4, remove "and 64-02-10", replace "price scanners," with "the definition of", and replace the third comma with a period

Page 1, remove line 5

Page 1, remove lines 7 through 23

Page 2, remove lines 1 and 2

Page 2, remove lines 18 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 8

Re-number accordingly

1999 SENATE AGRICULTURE

HB 1155

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1155

Senate Agriculture Committee

Conference Committee

Hearing Date 3/11/99

Tape Number	Side A	Side B	Meter #
1		X	1572-2152
Committee Clerk Signature <i>Christa Jorgensen</i>			

Minutes:

Senator Wanzek called the meeting to order, roll call was taken, all were present.

Senator Wanzek opened the hearing on HB 1155.

Charles Johnson from Public Service Commission spoke in favor of the bill. Testimony enclosed.

Senator Urlacher: A number of those vendors probably don't sell by weight.

Chuck Johnson: That's probably right.

Senator Klein closed the hearing on HB 1155.

Senator Kinnoin made the motion for a Do Pass.

Senator Mathern seconded.

ROLL CALL: 7 Yes, 0 No

CARRIER: Senator Kinnoin

Date: 3/11
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1155

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Kinnoin Seconded By Mather

Senators	Yes	No	Senators	Yes	No
Senator Wanzek	✓				
Senator Klein	✓				
Senator Sand	✓				
Senator Urlacher	✓				
Senator Kinnoin	✓				
Senator Kroeplin	✓				
Senator Mather	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Senator Kinnoin

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 11, 1999 5:21 p.m.

Module No: SR-44-4623
Carrier: Kinnoin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1155, as engrossed: **Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1155 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1155

H.B. 1155

Presented by: Charles E. Johnson
Public Service Commission

Before: Industry, Business and Labor Committee
Representative Rick Berg, Chairman

Date: January 26, 1999

TESTIMONY

Mr. Chairman and committee members, I am Charles E. Johnson, an attorney with the Public Service Commission (Commission) and with me is Alan Moch, director of the Commission's Testing and Safety Division. HB 1155 deals with two separate matters. The first deals with the creation of a new section relating to the Commission's regulation of price scanners (sections one and three). The Commission respectfully requests that this portion of HB 1155 be removed and withdrawn from consideration. Suggested amendments are attached.

The scanner provisions were included initially because a 1996 Federal Trade Commission (FTC) study showed a scanner error rate nationwide of almost 5%. The scanner provisions are being removed because a new FTC report, dated December 16, 1998, shows that the error rate has declined to about 3%. Although the Commission believes some scanner error problems still persist, especially in the area of sale items, it has been assured, after recent discussions with the retail sales associations, that legitimate customer complaints regarding scanner errors are being processed quickly and to the customer's satisfaction.

The second subject of this bill relates to the testing and inspection of transient vendor's weighing devices.

The current weights and measures law requires that an item sold by weight must be sold across a scale that meets the Commission's specific design and tolerance requirements. To assure that those requirements are met, scales are tested and inspected annually either by a public or a private inspector.

Farmer's market vendors deserve special consideration. Every summer farmers sell their products at roadside stands or at farmer's markets. The Commission, along with the support of the State Agriculture Department, requests that this group, more commonly referred to as "transient vendors," be exempted from the weights and measures laws. We believe that those laws place an unnecessary financial burden on the families selling these commodities by requiring them to purchase expensive, commercial-quality scales which would only be used for a maximum of 120 days each year. In addition, it is virtually impossible to locate each roadside stand or farmer's market to annually test and inspect the weighing devices used by these vendors.

Since no complaints have ever been received from any consumers frequenting these "farmer's markets," we support the exemptions offered in this bill.

Mr. Chairman, that concludes our testimony. We would be happy to respond to any questions from the committee at this time.

ENGROSSED H.B. 1155

Presented by: Charles E. Johnson
Public Service Commission

Before: Agriculture Committee
Senator Terry M. Wanzek, Chairman

Date: March 11, 1999

TESTIMONY

Mr. Chairman and committee members, I am Charles E. Johnson, an attorney with the Public Service Commission (Commission) and with me is William Bianco, chief inspector of the Commission's Testing and Safety Division.

Engrossed HB 1155 deals with the testing and inspection of transient vendor's weighing devices.

The current weights and measures law requires that an item sold by weight must be weighed with a scale that meets certain design and tolerance requirements. To assure that those requirements are met a scale must be tested and inspected annually.

Every summer farmers sell products at roadside stands or at farmer's markets. The Commission, along with the support of the State Agriculture Department, requests that seasonal sellers of produce, fruit, nuts or seafood, more commonly referred to as "transient vendors", be exempted from the weights and measures laws. We believe that those laws place an unnecessary financial burden on the families selling these commodities by requiring them to purchase expensive, commercial-quality scales which would only be used for a maximum of 120 days each year. In addition, it is virtually impossible to locate

each roadside stand or farmer's market to annually test and inspect the weighing devices used by these vendors.

Since no complaints have ever been received from any consumers frequenting these "farmer's markets," the Commission supports the exemption offered in this bill.

Mr. Chairman, that concludes our testimony. We would be happy to respond to any questions from the committee at this time.