

2015 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2125

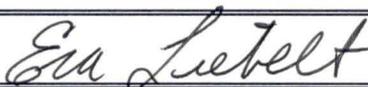
2015 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

SB 2125
1/13/2015
Job Number 21880

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to public service commission action for weighing or measuring devices that do not meet design or tolerance standards

Minutes:

Attachments

Vice Chairman Campbell: Called the meeting to order

Patrick Fahn, Director of Compliance and Competitive Markets, Public Service Commission: Written Testimony Attached (1). Examples of weighing devices was given; gas pumps at service stations, truck scales at elevators, scales in a grocery store that they have oversight and jurisdiction on. (:50-2:13)

Senator Murphy: Asked about the stickers being put on the devices

Patrick Fahn: Showed the red sticker and stated that it said, "Use of this device in commerce is illegal". The commission does have the option to allow the use of the device if it is for something like a pump and the hose was leaking. It doesn't meet their standards but they would give the operator time to repair the device and bring it back into compliance. It would still be marked and when it was repaired the red sticker would be replaced with a green sticker.

Senator Miller: Asked if this only applies to scales or devices that are actively engaged in commerce or if it is still required for those that are not in operation.

Patrick Fahn: Typically if they come across a scale that is not used in commerce they may put a red sticker on the device if the public has access to it. If it is not used in commerce, it does not need to meet their standards.

Vice Chairman Campbell: Asked if anyone else was in support, any opposition or if anyone was neutral. He closed the hearing.

Senator Burckhard moved a do pass.

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Senator Poolman seconded the motion.

Roll Call Vote: Yes-6 No-0 Absent-1

Senator Murphy will carry the bill.

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2125**

Senate Industry, Business and Labor Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Senator Burckhard Seconded By Senator Poolman

Senators	Yes	No	Senators	Yes	No
Chairman Klein			Senator Murphy	x	
Vice Chairman Campbell	x		Senator Sinner	x	
Senator Burckhard	x				
Senator Miller	x				
Senator Poolman	x				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Senator Murphy

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

REPORT OF STANDING COMMITTEE

SB 2125: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2125 was placed on the Eleventh order on the calendar.

2015 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2125

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

SB 2125
3/11/2015
24670

- Subcommittee
 Conference Committee

Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Public Service Commission action for weighing or measuring devices that do not meet design or tolerance standards.

Minutes:

Attachment 1

Chairman Keiser: Opens the hearing on SB 2125.

Patrick Fahn~Director of Compliance & Competitive Markets with the PSC:
(Attachment 1).

2:32

Representative Lefor: What number of units are we looking at on an annual basis?

Fahn: The number we test is 24,000.

Representative Lefor: Do you look at the 24,000 units every year and determine which ones are faulty?

Fahn: Our inspectors have a routes with east and west divisions. We try to get to all of them but in the end the operator is responsible to for the accuracy of the devise.

Representative Amerman: Can you disable them instead of putting a sticker on to say they are defective?

Fahn: We put a sticker on the devise so it may not be used in commerce. The owner may want to use it for some other purpose because it's his personal property and we are ok with that.

Representative Laning: I assume the owner has the opportunity to have them repaired and put them back into commercial use or is it automatically taken off and can't reuse it?

Fahn: The device owner may use the device with the consent of the commission depending on the situation. We give them the time to get it repaired to put it back into place.

Representative Becker: What number comes up defective each year? How many do you not get to and do you make sure you get to them the following year? If you leave it to the owner to get it checked on their own, isn't there the opportunity for a lot of things to fall through the cracks?

Fahn: The service companies that also do this type of work fill out test reports and those test reports are filed with the commission. Individuals that can test devices are also licensed and permitted by the commission. That is how we try to keep a handle on the quality assurance. Our inspector inspects as many devices they can. We get to 80-90 percent per year.

Chairman Keiser: What is the penalty for the person who removes the sticker off and put it back into use in violation of your order? That's why previous language said confiscate or destroy and get it out of the system so we don't have that. What is the penalty for that person?

Fahn: We have a record of devices that are supposed to be out of commercial use.

Chairman Keiser: But I'm not going to call and tell you. What is the penalty?

Fahn: They go to the State's Attorney.

Representative Ruby: You have situation in current law for large scales, you would condemn it but it's too much to remove the large scales.

Fahn: The operator of the device may use it for personal use.

Representative Devlin: What would the penalty be if they break the law?

Fahn: The sheriff's office would go out and taken it out of service.

Representative Devlin: No financial or monetary penalty?

Fahn: The commission does have penalty provisions that they could use. The commission would have to bring a complaint against the operator, show they were using the device when they shouldn't and under our general penalty provision the commission can fine up to \$5,000.

Chairman Keiser: Anyone else here to testify in support of SB 2125, opposition, neutral? Closes the hearing on SB 2125, what are the wishes of the committee?

Representative Laning: Moves a Do Pass.

Representative Boschee: Seconded.

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Roll call was taken on for a Do Pass on SB 2125 with 12 yes, 0 no, 3 absent and Representative Lefor will carry the bill.

Date: Mar 11, 2015

Roll Call Vote: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2125

House Industry, Business & Labor Committee

Subcommittee Conference Committee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Reconsider _____

Motion Made By Rep Laning Seconded By Rep Boschee

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	x		Representative Lefor	x	
Vice Chairman Sukut	x		Representative Louser	x	
Representative Beadle	x		Representative Ruby	x	
Representative Becker	x		Representative Amerman	x	
Representative Devlin	x		Representative Boschee	x	
Representative Frantsvog	Ab		Representative Hanson	Ab	
Representative Kasper	x		Representative M Nelson	Ab	
Representative Laning	x				

Total (Yes) 12 No 0

Absent 3

Floor Assignment Rep Lefor

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

REPORT OF STANDING COMMITTEE

SB 2125: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).
SB 2125 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

SB 2125

Senate Bill 2125

Presented by: Patrick Fahn, Director of Compliance and Competitive Markets
Public Service Commission

Before: Senate Industry, Business and Labor Committee
The Honorable Jerry Klein, Chairman

Date: January 13, 2015

TESTIMONY

Mister Chairman and committee members, I am Patrick Fahn, Director of Compliance and Competitive Markets with the Public Service Commission. The Public Service Commission asked me to testify today in support of Senate Bill 2125, introduced at our request.

Existing statute requires that the Commission condemn, seize, or destroy any incorrect weighing or measuring device which cannot be satisfactorily repaired to meet applicable laws and rules for devices used in commerce. Rather than condemn, seize, or destroy the personal property of the device operator, the Commission's preference is to mark the device, probably with a sticker, to inform the public and the operator that the device may not be used in commerce without the consent of the Commission.

Mister Chairman, this concludes our testimony. I will be happy to answer any questions.

Senate Bill 2125

Presented by: Patrick Fahn
Director of Compliance and Competitive Markets
Public Service Commission

Before: House Industry, Business and Labor Committee
The Honorable George Keiser, Chairman

Date: March 11, 2015

TESTIMONY

Mister Chairman and committee members, I am Patrick Fahn, Director of Compliance and Competitive Markets with the Public Service Commission. The Public Service Commission asked me to testify today in support of Senate Bill 2125, introduced at our request.

Existing statute requires that the Commission condemn, seize, or destroy any incorrect weighing or measuring device which cannot be satisfactorily repaired to meet applicable laws and rules for devices used in commerce. The Commission has concerns the process to condemn, seize, or destroy devices would be unnecessarily burdensome when the Commission could accomplish the same objective by marking the device defective. Rather than condemn, seize, or destroy the personal property of the device operator, the Commission's preference is to mark the device, probably with a sticker, to inform the public and the operator that the device may not be used in commerce without the consent of the Commission.

Mister Chairman, this concludes our testimony. I will be happy to answer any questions.