

# Bill as Introduced

HB 1557-FN-A - AS INTRODUCED

2010 SESSION

10-2234  
08/10

HOUSE BILL

***1557-FN-A***

AN ACT relative to purchasing specialized weights and measures equipment.

SPONSORS: Rep. Beaulieu, Hills 17; Rep. Sad, Ches 2; Rep. Owen, Merr 4; Rep. Messier, Hills 17

COMMITTEE: Environment and Agriculture

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ANALYSIS

This bill makes an appropriation for the purchase of specialized weights and measures equipment.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT                   relative to purchasing specialized weights and measures equipment.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1           1 Appropriation. The sum of \$200,000 for the fiscal year ending June 30, 2011 is hereby
- 2 appropriated to the department of agriculture, markets, and food for the division of weights and
- 3 measures to purchase a weight truck to be used to test commercial vehicle and truck scales. The
- 4 governor is authorized to draw a warrant for said sum out of any money in the treasury not
- 5 otherwise appropriated.
- 6           2 Effective Date. This act shall take effect July 1, 2010.

LBAO  
10-2234  
11/16/09

**HB 1557-FN-A - FISCAL NOTE**

AN ACT relative to purchasing specialized weights and measures equipment.

**FISCAL IMPACT:**

The Department of Agriculture, Markets and Food states this bill will increase state general fund expenditures by \$202,000 in FY 2011 and by \$5,000 in FY 2012 and each year thereafter and increase state general fund revenue by \$24,800 in FY 2011 and by \$90,000 in FY 2012 and each year thereafter. There is no fiscal impact on county and local expenditures or revenue.

This bill appropriates \$200,000 from the state general fund in FY 2011 to the Department of Agriculture, Markets and Food for purposes of this bill.

**METHODOLOGY:**

The Department of Agriculture, Markets and Food states this bill appropriates \$200,000 in FY 2011 for the purpose of purchasing a weight truck to be used to test commercial vehicle and truck scales. The Department estimates it will generate \$24,800 (62 inspections \* \$400 fee) in the first year weight truck is purchased and \$90,000 (225 inspections \* \$400 fee) in each year thereafter. Expenditures are estimated to be \$202,000 (purchase price, inspection, and fuel) in first year truck is purchased and \$5,000 each year thereafter for maintenance, including inspections and fuel.

# Speakers

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1557-FN-A Date 1-20-10  
 Committee Environment + Agriculture

\*\* Please Print All Information \*\*

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep Sherr Packard	Home		Republican Office	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Jane Beaulieu		203-8440		<input checked="" type="checkbox"/>	
Rich BELANCO		736-600	Self		<input checked="" type="checkbox"/>
<del>Alvin Brown</del>		606 0242			<input checked="" type="checkbox"/>
<del>JOHN BROWN</del>					
Nancy Pollard	Keene NH	352-7468	Self	<input checked="" type="checkbox"/>	
<del>John Northwood</del>	<del>NH</del>	<del>513-1859</del>	<del>Self</del>	<input checked="" type="checkbox"/>	
<del>Christine Leachman-Lee</del>	<del>N. Sandwich, NH</del>	<del>284-7272</del>	<del>Self</del>	<input checked="" type="checkbox"/>	
<del>SARA P. CHAMBERS</del>	<del>PO Box 87, N. Sandwich, NH</del>	<del>284-9339</del>	<del>Self</del>	<input checked="" type="checkbox"/>	
Laura Libarthy	1057 Old Homestead	403 313 9597			<input checked="" type="checkbox"/>
Cheryl Niles	Dover, NH	749-0432	Self		<input checked="" type="checkbox"/>
Liz Keio	Hankook, NH	603 525 9411	Self		<input checked="" type="checkbox"/>
Evelyn A. NABLIE	Peterborough		NH		<input checked="" type="checkbox"/>
Beatrice Bartley		(603) 253 6936	Self		<input checked="" type="checkbox"/>
Pat Campa	Hollis NH	465 3368			<input checked="" type="checkbox"/>
Tiffany Cross	Merrimack NH	424-5626	Self		<input checked="" type="checkbox"/>
Lisa Wolford	Deerfield NH	479 5601		<input checked="" type="checkbox"/>	
Melissa Sudeny	Canterbury	783-9416		<input checked="" type="checkbox"/>	
<del>Tommy Boyd</del>					

# Hearing Minutes

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 1557-FN-A

**BILL TITLE:** relative to purchasing specialized weights and measures equipment.

**DATE:** January 21, 2010

**LOB ROOM:** 308      **Time Public Hearing Called to Order:** 10:00 a.m.

**Time Adjourned:**

(please circle if present)

**Committee Members:** Reps. Sad. Beaulieu, Owen, P. Allen, Webb, Beauchamp, Lindsey, Poznanski, S. Smith, Wiley, Haefner, Messier, B. Williams, Knox, Gandia, Groen, Palmer and Tucker.

**Bill Sponsors:** Rep. Beaulieu, Hills 17; Rep. sad, Ches 2; Rep. Owen, Merr 4; Rep. Messier, Hills 17

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Jane Beaulieu** -- Prime sponsor supports bill.

**Richard Cote, Director Weights and Measures, Department of Agriculture** - Supports bill. Statute says that commissioner and dept. needs to be inspecting equipment and testing the vehicle scales in the state. In NH 235 vehicle scales weighing up to 120,000 pounds. They have tried to borrow vehicles to carry scales from other states but it isn't possible. DOT says unable to lease their crane out to Department of Agriculture. We need it to put scales on, carry to different locations and use to inspect and test commercial devices. Can be used to inspect other scales that weigh upwards from 5,000 pounds. Life of these trucks is 15-20 years.



Agriculture Department requested staff in budget and they didn't feel appropriate to request equipment without staff to operate it. Now having staff, need equipment. If inspect 150 vehicle scales a year, fee is \$400 per scale. Payback time is 3 ½ years for vehicle. Department already have weights. It will take 1 hour per scale to do testing. It will take inspector 4-6 months to inspect annually...contingent on weather and wind. Cost of outsourcing of service now to private industry didn't cost state. Concerned that scales are not being tested accurately. It is a state function to test these scales – someone who does not have a financial interest in whether it passes or fails. Scale inspectors sometimes don't have money to repair their equipment so that they can complete inspections accurately. \$200,000 is for truck and boom crane to lift up weights. Truck alone is 110,000. If this is approved it will go out to bid.

Chair Sad: Policy has been set in rules and budget that state will take over these duties. Their role is to service and repair scales not to inspect the scales effective Jan 1, 2010. As of this date private industry will not have ability to place seals on the scales. Before 2010, state charged 11.00 for 50 stickers. Private service companies did inspect scales in past. Rules have changed and b/c conflict of interest decided state of NH needs to do it. By law, Dept of Weights & Measures needs to be on hand to approve inspections. It is our job to randomly inspect these scales. We inspect 250 heavy weight scales and over 2,000 of other devices.

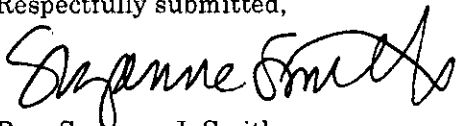
**Rick Belanger of Epsom has a transfer station and salvage yard.** – Opposes the bill. In rules passed last week, weights and measures has ability to have private sector work in conjunction with them. General understanding that fee should be 125% - 100% is cost plus 25% extra. 2 people take 2-3 hours to certify his scales. He thinks it will cost state more than 125%. Northeast Scale services his scale at cost of \$400-500. They can still do this, but then has to pay state fee to come out and certify the weights are accurate.

**Norman Brown, Advanced Scale** – Opposes bill. He does certification on scales and has been licensed with state until 2010. He disagrees with fiscal note and how much maintenance costs will be on truck. Fuel costs for his company are much

higher than state's estimates. Feb. 09 his company billed for 4 truck scales approximately \$1,500. Season starts early in spring and proceeds during good weather.

**Kevin Young, Instructor and investigator at Weights and Measures.** Weight truck that state had went to auction b/c state didn't have money to replace it when it wore out. Employees were not released as he was one of them. Establishments will not be fined if state hasn't inspected. Rules state that seal is legal for a year after. Inspecting scales only takes 1-1 ½ hours to inspect. More than that we are talking about maintenance. When he was an inspector years ago, there was pressure on him to get scale sealed and certified. He sees it a conflict to have scale companies certify. Not practical for scale companies to meet with Weights and Measures at scale sites. He can't conduct fair investigation if scale company is participating in the investigation. There are too many conflicts. To best of his knowledge, scale companies charge 750-1000 for inspections. State charges 400. 2/10 of 1 percent is amount of deviation allowed. New scale it is 1/10 of 1%. (20 lbs for 20,000 lbs.) The department gives many verbal warnings, not written warnings. Pressure on scale companies to pass scales? He has seen evidence that state seal is put on scales so companies can get by even when damage to scale is obvious. When reports are filed, complete with video reports, presented to supervisor and he doesn't know exactly where it went from there.

Respectfully submitted,



Rep. Suzanne J. Smith  
Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 1557-FN-A

**BILL TITLE:** relative to purchasing specialized weights and measures equipment.

**DATE:** 1-21-10

**LOB ROOM:** 308

**Time Public Hearing Called to Order:** ~~10:00~~

**Time Adjourned:**

(please circle if present)

**Committee Members:** Reps. Sad, Beaulieu, Owen, P. Allen, Webb, Beauchamp, Lindsey, Poznanski, S. Smith, Wiley, Haefner, Messier, R. Williams, Knox, Gandia, Groen, Palmer and Tucker

**Bill Sponsors:** Rep. Beaulieu, Hills 17; Rep. sad, Ches 2; Rep. Owen, Merr 4; Rep. Messier, Hills 17

TESTIMONY

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HB 1557 FN Public hearing 1-21-10

Relative to purchasing specialized weights and measures equipment.

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**Richard Cote** – Director Weights and Measures supports bill. Statute says that commissioner and dept. needs to be inspecting equipment and testing the vehicle scales in the state. In NH 235 vehicle scales weighing up to 120,000 pounds . They have tried to borrow vehicles to carry scales from other states but it isn't possible. DOT says unable to lease their crane out to Dept. of Ag.

We need it to put scales on, carry to different locations and use to inspect and test commercial devices. Can be used to inspect other scales that weigh upwads from 5,000 pounds. Life of these trucks is 15-20 years.

Ag Dept requested staff in budget and they didn't feel appropriate to request equipment without staff to operate it. Now having staff, need equipment.

If Inspect 150 vehicle scales a year, fee is \$400 per scale. Payback time is 3 ½ years for vehicle. Department already have weights.

It will take 1 hour per scale to do testing. It will take inspector 4-6 months to inspect annually...contingent on weather and wind.

Cost of outsourcing of service now to private industry didn't cost state.

Concern that scales not being tested accurately. It is a state function to test these scales – someone who does not have a financial interest in whether it passes or fails. Scale inspectors sometimes don't have money to repair their equipment so that they can complete inspections accurately.

\$200,000 is for truck and boom crane to lift up weights. Truck alone is 110,000. If this is approved it will go out to bid.

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Pressure on scale companies to pass scales? He has seen evidence that state seal is put on scales so companies can get by even when damage to scale is obvious. When reports are filed, complete with video reports, presented to supervisor and he doesn't know exactly where it went from there.

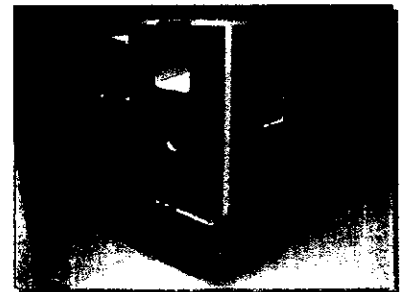
# Testimony



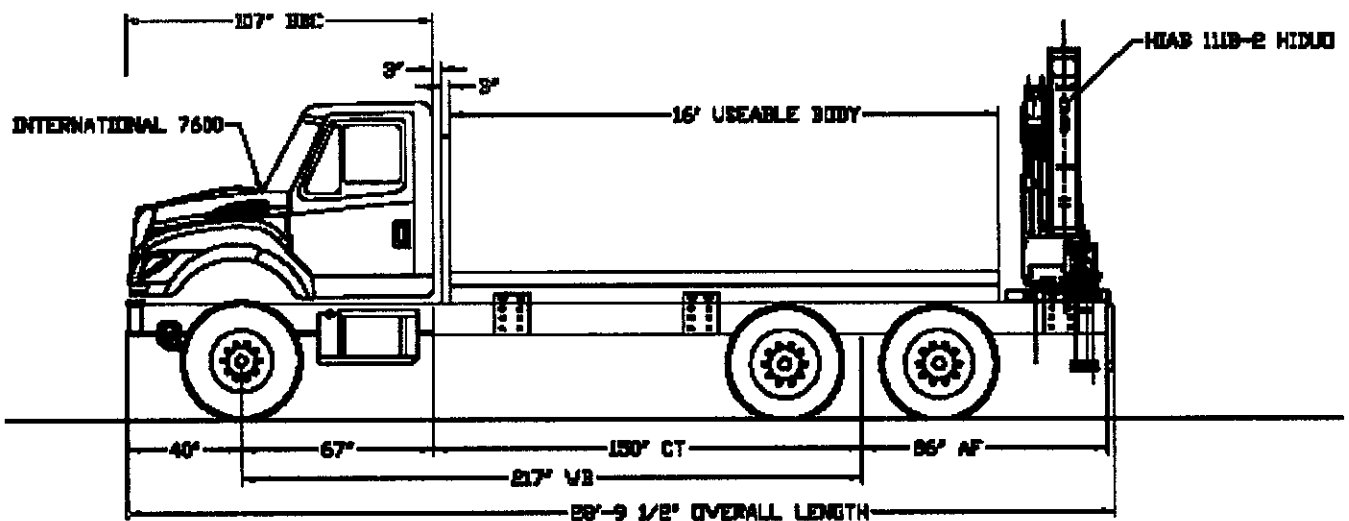
## DIVISION OF WEIGHTS AND MEASURES VEHICLE SCALE TEST TRUCK

Vehicle scales are used to weigh truckloads of commodities with some trucks weighing over 100,000 lb. Every day, a great deal of commercial trade relies on the accuracy of those measurements. A typical vehicle scale test will use at least 20,000 lb of test weights to evaluate performance of the scale (usually to at least 80,000 lb, the legal highway load limit). A test truck is equipped with a crane or other apparatus to move the weights.

The New Hampshire Division of Weights and Measures has been outsourcing the inspection, testing and calibration of vehicle weight scales. The Division believes that performing the inspection and testing using in-house resources and equipment would enhance and verify the accuracy of the testing and be in keeping with its legislative charge to enforce the weights and measures act. The Division is proposing the purchase of a test truck to be equipped with certified test weights and used for testing the individual scale sections. A fee per scale (based on the scale capacity) will be charged to recover the costs of operating the test truck.



The Hews Company in Bow, New Hampshire, has configured a truck-mounted body and crane that will meet the needs of the Division to perform the testing and certification. The basic body layout is presented below:





A demonstration of a Weight Scale Test Truck in action is shown in the following pictures. (Note: this truck does not have some of the safety and protective features proposed for the NH Division of Weights and Measures, including remote crane operation and a rolling tarp system.)



Advanced Scale mileage records for 2006 through 2009

Ending Quarter	Quarterly Mileage	Gallons
3/31/06	2610	457
6/30/06	3155	437
9/30/06	2379	319
12/31/06	2654	436
Year Total		1649
3/31/07	1889	223
6/30/07	3173	407
9/31/07	1882	360
12/31/07	1788	225
Year Total		1215
3/31/08	2460	465
6/30/08	2609	337
9/30/08	1576	288
12/31/08	1070	111
Year Total		1201
3/31/09	1712	374
6/30/09	2858	299
9/30/09	2051	295
12/31/09	1323	308
Year Total		1276

4 year total                      Servicing 70 truck scales    5341 gallons

Average per year                Servicing 70 truck scales    1335.25 gallons

Fuel costs @ \$3/ gallon        Servicing 70 truck scales       \$4,005.75

Average per year                Servicing 220 truck scales    4007.75 gallons

Fuel costs @ \$3/ gallon        Servicing 220 truck scales       \$12,023.25

# Voting Sheets

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 1557-FN-A

**BILL TITLE:** relative to purchasing specialized weights and measures equipment.

**DATE:** January 28, 2010

**LOB ROOM:** 308

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Haefner

Seconded by Rep. Williams

Vote: 13-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

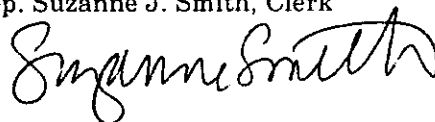
**CONSENT CALENDAR VOTE: 13-0**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Suzanne J. Smith, Clerk



HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 1557-FN-A

BILL TITLE: relative to purchasing specialized weights and measures equipment.

DATE: 1-28-10

LOB ROOM: 308

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. *Haefner*

Seconded by Rep. *Williams*

Vote: (Please attach record of roll call vote.) 13-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

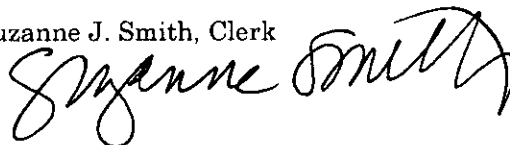
CONSENT CALENDAR VOTE: 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Suzanne J. Smith, Clerk



ENVIRONMENT AND AGRICULTURE

Bill #: 1577 FN Title: purchasing specialized weights & measures

PH Date: 1, 21, 2010

Exec Session Date: 1, 28, 2010

Motion: ITL

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Sad, Tara A, Chairman	✓	
Beaulieu, Jane E, V Chairman	✓	
Owen, Derek	✓	
Allen, Peter H	✓	
Webb, Leigh A	✓	
Beauchamp, Roger R	✓	
Lindsey, Steven W		✓
Poznanski, Brian D	~	
Smith, Suzanne J, Clerk	✓	
Wiley, Susan E	✓	
Haefner, Robert H	✓	
Messier, Irene M	not voting	
Williams, Burton W	✓	
Knox, J. David	—	
Gandia, Laura J	—	
Groen, Warren J	✓	
Palmer, Stephen J	✓	
Tucker, Pamela Z	—	
TOTAL VOTE:	12	1

# Committee Report

**CONSENT CALENDAR**

**January 28, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on ENVIRONMENT AND**

**AGRICULTURE to which was referred HB1557-FN-A,**

**AN ACT relative to purchasing specialized weights and  
measures equipment. Having considered the same,**

**report the same with the following Resolution:**

**RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. Robert H Haefner**

**FOR THE COMMITTEE**



## COMMITTEE REPORT

Committee:	<b>ENVIRONMENT AND AGRICULTURE</b>
Bill Number:	<b>HB1557-FN-A</b>
Title:	<b>relative to purchasing specialized weights and measures equipment.</b>
Date:	<b>January 28, 2010</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

This bill would have authorized the purchase of a \$200,000 truck for the Division of Weights and Measures - an expenditure over and above the budget, at a time when we are not yet able to balance the budget. It is irresponsible to continue to spend large sums of money under these circumstances. There are other alternatives that could be explored to accomplish the task of certifying truck scales. We also heard testimony from scale owners that this would cost them additional money by having two entities visit their scale, one to certify and another to repair and or calibrate. There was further testimony from the scale companies that stated it would take revenue from them.

Vote 13-0.

Rep. Robert H Haefner  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### ENVIRONMENT AND AGRICULTURE

**HB1557-FN-A**, relative to purchasing specialized weights and measures equipment.  
**INEXPEDIENT TO LEGISLATE.**

Rep. Robert H Haefner for ENVIRONMENT AND AGRICULTURE. This bill would have authorized the purchase of a \$200,000 truck for the Division of Weights and Measures - an expenditure over and above the budget, at a time when we are not yet able to balance the budget. It is irresponsible to continue to spend large sums of money under these circumstances. There are other alternatives that could be explored to accomplish the task of certifying truck scales. We also heard testimony from scale owners that this would cost them additional money by having two entities visit their scale, one to certify and another to repair and or calibrate. There was further testimony from the scale companies that stated it would take revenue from them. **Vote 13-0.**


Original: House Clerk  
Cc: Committee Bill File

HB 1557-FN-A

ITL

This bill would have authorized the purchase of a \$200,000 truck for the Division of Weights and Measures - an expenditure over and above the budget, at a time when we are not yet able to balance the budget. It is irresponsible to continue to spend large sums of money under these circumstances. There are other alternatives that could be explored to accomplish the task of certifying truck scales. We also heard testimony from scale owners that this would cost them additional money by having two entities visit their scale, one to certify and another to repair and or calibrate. There was further testimony from the scale companies that stated it would take revenue from them.

Bob Haefner

A handwritten signature in black ink, appearing to be 'B. Haefner', written in a cursive style.

HB 1557-FN-A

ITL

This bill would have authorized the purchase of a \$200,000 truck for the Division of Weights and Measures - an expenditure over and above the budget, at a time when we are not yet able to balance the budget. It is irresponsible to continue to spend large sums of money under these circumstances. There are other alternatives that could be explored to accomplish the task of certifying truck scales. We also heard testimony from scale owners that this would cost them additional money by having two entities visit their scale, one to certify and another to repair and or calibrate. ~~Their further was~~ testimony from the scale companies that stated it would take revenue from them.

*There was*  
Bob Haefner

HB 1557-FN-A

ITL

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Bob Haefner

HB1557: Rep. Bob Haefner for the Majority. ITL

~~This is a \$200,000 expenditure, over and above the budget, at a time when we are not yet able to balance the budget. It is irresponsible to continue to spend large sums of money under these circumstances. There are other alternatives that could be explored to accomplish the task of certifying truck scales. We also heard testimony from scale owners that this would cost them additional money by having two entities out to their scale, one to certify and another to repair and or calibrate. ~~There~~ further was testimony from the scale companies that stated it would take revenue from them.~~

*bill would have authorized the purchase of a \$200,000 truck for the Div. of Weights & Measures*

*an expenditure*

13-0