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BILL



ANALYSIS

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Senate Bill 506 (as introduced 9-24-15)  
Sponsor: Senator Mike Green  
Committee: Agriculture

Date Completed: 2-10-16

### **CONTENT**

**The bill would amend the Weights and Measures Act to incorporate by reference the standards published in the 2014 editions of National Institute of Science and Technology (NIST) handbooks, replacing references to the 2012 editions.**

Except as otherwise provided, the Act requires various activities to conform to standards published in the 2012 edition of the NIST handbook 130, which the Act incorporates by reference. Specifically, the method of sale of a commodity sold in Michigan must conform to the "Uniform Regulation for the Method of Sale of Commodities". The packaging and labeling requirements for commodities sold in Michigan must conform to the "Uniform Packaging and Labeling Regulation". The bill would refer to the 2014 edition of the NIST handbook 130.

The Act requires the specifications, tolerances, and regulations for commercial weights and measures to comply with the standards contained in the 2012 edition of the NIST handbook 44, which the Act incorporates by reference. Also, a certificate of conformance for a type, and the determination for a uniform basis conformance for a type, must comply with the 2012 edition of the NIST handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices". The bill would refer to the 2014 edition of the NIST handbook 44.

In addition, registration for servicepersons and service agencies and competency tests must comply with the standards published in the 2012 edition of the NIST handbook 130, "Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices", as well as the 2012 edition of the NIST handbook 44. The bill would refer to the 2014 editions of those handbooks.

The bill would take effect 90 days after its enactment.

MCL 290.628c

### **BACKGROUND**

Article I, Section 8, clause 5 of the U.S. Constitution grants Congress the power to "fix the Standard of Weights and Measures". The National Institute of Science and Technology is a Federal agency that works with a number of industries to develop measurements and standards in accordance with that power. To aid industry and regulators in keeping abreast of the latest standards, NIST publishes a series of handbooks. These handbooks compile the best practices, uniform laws and regulations, and other information for a number of fields. The standards are reviewed annually and a new edition of the handbooks is printed each year.

with the revised standards. Before 2012, Michigan last updated the references to these standards in 2002.

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The shift of standards of regulation by the Michigan Department of Agriculture and Rural Development (MDARD) from what is required under the 2012 edition of the NIST handbooks to the 2014 edition, as provided under the bill, would result in increased responsibilities for the Department along with accompanying increased costs. Currently, under the 2012 standards, MDARD is not required to regulate or otherwise respond to complaints concerning the quantity or quality of oil used at businesses engaged in vehicle oil change services. Under the published 2014 standards, MDARD would be required to regulate these operations, according to the Department.

According to MDARD's estimate, a regulatory program that would consist solely of the Department's responding to complaints related to the quantity or quality of oil at these facilities would require \$120,000 in additional funding for personnel, \$40,000 for vehicle and travel costs, and \$30,000 for lab testing costs, for a total of \$190,000 annually. The source of the funding for MDARD to fulfill its regulatory responsibilities under the 2014 standards is not known at this time but, potentially, the needed funds could come from General Fund dollars or possibly from the potential establishment of license/inspection fees to be levied on oil change businesses.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.