

New Program Request Form

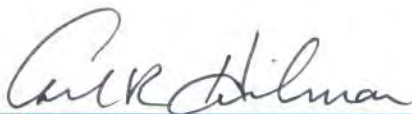
CA1

General Information

Institution Submitting Proposal	Barton Community College
Name & Title of Contact Person Phone & Email of Contact Person	Elaine Simmons, Dean of Workforce Training and Community Education, simmonse@bartonccc.edu (620)792-9214
Title of Proposed Program	Scale Technician
Proposed Suggested Classification of Instructional Program (CIP) Code	15.0702 – Quality Control Technology/Technician
CIP Code Description	A program that prepares individuals to apply basic engineering principles and technical skills in support of engineers and other professionals engaged in maintaining consistent manufacturing and construction standards. Includes instruction in quality control systems management principles, technical standards applicable to specific engineering and manufacturing projects, testing procedures, inspection procedures, related instrumentation and equipment operation and maintenance, and report preparation.
Standard Occupation Code (SOC)	51-9061 – Inspectors, Testers, Sorters, Samplers, and Weighers
SOC Description	Inspect, test, sort, sample, or weigh nonagricultural raw materials or processed, machined, fabricated, or assembled parts or products for defects, wear, and deviations from specifications. May use precision measuring instruments and complex test equipment.
Degree/Certificate Program Description	Certificate A
Number of Credits for the degree and all certificates requested	25 credit hours
Academic Unit	Workforce Training and Career Education
Proposed Date of Initiation	Fall 2017
Specialty Program Accrediting Agency and any Industry Certifications	Accrediting Agency: Kansas Department of Agriculture. Industry Certification: Scale Technician certificate will be issued by Barton Community College after the student successfully completes 25 credit hours of Scale Technician courses. Kansas Department of Agriculture, Weights and Measures Division, will issue a scale technician license upon successful completion of the certificate program.

Location(s) of Program	Barton Community College, Great Bend KS Campus
Summary of Demand for the Program (including source of data)	<p>US Bureau of Labor Statistics, Occupational Outlook Handbook indicates little to no change in employment demands with a median wage of \$36,000.</p> <p>The Kansas Department of Labor, Long-term Occupation Projections 2014-2024 indicates an 8% growth rate with a median wage of \$44,700.</p>
Listing of other similar programs in state/region (including enrollments and capacity)	No similar programs found in KHEDs.
Date Institution entered into Program Inventory	2/1/17

Signature of College Official

Date 1-30-17

Signature of KBOR Official

Date

Narrative

Completely address each one of the following items for new program requests. Provide any pertinent supporting documents in the form of appendices, (i.e., minutes of meetings, syllabi, competency profiles). *Institutions requesting subordinate credentials need only submit the items in blue. For example, an institution with an approved AAS degree has determined a need for a Certificate C in the same CIP code using the same courses used in the AAS degree program.*

Program Description

- *Provide a complete catalog description for the proposed program.*

This program is designed to provide the skills necessary to install, maintain and certify scales for wholesale and retail uses. Upon completion of the certificate program, students will possess the basic knowledge and proficiency for an entry-level position in the scale industry and progress rapidly in the industry. Students will also be eligible to obtain their state license to certify scales for commercial use upon successful completion of the program.

- List and describe the admission requirements and the graduation requirements for the proposed program.

Graduation Requirements

Students must complete the required 25 credit hours before being awarded a certificate. Achievement of an overall 2.0 grade point average is required to be eligible for certificate completion.

Program Admission

Students admitted to Barton as regular students are recognized as certificate or degree seeking and eligible for graduation upon completion of the program requirements. A student admitted as a regular student must request official transcripts (secondary, post-secondary, and/or GED) from all previously attended institutions sent directly to Barton. Students who enter the program prior to the attainment of a high school diploma or GED certificate must complete this requirement prior to the awarding of the certificate and/or degree credential.

- List and describe the specific program objectives for the proposed program.
The certificate program is designed to provide the skills necessary to install, maintain, and certify scales for wholesale and retail uses. Upon completion of the certificate program, students will possess the basic knowledge and proficiency for an entry-level position in the scale industry and progress rapidly in the industry. Students will also be eligible to obtain their state license to certify scales for commercial use upon successful completion of the program.

The program will be offered in an accelerated work format. The entire program of study may be completed within one college semester; each class within the program will be completed in no more than two weeks. The proposed format will include eight-hour school days, mirroring a typical work day, thus preparing students to work in the industry. Additionally, concentrating on course material over a shorter timeframe helps reinforce learning. Classes within the certificate program will also be open to individuals currently working in the industry (as space allows) to update skills.

Upon completion of the certificate program, students will:

- ✓ Demonstrate the proper usage of common scale terms and mathematics; describe the concepts of scale type and accuracy; describe the principles of scale types
- ✓ Use NIST Handbooks and state regulations to accurately discern requirements for scale

- specifications, installations, adjustments, and testing
 - ✓ Demonstrate a working knowledge of safety procedures required by governmental agency regulations for common scale environments and follow quality control procedures for common environments in which scales are found
 - ✓ Demonstrate basic truck driving knowledge as outlined in the current Commercial Driver's License manual
 - ✓ Perform inspections on certain areas of the commercial vehicle as it pertains to a pre-trip examination licensing test, and demonstrate the ability to safely operate a commercial vehicle through a series of traffic situations
- Describe how the proposed program relates to the institutional mission.
The mission of Barton Community College is to deliver educational opportunities that improve the lives of students, meet the workforce needs of the region and strengthen its communities.

This certificate program meets the institution's mission to improve the lives of students by providing quality training to obtain employment, increase earning ability, and qualify for promotion within employment. The certificate also provides an opportunity for national recognition and demand.

Demand for the Program

- Describe the student demand for the program and how the level of interest was determined.
Student demand is not currently driving the need for this program. Barton's relationship to the Weights and Measures industry initiated several years ago when Allie Devine (former KS Secretary of Agriculture) contacted Barton's president, Dr. Carl Heilman about the opportunity to work with industry to provide continuing education. Barton pursued that opportunity and currently provides the state-mandated training (pursuant to K.S.A 83-210), testing and certification via a contract with the Kansas Department of Agriculture (KDA). The resulting partnership with both the KDA and industry led to an awareness of the industry's need for a trained workforce and industry's request for the development of a training program.

The scale technician career field is not widely known to potential students and their families. As Barton prepares to launch the certificate program, our marketing plan will include educating students, families and the public on the career path as well as the ability to secure a financially lucrative position, with advancement opportunities. Marketing activities will include Barton's Senior Day, Barton's Junior Day, WTCE Career Fair, high school visits, 3I show and ESSDACK Career Fair.

The Scales Technician certificate program will include training that prepares students for careers in the Weights and Measures industry up to and including state certification. Students exiting the certificate program will also be strong candidates for other industries such as packing plants and grocery stores. Additionally, scale companies across the United States have verbally committed to enrolling their current scales technicians in the program.

This program will attract students interested in fast-tracking into a career that provides a self-sustaining wage as well as growth opportunities.

- Identify employer demand/labor market need at the local, regional and/or state level including, employment trends and projections (existing and anticipated openings), and estimated starting wages. Must include existing and future labor demands from the Kansas Job Vacancy Survey (<https://klic.dol.ks.gov>) and Department of Labor Statistics (www.dol.ks.gov).

An advisory board meeting was held in October 2015 to ascertain demand. Several employers from a group of 47 scale companies in Kansas reported there is an overall 18% shortage of employees and were confident a new program would enhance the applicant pool for the industry. Hiring a new employee who possessed the skills attained through the certificate program plus the industry certification would save Weights and Measures employers six months of training time. Additionally, a person with such training would be a prime job candidate in packing plants, grocery stores and other industries. Letters of support from area employers, including the Kansas Department of Agriculture, Gene's Scale Service, and Salina Scale Sales & Service are included (see appendix A).

The Certificate A will be for potential new industry hires and will shorten the on the job training time for companies and new employees by six months. Students will be given the basic knowledge on electrical circuitry, computers, technical math, report writing, safety, policy and procedures.

During the Weights and Measures advisory board meeting, our industry partners expressed they are 350 employees short to meet the demands of the job market. Scales companies have expressed an interest in hiring and interviewing our students to shorten the "on the job" training that is required of a new employee. As we developed the certificate program, we have heard of interest from potential students. The Kansas Department of Agriculture has confirmed the need for additional technicians in the state noting the industry has an aging workforce and there aren't employees to fill the vacancies.

US Bureau of Labor Statistics, Occupational Outlook Handbook indicates little to no change in employment demands for Quality Control Inspectors with a median wage of \$36,000. <https://www.bls.gov/ooh/production/quality-control-inspectors.htm>

The Kansas Department of Labor, Long-term Occupation Projections 2014-2024 indicates an 8% growth rate for Inspectors, Testers, Sorters, Samplers, and Weighers with a median wage of \$44,700.

Kansas																	
Long-Term Occupational Projections																	
Base Year 2014 to Projected Year 2024																	
Occupational Code	Occupational Title	Employment		Change in Employment		Openings due to			Total ²		Wages ³		Education and Training ⁴		Percent Distribution ⁵		
		Base Year 2014	Projected Year 2024	Numerical	Percent	Growth: Annual	Replacement: Annual	Replacement: Index ¹	Openings Annual	Openings Annual	Annual Mean	Annual Median	Typical Education Needed for Entry	Work Experience in a Related Occupation	Typical On-the-job Training Needed to Attain Competency	Base Year 2014	Projection Year 2016
51-9061	Inspectors, Testers, Sorters, Samplers, and Weighers	5,772	6,236	464	8.0%	464	1,268	127	73.2%	1,732	173	\$44,770	\$42,250	High school diploma or equivalent	None	Moderate-term on-the-job training	

Kansas						
Short-term Industry Employment Projections						
1st Quarter 2015 to 1st Quarter 2017						
NAICS Code ^[1]	Industry Title	Employment		Employment Change		
		Base Period 2015 1st Quarter	Projection Period 2017 1st Quarter	Numerical	Percent	Annual Growth Rate
519000	Other Information Services	941	1,108	167	17.7%	8.5%
State and National Trends						
United States	Employment		Percent Change	Projected Annual Job Openings 1		
	2014	2024				
Inspectors, Testers, Sorters, Samplers, and Weighers	496,600	495,500	0%	12,480		
Kansas	Employment		Percent Change	Projected Annual Job Openings 1		
	2014	2024				
Inspectors, Testers, Sorters, Samplers, and Weighers	5,770	6,240	8%	170		
Dept of Labor						
https://www.bls.gov/Oes/current/oes519061.htm						
Employment estimate and mean wage estimates for this occupation:						
Employment (1)	Employment RSE (3)	Mean hourly wage	Mean annual wage (2)	Wage RSE (3)		
508,590	0.70%	\$18.95	\$39,410	0.40%		
Percentile wage estimates for this occupation:						
Percentile	10%	25%	50% (Median)	75%	90%	
Hourly Wage	\$10.16	\$12.97	\$17.31	\$23.14	\$29.88	
Annual Wage (2)	\$21,140	\$26,980	\$36,000	\$48,130	\$62,150	
Industries with the highest levels of employment in this occupation:						
Industry	Employment (1)	Percent of industry employment	Hourly mean wage	Annual mean wage (2)		
Employment Services	37,380	1.04	\$14.96	\$31,110		
Architectural, Engineering, and Related Services	28,200	2.02	\$22.08	\$45,920		
Aerospace Product and Parts Manufacturing	21,710	4.45	\$26.57	\$55,270		
Motor Vehicle Parts Manufacturing	20,600	3.67	\$17.46	\$36,310		
Plastics Product Manufacturing	20,240	3.67	\$16.34	\$34,000		
Top paying industries for this occupation						
Industry	Employment (1)	Percent of industry employment	Hourly mean wage	Annual mean wage (2)		
Electric Power Generation, Transmission and Distribution	1,140	0.29	\$33.61	\$69,910		
Insurance Carriers	-8	-8	\$32.20	\$66,990		
Natural Gas Distribution	810	0.71	\$29.70	\$61,770		
Other Pipeline Transportation	190	2.47	\$29.56	\$61,480		
Pipeline Transportation of Crude Oil	200	1.9	\$29.11	\$60,560		

- Show demand from the local community. Provide letters of support from at least three potential employers, which state the specific type of support they will provide to the proposed program. (see appendix A).
- Describe/explain any business/industry partnerships specific to the proposed program. If a formal partnership agreement exists, please submit a copy of the agreement to the Board office independently of the CA1 materials for review purposes. The agreement will not be published or posted during the public comment period.
In 2015, the Kansas Department of Agriculture approached Barton Community College with the opportunity to provide continuing education to scale technicians. BCC is currently in its third year of a five-year contract, providing this mandatory annual training and certification. The partnership has revealed the need for a trained workforce to replace a large number of technicians who are at or near retirement age. Industry members, when prompted, indicated they would support the development of a scale technician certificate, which would help alleviate the current 18% shortage.

Duplication of Existing Programs

- Identify other similar programs in the state based on CIP code, title and content. For each of the similar programs provide the following: Name of the institution, Name of the Program, Number of students enrolled, Program capacity and Number of students on waiting lists.
A search of KHEDS yielded no similar programs based on CIP code, title or content.
- Provide evidence that, if similar programs exist, collaboration was pursued.
Not applicable
- Provide extensive evidence and rational for why collaboration was not a viable option and why there is a need for a duplicative program.
Not applicable

Program Information

- List by prefix, number, title, and description all courses (including prerequisites) to be required or elective in the proposed program and the delivery methods (classroom, online or hybrid).

MATH 1806 – Technical Math

This course covers the mathematics needed by students enrolled in technical or trade programs. The emphasis will be on application in solving problems encountered in vocational fields; the student will be exposed to a broad coverage of arithmetic, algebra, geometry and basic statistics. The metric system and measurement techniques will also be covered.

NATG 1100 – DC Circuit Fundamentals

The course is designed to acquaint students with the fundamentals of direct current (DC); circuits, the relationship between voltages, current, resistance, and power, the application of Ohm's and Kirchhoff's laws.

NATG 1105 – AC Circuit Fundamentals

This course teaches students the fundamentals of Alternating Current (AC), including magnetism, waveforms, oscilloscopes, function generators, capacitance, inductance, reactance, impedance, resonance, power supplies, transformers, RC circuits, RL circuits,

RLC circuits, and filters.

WGHT 1100– Scale Industry Safety

This course provides students entering the weights and measures industry as scale technicians the necessary background to follow accepted safety procedures across environments where scales are used. Additionally, it provides students the necessary information to follow health and safety procedures in settings where products for human consumption and use are produced and sold. This is a required course for the Scale Technician Certificate Program.

BSTC 1036 – Computer Concepts and Applications

This course is an introduction to computer concepts in which focuses on concepts including hardware, operating systems, ethics and security; and applies hands-on interaction with software applications including word processing, spreadsheets, presentations, and database systems. On completion of this course, students will understand common computer terminology, utilize featured application software, and recognize relevant ethics and security issues associated with technology.

WGHT 1101– Scale Rules and Regulations

This course provides students entering the weights and measures industry as scale technicians the necessary background and familiarity with the appropriate reference materials for the proper installation, use, maintenance, and certification of weighing and measuring devices. Background is also provided on weights and measures laws specific to the State of Kansas. This is a required course for the Scale Technician Certificate Program.

WGHT 1102– Scale Principles and Technology

This course is designed to provide students with the background necessary to understand the principles behind the functioning and design of both analog and digital weighing devices across all classes of scales. This is a required course for the Scale Technician Certificate.

WGHT 1103– Commercial Driver’s License- Class B

This course provides information and techniques necessary to successfully acquire a Class B Commercial Driver’s License (CDL). The student will be taught and required to demonstrate the skills essential for proficiency while operating a commercial motor vehicle. Students will understand changing conditions, demands, traffic situations, and hazards that are essential in the professional driver’s job.

OR

AGRI 1212 – Commercial Driver’s License

This course provides information and techniques necessary to successfully acquire a Commercial Driver’s License. The student will be taught and required to demonstrate the skills essential for proficiency while operating a commercial motor vehicle. Students will understand changing conditions, demands, traffic situations, and hazards that are essential in the professional driver’s job.

AGRI 1181 - Occupational Work Experience I

(Not required, only an elective in addition to the 25 credit hours)

A minimum of 100 clock hours for each credit hour per semester at selected work stations under

the supervision of a coordinator is required for the course. Students will be required to fill out a report of their job experiences and hours worked.

Competency Profile

Upon successful completion of this certificate program, the student will demonstrate the following:

- Electrical knowledge
 - Proficient in computer skills, IT knowledge
 - Software Programming with PLC understanding
 - Math Skills
 - Technical knowledge in areas of testing, calibrating and troubleshooting for small/light capacity, medium/heavy capacity scales and balance weighing products.
 - Technical knowledge in the area of systems and systems communications.
 - Knowledge and proper completion of testing, reporting and documentation required within the weighing industry.
 - Knowledge of testing and legal regulations, as they relate to each customer's particular requirements.
 - Knowledge to reduce safety hazards by understanding and practicing safety standards as they relate to the customer's requirements.
 - Knowledge of the proper use and maintenance of testing equipment and tools used within the weighing industry.
 - Ability to analyze and interpret data and other information in order to complete calibration procedures.
 - Knowledge of the mechanics, electronics and software of measuring instruments
 - Skilled and efficient in the troubleshooting and repair of the mechanics, electronics and software.
 - Knowledgeable in the weights and measures requirements and test procedures that apply to commercial measuring instruments
 - Measuring instruments are accurate and correct after installation, service, or repair.
- If the proposed program includes multiple curricula (e.g., pathways, tracks, concentrations, emphases, options, specializations, etc.), identify courses unique to each alternative. There is one curriculum for this program. All courses have been either created or updated, reviewed and approved internally. Program implementation is planned for fall 2017. In order to maintain federal financial aid eligibility, coursework will be scheduled for 17 weeks or one semester.
- The certificate program will be limited to sixteen students per program offering. Classes within the certificate program will be open to individuals currently employed in the industry (as availability allows) to update skills.
- Provide a Program of Study/Degree Plan for the proposed program including a semester-by-semester outline that delineates required and elective courses and notes each program exit point. Include a timeline for implementation of the proposed program.
(For detailed Program of Study please see appendix B)

Subject Code	Course No.	Title	Credit Hours	Required Elective	Delivery Method
MATH	1806	Technical Math	3	Required	F2F
NATG	1100	DC Circuit Fundamentals	3	Required	F2F
NATG	1105	AC Circuit Fundamentals	4	Required	F2F
WGHT	1100	Scale Industry Safety	3	Required	F2F
BSTC	1036	Computer Concepts & Applications	3	Required	F2F
WGHT	1101	Scale Rules & Regulations	3	Required	F2F
WGHT	1102	Scale Principles & Technology	3	Required	F2F
WGHT AGRI	1103 1212	Commercial Driver's License-Class B OR Commercial Driver's License	3	Required	F2F
Total			25		
AGRI	1181	Occupational Work Experience I	1-4	Elective	F2F

- Indicate any internship and/or opportunities for students to apply the knowledge and skills attained.

This elective course is designed to provide the student with practical work experience and on-the-job training within his/her chosen career field. Students will work with professionals in the field, learn the type of dedication necessary and observe working operations of the scale industry. This course is not required for certificate completion.

- Describe the proposed program's curriculum integration/articulation plan (secondary/postsecondary, 2-year/4-year, etc.).
Currently, there is no articulation agreement.

- [List any specialized program accreditation applicable to the proposed program and describe the institution's plan to achieve that accreditation.](#)

KDA does not have any requirements for us to offer the certificate program. Barton responded to an RFP to provide annual continuing education for the licensed scales technician in the state. While in discussion with KDA about that offering, we identified a need for more technicians. Based on that information we have elected to pursue this certificate program with the support of KDA and scale companies.

Students will receive a license to certify scales in the State of Kansas. There is no specific industry name for the credential, they receive a small scale license or a large scale license, pursuant to K.S.A 83-210 (see appendix G).

- [Identify any existing industry-based certification supported by this program.](#)
Students will be eligible for the Kansas Department of Agriculture's Technical Representative License.
- **Provide the course syllabus for all courses in the proposed program.**
(see appendix C)

Faculty

- Describe faculty qualifications and/or certifications required to teach in the proposed program.
Faculty qualifications and or certifications required to teach in the program:

- **Tech Math-** Master's Degree in Mathematics, Statistics, Applied Math or a Master's degree with 18 graduate hours in Mathematics
 - **Commercial Driver's License-**Commercial Driver's License with Airbrake endorsement and two years of relevant industry experience.
 - **Computer Concepts and Applications-**Masters in the field or Masters in a related field with 18 graduate credit hours in Information Technology coursework preferred or Bachelor's in Information technology or related field. Tested Experience including professional certification and/or minimum of two years of relevant professional employment may be substituted with administrative approval.
 - **Scale Industry Safety-**OSHA 10 or 30 certification or equivalent safety training or industry experience.
 - **All other course-**Associate's degree or higher in a related field and/or two years of relevant industry experience. (Associate's degree could be in electronics, information technology, and math.)
- List current faculty and their credentials who will be faculty for the proposed program.
 - Dr. Victor Martin-Doctorate in Agronomy, current scales technician
 - Vince Orth- 30+ years of natural gas industry experience
 - Mike Peschka- Bachelor's degree in electronics from Kansas Technical School and 20+ years in the natural gas industry.
 - David Hays- Master's in Education from Southwestern College, 18 credit hours in graduate level math courses from Wichita State University
 - Bradley Honas- SHEP Certified OSHA Outreach Trainer
 - Identify the number and credentials of new faculty to be hired.

Initially, the program would not employ full time faculty, but would be taught by adjunct faculty. Through the College's strategic planning process, a request has been submitted to hire a full time faculty member in fiscal 2019.
 - Identify the person responsible for program oversight—program sustainability, accountability and reporting, program review, recruitment, placement, etc.

Mary Foley, Executive Director of Workforce Training and Educational Development
Barton Community College. (See Appendix D)
 - Indicate the proposed full-time to part-time faculty ratio; student to faculty ratio; and number of adjunct faculty required for program start up and for program sustainability.

The program will be taught by five adjunct faculty members, this number will be adequate to initiate and sustain the scale technician certificate program. The maximum student-to-faculty ratio will be 16-to-1.

Cost and Funding for Proposed Program

- Provide evidence of adequate resources including projected staff requirements, advising services, physical facilities, instructional equipment, instructional materials, library requirements, contractual services or clinical placements to support implementation and operation of the program for at least the first two years.

The primary expenses will be the hiring of adjunct faculty. The majority of equipment needed has been purchased through funds from the Kansas Department of Agriculture or will be donated by

industry.

- Provide detail on **CA-1a form**. (see appendix E)
- Describe any grants or outside funding sources that will be used for the initial start up of the new program and to sustain the proposed program.
There is no outside funding source for the startup of the program. Previously, Barton acquired two small scales, two retail scales and two sets of calibration weights through its contract with KDA.
- If the proposed new program includes a formal agreement between the requesting institution and another entity, please submit a copy of the agreement explaining the relationship between partners and to document support to be provided for the proposed program. The agreement should be submitted to the Board office independently of the CA1 materials for review purposes and will not be published or posted during the public comment period.
Not applicable.

Program Review and Assessment

- Describe the institutional process and frequency for reviewing program content, including program outcomes & course competencies; review of program success; and process for remediation of areas of concern.

Program Assessment

We anticipate linking both the program assessment and program review to provide a yearly document for advisory boards' input. During the spring advisory board meeting, board members evaluate the program curriculum to ensure it is meeting their employment requirements.

Program Review

Barton Community College CTE programs are subject to an annual review process. As a part of the program review process program administration ensures that the program is fiscally responsible, has adequate faculty to sustain the program, has developed a marketing and recruit plan and finally is set goals for the upcoming year.

Evaluation

Students will evaluate the courses and instructors on a semester basis. The Executive Director of Workforce Training and Educational Development is responsible for continuous evaluation of the viability and rigor of the certificate program. Student evaluation scores are a component of faculty evaluations to ensure the course outcomes and competencies are being taught.

Program Approval at the Institution Level

- Summarize the institutional process for approval of new programs.
Barton Community College utilizes a "phase zero" document, which must be approved by the Vice President of BCC, in order to proceed further with the CA-1 application. The document provides details of the potential program of study, documentation of labor market data and occupational profile, in addition to an industry survey to assess need. This document also includes a three-year business plan, input from a focus group comprised of business and industry leaders, schools, special interest individuals or groups, and agency contacts. After phase zero is completed, an executive summary of the proposed program is presented at the Programs, Topics and Processes committee meeting in order to discuss the timeline for full approval, current HLC

approved programs, and current Department of Education-approved certificates. Next, the program initiator or dean attends a Learning and Instructional Curriculum Committee (LICC) meeting, President's Staff meeting, and BCC Board of Trustees study session to present the program details and executive summary. Finally, the BCC Board of Trustees vote whether to implement the executive summary during a Board of Trustees meeting.

- [Provide copies of the minutes at which the new program was approved from the following groups:](#)

Note: Phase Zero (July 2016) is a tool implemented by Barton Community College Vice President Dr. Robin Garrett, to ensure support for the new program from various governing bodies on Barton's campus. The materials include the Executive Summary, data from BCC's Institutional Research group to determine need for the program, and survey results from industry leaders in addition to other valuable information. (see appendix F for all approval minutes)

- Program Advisory Committee or Steering Committee (including a list of the business and industry members): **October 21, 2015**
- Institutional Curriculum Committee: **September 14, 2016**
- Institutional Governing Board (including a list of all board members and indicate those in attendance at the approval meeting): **October 25, 2016**

Submit the completed application and supporting documents to the following:

Director of Technical Programs & Curriculum
Kansas Board of Regents
1000 SW Jackson St., Suite 520
Topeka, Kansas 66612-1368

APPENDIX A

Industry Support Letters



HAMMEL SCALE OF KANSAS CITY INC.
Sales-Service-Rentals
612 KANSAS AVE.
KANSAS CITY, KS 66105-1312



December 14, 2016

To: Barton Community College

Attention: Mr. Victor Martin

Reference: Hammel Scale of KC, Inc. - Support of Scale Technician Program

Dear Victor,

Hammel Scale feels that the program is beneficial to the scale industry as a whole by hopefully upgrading the level of training and the length of time it takes to "produce" capable technicians. There is definitely a demand for trained personnel and we are continually seeking trained individuals and would be more than willing to grant any person with a formal certificate an interview.

We would even consider working with an internship type situation with potential candidates seeking a formal certificate.

If you have questions please contact the undersigned.

Regards,

Mike Lewis

President-Hammel Scale of KC, Inc.

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

Dear Sir/Madam:

I am writing this letter to support the development of a scale technician program at Barton County Community College (BCCC). As the Director of Weights and Measures for the State of Kansas I am responsible for ensuring scale technicians working in Kansas meet specific standards. A certificate program will be a proactive step to ensure well trained individuals, who can meet those standards, are available to the scale service industry.

The Kansas Department of Agriculture, Division of Weights and Measures, is currently in the third year of a five-year contract with BCCC for the delivery of continuing education for Kansas licensed scale technicians. This contract has allowed BCCC to gain insight and technical knowledge of the scale service industry in Kansas. BCCC has had the opportunity to interact and gain feedback from every scale technician licensed in Kansas the past two years. This experience positions BCCC very well to develop and offer the proposed certificate program. As part of our current contract we have funded some resources which can also be utilized with a certificate program.

A certificate program will introduce students to scale design and functions so they are capable of diagnosing and solving problems with the equipment. To be effective, technicians must be familiar with three core elements: 1) mechanical processes, 2) electricity fundamentals, and 3) computers including software and hardware. BCCC plans to address all three of these core elements in their curriculum. Math skills are also very important to understanding and implementing the core elements and BCCC plans to incorporate basic math competencies into the program. Additionally, working with scales exposes individuals to unique hazards they need to be aware of and understand. Inclusion of basic safety instruction is critical for technician safety and BCCC plans to address this as well.

Every year I hire two student workers, sometimes as interns and would consider individuals completing this certificate program highly desirable. We can support the program by making our equipment available, hosting students for field trips, and providing guest speakers.

Thank you for considering BCCC's proposal.

Sincerely,

Douglas C. Musick
Weights and Measures Program Manager
Kansas Department of Agriculture

SALINA SCALE SALES and SERVICE, INC.

415 NORTH 9TH STREET

P. O. BOX 3261

SALINA, KS 67402-3261

785-827-4480, 785-827-4496 - FAX

**** MEMBERS OF & CERTIFICATIONS ****

**** National Institute of Standards & Technology ****

**** National Conference on Weights & Measures ****

**** Dept. of Weights & Measures in Colorado,
Kansas**

**Missouri, Nebraska, New Mexico, Oklahoma
& Texas ****

**** I S O / I E C 17025 Pending ****

Please visit us on our website at www.salinascale.com

E-mail us at sales@salinascale.com

10/06/16

Barton County Community College,

We are very excited to support BCCC Scale Technician program. We are willing to host an intern, consider students for employment, and look forward to the student obtaining a State of Kansas scale technician license.

The Curriculum below is a great start for these students.

Proposed Curriculum:

Technical Mathematics - 3 credit hours

- A basic mathematics background emphasizing mathematical concepts and operations for proper scale operations and scale certification.

AC Circuit Fundamentals – 4 credit hours

- This course teaches students the fundamentals of Alternating Current (AC), including magnetism, waveforms, oscilloscopes, function generators, capacitance, inductance, reactance, impedance, resonance, power supplies, transformers, RC circuits, RL circuits, RLC circuits, and filters.

DC Circuit Fundamentals- 3 credit hours

- The course is designed to acquaint students with the fundamentals of direct current (DC); circuits, the relationship between voltages, current, resistance, and power, the application of Ohm's and Kirchhoff's laws.

Scale Industry Safety- 3 credit hours

- Safety regulations pertinent to the scale industry.

Computer Concepts and Applications – 3 credit hours

- Basic computer operations including word-processing, spreadsheet applications and data base management.

Weights and Measures Rules & Regulations– 3 credit hours

- Federal/state rules and regulations applicable to the scale industry and exposure to the essential skills necessary for success in the weights and measures industry.

Scale Principles and Technology – 3 credit hours

- Principles and practices of scales including an overview of today's scale technology, both analog and digital. To include proper practices in scale setup, maintenance and evaluation.

Commercial Driver's License – 3 credit hours

- Information and training needed to successfully acquire a Commercial Driver's License (CDL), class A or B.

Internship- 1-4 credit hours

- This course is designed to provide the student with practical work experience and on the job training within his or her chosen career field. Students will work with professionals in the field, learn the type of dedication necessary and observe working operations of the scale industry.
- This course would be an elective and not required for the certificate.

Ray Wierman
Salina Scale Sales and Service, Inc.
415 N 9th
Salina, KS 67401



(800) 444-4437 | cardinal@cardet.com | Fax: (417) 673-2153

103 East Daugherty St., Webb City, MO 64870 USA

Dr. Victor L. Martin
Instructor/Coordinator, Agricultural Program
Barton Community College

Dr. Martin;

After speaking with you and reviewing the proposed curriculum for the Scale Technician Certification Program, Cardinal Scale would like to offer our support for this program.

The scale industry as a whole sells equipment that needs to be kept in good operating condition in order to hold the tolerances required for each intended application. Scale technicians play an integral role in ensuring the expectations of an accurate scale are met for both the end user (the business) and the consumer (who buys products by weight). The requirement of an accurate scale for use in commerce is one of the tenants of our Weights and Measures system, and thus the ability of the scale technician to perform preventive maintenance and troubleshooting/repairs is critical.

It has been somewhat problematic to find good, qualified scale technicians, resulting in scale service companies having to do "on the job training", which ultimately ends up with a person trained specifically to what his/her company procedures are – not necessarily to industry standards. By establishing an independent training program for scale technicians, the scale industry will be able to draw from a supply of qualified people who have been consistently educated and versed in industry standards (much like other existing programs such as Drafting, HVAC, etc.).

Establishing an industry-supported training program that produces certified scale technicians who have been trained to the scale industry standards will be mutually beneficial for both private industries (who will employ these technicians), as well as the customers they serve (the businesses who sell products by weight to the consumer).

Sincerely,

J. Eric Golden
VP Engineering Services
Cardinal Scale Manufacturing Company



**USA-Made Quality
Manufacturing Since
1950**

SALINA SCALE SALES and SERVICE, INC.

415 NORTH 9TH STREET

P. O. BOX 3261

SALINA, KS 67402-3261

785-827-4480, 785-827-4496 - FAX

Please visit us on our website at www.salinascale.com

**** MEMBERS OF & CERTIFICATIONS ****

**** National Institute of Standards & Technology ****

**** National Conference on Weights & Measures ****

**** Dept. of Weights & Measures in Colorado,
Kansas**

**Missouri, Nebraska, New Mexico, Oklahoma
& Texas ****

**** I S O / I E C 17025 Pending ****

E-mail us at sales@salinascale.com

10/06/16

Barton County Community College,

We are very excited to support BCCC Scale Technician program. We are willing to host an intern, consider students for employment, and look forward to the student obtaining a State of Kansas scale technician license. The Curriculum below is a great start for these students.

Proposed Curriculum:

Technical Mathematics - 3 credit hours

- A basic mathematics background emphasizing mathematical concepts and operations for proper scale operations and scale certification.

AC Circuit Fundamentals – 4 credit hours

- This course teaches students the fundamentals of Alternating Current (AC), including magnetism, waveforms, oscilloscopes, function generators, capacitance, inductance, reactance, impedance, resonance, power supplies, transformers, RC circuits, RL circuits, RLC circuits, and filters.

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Commercial Driver's License – 3 credit hours

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- This course is designed to provide the student with practical work experience and on the job training within his or her chosen career field. Students will work with professionals in the field, learn the type of dedication necessary and observe working operations of the scale industry.
- This course would be an elective and not required for the certificate.

Ray Wierman

Salina Scale Sales and Service, Inc.

415 N 9th

Salina, KS 67401

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

Dear Sir/Madam:

I am writing this letter to support the development of a scale technician program at Barton County Community College (BCCC). As the Director of Weights and Measures for the State of Kansas I am responsible for ensuring scale technicians working in Kansas meet specific standards. A certificate program will be a proactive step to ensure well trained individuals, who can meet those standards, are available to the scale service industry.

The Kansas Department of Agriculture, Division of Weights and Measures, is currently in the third year of a five-year contract with BCCC for the delivery of continuing education for Kansas licensed scale technicians. This contract has allowed BCCC to gain insight and technical knowledge of the scale service industry in Kansas. BCCC has had the opportunity to interact and gain feedback from every scale technician licensed in Kansas the past two years. This experience positions BCCC very well to develop and offer the proposed certificate program. As part of our current contract we have funded some resources which can also be utilized with a certificate program.

A certificate program will introduce students to scale design and functions so they are capable of diagnosing and solving problems with the equipment. To be effective, technicians must be familiar with three core elements: 1) mechanical processes, 2) electricity fundamentals, and 3) computers including software and hardware. BCCC plans to address all three of these core elements in their curriculum. Math skills are also very important to understanding and implementing the core elements and BCCC plans to incorporate basic math competencies into the program. Additionally, working with scales exposes individuals to unique hazards they need to be aware of and understand. Inclusion of basic safety instruction is critical for technician safety and BCCC plans to address this as well.

Every year I hire two student workers, sometimes as interns and would consider individuals completing this certificate program highly desirable. We can support the program by making our equipment available, hosting students for field trips, and providing guest speakers.

Thank you for considering BCCC's proposal.

Sincerely,

Douglas C. Musick
Weights and Measures Program Manager
Kansas Department of Agriculture

October 12, 2016
Neal Gamble
Gene's Scale Service LLC
1600 E. Highway 96
Scott City, Kansas 67871

Dear Mary,

I would like to express my support for the Barton Community Colleges new training program for scale Technicians. I feel the program would be a great asset to the scale industry, as there is a shortage of scale technician's and no programs other than factory schools. Factory schools provide information for one specific brand and not all things necessary to work in this industry.

In order to work as a large scale service technician they will need a CDL, knowledge in electricity and electronics, Weights and Measures rules and regulations and the ability to pass the test to be state licensed which would include a good understanding of the NIST H44 handbook. Safety regulations are important as well in this industry, a good understanding of mathematics and especially computer skills.

I am confident that Barton Community colleges program addresses these issues and plan to support them in their program.

Neal Gamble

A handwritten signature in cursive script that reads "Neal Gamble".

Brian Hawkins
10631 Summit St.
Lenexa, KS 66215
October 31, 2016

Dear Kansas Board of Regents:

As an experienced scale service technician, I am writing to express my full support for Barton Community College's proposed scale technician training program.

Currently there is a shortage of qualified technicians able to work on scales, and as a result we normally need to hire green technicians and train them to be able to do the work. It can be done, but currently in our office we are normally looking at a two year turnaround of training someone on the job before they are fully proficient in the needed work.

The proposed curriculum looks like it would be very beneficial in cutting the training time down considerably. It takes practice and lots of corrections to get a new technician even comfortable with doing the required paperwork, and having that covered in a classroom environment would be of great help.

I would like to see more coverage of computer networking along with the computer basics, as retail scales are being increasingly more networked, but having someone that is proficient in basic computer skills will make that training much easier.

Sincerely,

Brian Hawkins

Lead Scale Service Technician

Hobart- Kansas City

APPENDIX B

Program of Study

Scale Technician



Certificate (Total Credit Hours – 25)

Entire 25-credit program can be completed in one semester.

REQUIREMENTS			
<input type="checkbox"/> MATH	1806	Technical Math	3
<input type="checkbox"/> NATG	1100	DC Circuit Fundamentals	3
<input type="checkbox"/> NATG	1105	AC Circuit Fundamentals	4
<input type="checkbox"/> WGHT	1100	Scale Industry Safety	3
<input type="checkbox"/> BSTC	1036	Computer Concepts & Applications	3
<input type="checkbox"/> WGHT	1101	Scale Rules & Regulations	3
<input type="checkbox"/> WGHT	1102	Scale Principles & Technology	3
<input type="checkbox"/> WGHT	1103	Commercial Driver's License-Class B OR	3
<input type="checkbox"/> AGRI	1212	Commercial Driver's License	
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
TOTAL			25

Review Date: 10/16

Effective Date: 08/17

Student Name: _____ ID#: _____

Placement Scores: ____English____Math____Reading

www.bartonccc.edu

1-800-748-7594

Non-Discrimination Notice: To provide equal employment, advancement and learning opportunities to all individuals, employment and student admission decisions at Barton will be based on merit, qualifications, and abilities. Barton County Community College does not discriminate on the basis of any characteristic protected by law in all aspects of employment and admission in its education programs or activities. Any person having inquiries concerning Barton County Community College's non-discrimination compliance policy, including the application of Equal Opportunity Employment, Titles IV, VI, VII, IX, Section 504 and the implementing regulations, is directed to contact the College's Compliance Officer, Barton County Community College, Room A-123, Great Bend, Kansas 67530 (620) 792-2701. Any person may also contact the Director, Office of Civil Rights, U.S. Department of Education, Washington, DC 20201.

[illegible]

APPENDIX C

Syllabi

Technical Mathematics

I. GENERAL COURSE INFORMATION

Course Number: MATH 1806

Course Title: Technical Mathematics

Credit Hours: 3

Prerequisites: MATH 1809 Basic Applied Mathematics with a grade of C or better OR having passed Module 4 in College Preparatory Mathematics OR an appropriate placement score

Division/Discipline: Academic Division/Mathematics

Course Description: This course covers the mathematics needed by students enrolled in technical or trade programs. The emphasis will be on application in solving problems encountered in vocational fields; the student will be exposed to a broad coverage of arithmetic, algebra, geometry and basic statistics. The metric system and measurement techniques will also be covered.

II. INSTRUCTOR INFORMATION

III. COLLEGE POLICIES

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IV. COURSE AS VIEWED IN THE TOTAL CURRICULUM

Technical Mathematics is designed for students in a two-year vocational program whose background in mathematics is only in the arithmetic of whole numbers, fractions and decimals, but nevertheless, want to acquire computational skills useful in their proposed fields of work. The course is a stand-alone course designed to provide an individual working in a vocational field necessary mathematical skills to function on the job; the course prepares the student to solve applied mathematical problems. This course is not a prerequisite for higher level mathematics courses, nor is it designed to prepare the student for higher level courses.

This course is an approved general education course at Barton. The transferability of all college courses will vary among institutions, and perhaps even among departments, colleges, or programs within an institution. Thus, it is the student's responsibility to be in contact with the transfer institution throughout his/her tenure at Barton Community College to insure that the student is enrolling in the most appropriate set of courses for a transfer program.

V. ASSESSMENT OF STUDENT LEARNING

Barton Community College is committed to the assessment of student learning and to quality education. Assessment activities provide a means to develop an understanding of how students learn, what they know, and what they can do with their knowledge. Results from these various activities guide Barton, as a learning college, in finding ways to improve student learning.

Course Outcomes, Competencies, and Supplemental Competencies:

- A. Demonstrate the understanding of basic math operations and calculations using numbering systems, fractions, decimals, ratios, and percentages.
 - 1. Perform arithmetic operations according to the rules of order of operations.
 - 2. Convert between fractions, percents, and decimal numbers.
 - 3. Perform arithmetic operations containing decimals and fractions.
 - 4. Round numbers to the correct number of significant figures.
 - 5. Perform calculations with powers of 10.
 - 6. Convert between decimal numbers and scientific notation.
 - 7. Convert measurements within the English and metric systems.
- B. Apply geometric principles of lines, angles, plane figures and solids.
 - 1. Calculate perimeter, area and volume of geometric objects.
 - 2. Calculate volume and surface area of cylinders, pyramids, cones and spheres.
 - 3. Convert the measure of an angle from radians to degree or from degree to radians.
- C. Demonstrate the understanding and calculations of basic statistical functions.
 - 1. Define and compute mean, median, mode and range.
 - 2. Choose the appropriate descriptive statistic for summarizing a set of data.
 - 3. Summarize data by means of percents, percentiles, rates and ratios.
 - 4. Construct and interpret box and whisker plots.
 - 5. Interpret and assess data using visual graphic presentation methods.
 - 6. Define and compute elementary rules of probability.
- D. Perform basic algebraic tasks such as simplifying expressions, solving equations and plotting.
 - 1. Perform arithmetic operations with signed numbers.
 - 2. Simplify algebraic expressions.
 - 3. Use formulas to solve for an unknown quantity.
 - 4. Solve problems using proportions.
 - 5. Calculate the slope of a straight line.
 - 6. Solve linear equations.
- E. Solve application problems.
 - 1. Solve problems involving proportions and percentages.
 - 2. Solve problems involving percent, rate and base.
 - 3. Solve application problems involving basic arithmetic operations, measurement, and percentage.
 - 4. Use appropriate formulas to solve problems.
 - 5. Solve application problems yielding linear equations

- VI. INSTRUCTOR'S EXPECTATIONS OF STUDENTS IN CLASS**
 - VII. TEXTBOOKS AND OTHER REQUIRED MATERIALS**
 - VIII. REFERENCES**
 - IX. METHODS OF INSTRUCTION AND EVALUATION**
 - X. ATTENDANCE REQUIREMENTS**
 - XI. COURSE OUTLINE**
-

I. GENERAL COURSE INFORMATION

<u>Course Number:</u>	NATG 1100
<u>Course Title:</u>	DC Circuit Fundamentals
<u>Credit Hours:</u>	3
<u>Prerequisites:</u>	MATH 1806 Technical Math
<u>Division/Discipline:</u>	Workforce Training and Community Education/Natural Gas Transmission and Distribution Technician
<u>Course Description:</u>	The course is designed to acquaint students with the fundamentals of direct current (DC); circuits, the relationship between voltage, current, resistance, and power, the application of Ohm's and Kirchhoff's laws.

II. INSTRUCTOR INFORMATION

III. COLLEGE POLICIES

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IV. COURSE AS VIEWED IN THE TOTAL CURRICULUM

This course is designed to be the base for all future study in the Natural Gas Distribution and Transmission Technician Program discipline. The course will stand alone for those desiring a basic knowledge of electrical principles.

V. ASSESSMENT OF STUDENT LEARNING

Barton Community College is committed to the assessment of student learning and to quality education. Assessment activities provide a means to develop an understanding of how students learn, what they know, and what they can do with their knowledge. Results from these various activities guide Barton, as a learning college, in finding ways to improve student learning.

- A. Define the conductive and physical properties of common metal conductors.
 1. Define the conductive and physical properties of common metal conductors.
 2. Describe the anatomy of an atom.
 3. Define conductor versus insulator with respect to the number of electrons in the valence shell of and atom.
 4. Calculate the charge produced by a certain number of electrons and define a coulomb.
 5. List the hierarchy of metals with respect to conductivity and describe the advantages and disadvantages of each.
 6. Define mils, in inches, and describe the relationship to cross-sectional area of a wire.

7. Define the various sizes of wire with respect to the American Wire Gage system.
 8. Calculate the resistivity of a wire.
- B. Explain the difference between voltage, current, resistance and power.
1. Identify electrical quantities and associated symbols.
 2. Identify the differences between a positive and negative power supply.
 3. Demonstrate the proper way to power up a circuit.
 4. Calculate the efficiency and power loss in a power supply.
 5. Define the industry standard for determining the amp-hour rating of gel-cell batteries.
 6. Calculate the amp-hours of a gel-cell battery needed to supply various amounts of amperage for various time periods.
 7. Define current and describe the similarity to flow in a fluid power system.
 8. Describe the various sources of voltage.
 9. Define voltage and describe the similarity to pressure components in a fluid power system.
- C. Use the correct instruments and procedures to safely measure voltage, current, resistance, and power.
1. Define scientific, engineering, and exponential notation.
 2. Demonstrate addition, subtraction, multiplication, and division of exponential numbers.
 3. Define DVM, DMM, VOM, BVM, and VTVM.
 4. Describe the safety considerations that should be considered when using a voltmeter, ammeter, and ohmmeter.
 5. Define the impedance of a voltmeter and describe the importance of impedance when taking voltage and current measurements.
 6. Demonstrate the correct way to measure voltage, current, and resistance using an analog volt ohmmeter and a digital voltmeter.
 7. Demonstrate reading the voltage, current, and resistance scales of an analog volt ohmmeter.
 8. Define taut band meter movement.
 9. Describe the importance of ohmmeter lead polarity.
 10. Calculate the value voltage, current, and resistance using Ohm's law.
 11. Demonstrate the proper method to validate Ohm's law calculations using a digital voltmeter.
 12. Demonstrate the relationship of voltage, current, and resistance in a simple circuit using a digital voltmeter.
 13. Identify the symbols used for earth and chassis grounding systems and describe the function of each one.
- D. Identify the value, tolerance, reliability, and wattage of resistors.
1. Calculate values of wattage using Watt's Law.
 2. Demonstrate the manipulation of Ohm's Law and Watt's Law to determine three ways to find voltage, current, resistance, and watts.
 3. Calculate a monthly electrical bill associated with the usage of household items rated at specific wattages.
 4. Define resistance and describe the similarity to valves in a fluid power system.
 5. List the various types of resistors and describe the application of each.
 6. Determine the value, tolerance, and reliability of a resistor indicated by the color code bands.
 7. Measure the value of resistors using an analog or digital ohmmeter.
 8. Determine the wattage of a carbon core resistor indicated by the physical size.
 9. Describe the difference between linear and nonlinear potentiometers.
 10. Describe the difference between a rheostat and a potentiometer.
 11. Describe the operation of a thermistor and a photoconductive cell.
- E. Apply rheostats or potentiometers according to circuit application.

1. Identify and wire a Wheatstone bridge.
 2. Calculate the value of an unknown resistance in a Wheatstone bridge circuit.
 3. Describe the applications of a Wheatstone bridge.
- F. Identify and safely troubleshoot series, parallel, and complex resistive circuits on various electronic circuit boards.
1. Identify and wire a series circuit.
 2. Describe Kirchhoff's laws with respect to voltage, current, resistance, and wattage in a series circuit.
 3. Calculate individual and total values of voltage, current, resistance, and wattage in a series circuit and validate the calculations using proper measurement techniques.
 4. Describe the purpose of voltage divider circuits found in a series circuit
 5. Demonstrate the effects of a shorted resistor and an open resistor in a series circuit.
 6. Calculate the total voltage in a series circuit containing voltages of different polarities.
 7. Demonstrate the effect of voltages having opposite polarities in a series circuit
 8. Define a tungsten load switch.
 9. Describe a pole, throw, and break in regards to switches.
 10. Identify the symbols for voltage sources, current paths, resistances, fuses, circuit breakers, and switches.
 11. Describe the difference between a schematic and wiring diagram.
 12. Define the components of a basic circuit.
- G. Develop basic electronic troubleshooting skills.
1. Demonstrate the proper method of measuring voltages in a series circuit with different references to ground.
 2. Identify and wire a complex DC circuit.
 3. Calculate the individual and total values of voltage, current, resistance, and wattage in a complex circuit and validate the calculations using proper measurement techniques.
 4. Troubleshoot a complex circuit and identify open, shorted, and partially damaged resistors

- VI. INSTRUCTOR'S EXPECTATIONS OF STUDENTS IN CLASS**
- VII. TEXTBOOKS AND OTHER REQUIRED MATERIALS**
- VIII. REFERENCES**
- IX. METHODS OF INSTRUCTION AND EVALUATION**
- X. ATTENDANCE REQUIREMENTS**
- XI. COURSE OUTLINE**

AC Circuit Fundamentals

I. GENERAL COURSE INFORMATION

<u>Course Number:</u>	NATG 1105
<u>Course Title:</u>	AC Circuit Fundamentals
<u>Credit Hours:</u>	4
<u>Prerequisites:</u>	NATG 1100 DC Circuit Fundamentals.
<u>Division/Discipline:</u>	Workforce Training and Community Education/Natural Gas Transmission and Distribution Technician
<u>Course Description:</u>	This course teaches students the fundamentals of Alternating Current (AC), including magnetism, waveforms, oscilloscopes, function generators, capacitance, inductance, reactance, impedance, resonance, power supplies, transformers, RC circuits, RL circuits, RLC circuits, and filters.

II. INSTRUCTOR INFORMATION

III. COLLEGE POLICIES

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IV. COURSE AS VIEWED IN THE TOTAL CURRICULUM

This is the second course in the program. For those students in auto mechanics, diesel, agriculture and other interested persons, this may be all the information they will want. For those in the field of electricity/electronics, or other areas of study, this course is a building block.

The learning outcomes and competencies detailed in this syllabus meet, or exceed the learning outcomes and competencies specified by the Kansas Core Outcomes Project for this course, as sanctioned by the Kansas Board of Regents.

V. ASSESSMENT OF STUDENT LEARNING

Barton Community College is committed to the assessment of student learning and to quality education. Assessment activities provide a means to develop an understanding of how students learn, what they know, and what they can do with their knowledge. Results from these various activities guide Barton, as a learning college, in finding ways to improve student learning.

Course Outcomes, Competencies, and Supplemental Competencies

A. Identify the basic components of magnetism.

1. Demonstrate the first two left-hand rules with respect to current flowing in a coil of wire.
2. Cite the differences between generation and motor action and relate these principles to the left-hand and right hand rules.

B. Explain the relationship between true rms voltage and peak voltage.

1. Identify the relationship between AC_{rms} voltage and DC voltage and demonstrate the similarity using an infrared meter.
2. Calculate the result of combining AC and DC voltages and verify these calculations using an oscilloscope.

C. Define the difference between odd and even harmonic frequencies.

1. Identify the harmonic components used to synthesize a square waveform.
2. Apply filters to remove harmonic frequencies from AC or DC circuits.

3. Explain the operation of simple AC and DC meter movements.
- D. Demonstrate the operation and application of a function generator.
 1. Verify output waveforms, frequencies, and amplitudes using an oscilloscope and/or a digital voltmeter.
- E. Identify the value and working voltages of capacitors and inductors.
 1. Identify the various types of polarized and non-polarized capacitors.
 2. Determine the value of a capacitor using various descriptor codes and verify the results using a LCR meter.
 3. Troubleshoot a capacitor using a LCR meter, VOM, and DVM.
- F. Define the characteristics of a transformer.
 1. List the various types of transformers and define the application of each.
 2. Troubleshoot a transformer using a LCR meter, VOM, and DVM.
- G. Explain the relationship between inductive reactance, capacitive reactance, and resistance in series and parallel circuits with respect to frequency.
 1. Calculate the values of impedance, reactance, voltage, current, power, phase angle, and power factor using an oscilloscope and a digital voltmeter.
 2. Calculate the cutoff frequency in RC series and parallel circuits and verify the results using a digital voltmeter.
- H. Define the difference between apparent power and true power.
 1. Calculate the values of impedance, reactance, voltage, current, power, phase angle, and power factor in RL series and parallel circuits.
 2. Verify circuit analysis results with an oscilloscope and a digital voltmeter.

- VI. INSTRUCTOR'S EXPECTATIONS OF STUDENTS IN CLASS**
- VII. TEXTBOOKS AND OTHER REQUIRED MATERIALS**
- VIII. REFERENCES**
- IX. METHODS OF INSTRUCTION AND EVALUATION**
- X. ATTENDANCE REQUIREMENTS**
- XI. COURSE OUTLINE**

Scale Industry Safety

I. GENERAL COURSE INFORMATION

Course Number: WGHT 1100

Course Title: Scale Industry Safety

Credit Hours: 3

Prerequisites: None

Division/Discipline: Workforce Training and Economic Development/Weights and Measures

Course Description: This course provides students entering the weights and measures industry as scale technicians the necessary background to follow accepted safety procedures across environments where scales are used. Additionally it provides students the necessary information to follow health and safety procedures in settings where products for human consumption and use are produced and sold. This is a required course for the Scale Technician Certificate Program.

II. INSTRUCTOR INFORMATION

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IV. COURSE AS VIEWED IN THE TOTAL CURRICULUM

This course is part of the Scale Technician Certificate curriculum. Scale technicians perform work across a wide range of environments and must be aware of and follow a broad range of safety standards. Scale technicians often work where products are manufactured and sold for human use and consumption, requiring them to follow established procedure for product safety and quality. Technicians require a solid background of the rules and regulations governing these areas and the ability to identify the appropriate reference materials and apply appropriate practices.

V. ASSESSMENT OF STUDENT LEARNING

Barton Community college is committed to the assessment of student learning at to quality education. Assessment activities provide a means to develop an understanding of how students learn, what they know, and what they can do with their knowledge. Results from these various activities guide Barton as a learning college in finding ways to improve student learning.

Course Outcomes, Competencies, and Supplemental Competencies:

- F. Demonstrate a working knowledge of safety procedures required by governmental agency regulations for common scale environments.
 - 8. List common hazards, including but not limited to electrical and chemical hazards, confined spaces, and fire/explosion risk.
 - 9. Identify the proper procedures for working around machinery, including heavy equipment and transportation.
 - 10. Properly identify placards and symbols identifying safety hazards.
 - 11. Correctly describe the appropriate safety procedures for identified hazards.
 - 12. List the appropriate PPE (Personal Protective Equipment) and accurately describe its proper use for various scale work environments.
- G. Use appropriate reference materials, printed and online, from federal and state agencies as well as industry/company regulations.
 - 6. Determine and list appropriate safety procedures when placed in unfamiliar work environment.
 - 7. Determine the appropriate protective equipment for particular work environment.
 - 8. Accurately evaluate the potential safety hazards for given work situations.
- H. Follow quality control procedures for common environments in which scales are found.

4. List the appropriate HACCP (Hazardous and Critical Control Point) protocols in scale environments involving products for human use and consumption.
5. List the appropriate sanitation and contamination protocols where applicable in the production and handling of products in industrial scale environments, including but not limited to the following industries: animal and livestock, chemical, petrochemical, fertilizer, and pesticide.

- VI. INSTRUCTOR'S EXPECTATIONS OF STUDENTS IN CLASS**
 - VII. TEXTBOOKS AND OTHER REQUIRED MATERIALS**
 - VIII. REFERENCES**
 - IX. METHODS OF INSTRUCTION AND EVALUATION**
 - X. ATTENDANCE REQUIREMENTS**
 - XI. COURSE OUTLINE**
-

Computer Concepts and Applications

I. GENERAL COURSE INFORMATION

Course Number: BSTC 1036
Course Title: Computer Concepts and Applications
Credit Hours: 3
Prerequisites: None
Division/Discipline: Workforce Training and Community Education
Course Description: This course is an introduction to computer concepts in which focuses on concepts including hardware, operating systems, ethics and security; and applies hands-on interaction with software applications including word processing, spreadsheets, presentations, and database systems. On completion of this course, students will understand common computer terminology, utilize featured application software, and recognize relevant ethics and security issues associated with technology.

II. INSTRUCTOR INFORMATION

III. COLLEGE POLICIES

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IV. COURSE AS VIEWED IN THE TOTAL CURRICULUM

This course is a requirement for many of the degrees' foundational courses whether an applied science or a transferable degree. This course serves as an introduction to computer concepts for all individuals who want to use computers and software applications more effectively for both personal and professional use. The use of technology within society, business, and education increases continually and it is imperative that students,

future employees, and members of society can operate a computer and relevant software efficiently. The skill set formed within this course can also assist in creating integration and adaptability skills the students may need when using other software or web applications.

The transferability of all college courses will vary among institutions, and perhaps even among departments, colleges, or programs within an institution. Institutional requirements may also change without prior notification. Students are responsible to obtain relevant information from intended transfer institutions to insure that the courses the student enrolls in are the most appropriate set of courses for the transfer program.

KRSN Course CSC 1101

The learning outcomes and competencies detailed in this syllabus meet or exceed the learning outcomes and competencies specified by the Kansas Core Outcomes Groups for this course, as sanctioned and approved by the Kansas Board of Regents. For more information regarding transfer and articulation of this course, please refer to the following KBOR webpage: http://kansasregents.org/transfer_articulation.

V. ASSESSMENT OF STUDENT LEARNING

Barton Community College is committed to the assessment of student learning and to quality education. Assessment activities provide a means to develop an understanding of how students learn, what they know, and what they can do with their knowledge. Results from these various activities guide Barton, as a learning college, in finding ways to improve student learning.

Course Outcomes, Competencies, and Supplemental Competencies:

Upon completion of this course, the student will be able to:

- A. Identify specifications and configurations of computer hardware
 - 1. Define computer hardware concepts and terminology
 - 2. Illustrate various configurations for hardware components
 - 3. Identify current and emerging hardware technologies
- B. Identify the role of operating systems
 - 1. Utilize system software to execute a common set of applications
 - 2. Identify and use operating system and utility features
- C. Use the Internet to find information and determine its credibility
 - 1. Define Internet concepts and terminology
 - 2. Identify and use current and emerging Internet capabilities
- D. Use word-processing software to create, edit and produce professional documents
 - 1. Define word-processing concepts and terminology
 - 2. Create, modify, save and output professional looking documents
- E. Create spreadsheets and charts for problem-solving
 - 1. Define spreadsheet concepts and terminology
 - 2. Create, modify, save and output professional looking documents
- F. Utilize a database
 - 1. Define database concepts and terminology
 - 2. Modify, maintain, save, query and output database information
- G. Use presentation software to create, edit and produce professional looking presentations
 - 1. Define presentation concepts and terminology
 - 2. Create, modify, save and output professional looking presentations
- H. Identify ethical and social standards of conduct regarding the use of information and technology
 - 1. Define ethical and social concepts of technology use
 - 2. Define ethical and social standards of conduct when using technology
- I. Identify security threats and solutions

1. Define security terminology and concepts
2. Identify protection and solutions from threats such as malware

- VI. INSTRUCTOR'S EXPECTATIONS OF STUDENTS IN CLASS**
 - VII. TEXTBOOKS AND OTHER REQUIRED MATERIALS**
 - VIII. REFERENCES**
 - IX. METHODS OF INSTRUCTION AND EVALUATION**
 - X. ATTENDANCE REQUIREMENTS**
 - XI. COURSE OUTLINE**
-

Scale Rules and Regulations

I. GENERAL COURSE INFORMATION

Course Number: WGHT 1101

Course Title: Scale Rules and Regulations

Credit Hours: 3

Prerequisites: None

Division/Discipline: Workforce Training and Economic Development/Weights and Measures

Course Description: This course provides students entering the weights and measures industry as scale technicians the necessary background and familiarity with the appropriate reference materials for the proper installation, use, maintenance, and certification of weighing and measuring devices. Background is also provided on weights and measures laws specific to the State of Kansas. This is a required course for the Scale Technician Certificate Program.

II. INSTRUCTOR INFORMATION

III. COLLEGE POLICIES

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IV. COURSE AS VIEWED IN THE TOTAL CURRICULUM

Weighing and measuring devices are governed by national standards for their proper selection, installation, maintenance, and use. Additionally, there are strict requirements for scales to be certified for commercial use. Scale technicians must be familiar with the national standards as defined by the NIST (The National Institute of Standards and Technology) through standard publication and be aware of changes to these standards as they

occur. Technicians also must be familiar with the laws specific to individual states governing weights and measures. Technicians must be able to accurately use, interpret and apply these materials.

V. ASSESSMENT OF STUDENT LEARNING

Barton Community college is committed to the assessment of student learning at to quality education. Assessment activities provide a means to develop an understanding of how students learn, what they know, and what they can do with their knowledge. Results from these various activities guide Barton as a learning college in finding ways to improve student learning.

Course Outcomes, Competencies, and Supplemental Competencies:

- I. Use NIST Handbook 44 accurately to discern the requirements for scale specifications, installation and adjustments.
 - 1. List and identify proper scale specifications based on the application and environment.
 - 2. List and identify proper scale installation and maintenance requirements.
 - 3. List and identify allowable and prohibited adjustments to weighing devices.
- J. Use NIST Handbook 44, Handbook 112 and State Regulations to list and accurately apply the procedures in scale installation, examination, and accuracy testing.
 - 9. Properly install, calibrate, adjust, and maintain scales.
 - 10. Determine and list the proper examination procedures when certifying a scale for commercial application during pretest examination.
 - 11. Conduct an accurate scale test and determine if the device is in compliance with standards for commercial use.
- K. Use the rules, regulations, and statutes of the State of Kansas properly in commercial scale settings.
 - 6. List and identify the procedures required by the State of Kansas to certify a scale for commercial use, return a scale to commercial use following rejection for performance, and maintain certification.
 - 7. List the appropriate regulations and statutes for companies and individuals involved in commercial scale certification.
 - 8. List the appropriate regulations and statutes for companies and individuals involved in the usage of scales in a commercial setting.
 - 9. Accurately complete the appropriate Kansas Department of Agriculture Forms for the installation and certification of all types of commercial weighing devices.

VI. INSTRUCTOR'S EXPECTATIONS OF STUDENTS IN CLASS

VII. TEXTBOOKS AND OTHER REQUIRED MATERIALS

VIII. REFERENCES

IX. METHODS OF INSTRUCTION AND EVALUATION

X. ATTENDANCE REQUIREMENTS

XI. COURSE OUTLINE

Scale Principles and Technology

I. GENERAL COURSE INFORMATION

Course Number: WGHT 1102

Course Title: Scale Principles and Technology

Credit Hours: 3

Prerequisites: None

Division/Discipline: Workforce Training and Economic Development/Weights and Measures

Course Description: This course is designed to provide students with the background necessary to understand the principles behind the functioning and design of both analog and digital weighing devices across all classes of scales. This is a required course for the Scale Technician Certificate

II. INSTRUCTOR INFORMATION

III. COLLEGE POLICIES

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IV. COURSE AS VIEWED IN THE TOTAL CURRICULUM

The scale industry is constantly evolving as technology changes and is a combination of analog (mechanical), digital, and analog/digital devices. Students working to become scale technicians must possess not only a basic understanding of metrology, the science of measurement, and the basic principles of weighing devices, but also the application of weighing principles through analog and constantly evolving digital technologies. Students must also be aware of NIST (The National Institute of Standards and Technology) and its publications governing the scale industry, including but not limited to Handbook 44.

V. ASSESSMENT OF STUDENT LEARNING

Barton Community College is committed to the assessment of student learning at to quality education. Assessment activities provide a means to develop an understanding of how students learn, what they know, and what they can do with their knowledge. Results from these various activities guide Barton as a learning college in finding ways to improve student learning.

Course Outcomes, Competencies, and Supplemental Competencies:

- L. Demonstrate the proper usage of common scale terms and scale mathematics.
 - 1. Accurately convert between the various units of weights.
 - 2. Accurately determine the mathematics used in the scale industry as defined in the applicable sections of NIST Handbook 44 and Handbook 112 and use them to determine tolerances, minimum test loads, scale class, and other common usages.
- M. Describe the concepts of scale type and accuracy.
 - 1. Accurately list and/explain the following:
 - 13. Concepts of scale types and accuracy.
 - 14. Classes of scales used in commerce and industry.
 - 15. Principles governing scale accuracy.
 - 16. The concepts of accuracy and acceptable tolerance and demonstrate their use in certifying scales.
- N. Describe the principles of scale types.
 - 12. List the principles of analog (mechanical) scales and their application.

13. Accurately list the principles governing the types and design of electronic weighing devices and their applications.
 14. List and accurately describe the types of electronic scales used in commerce and industry and their applications by type.
- O. Demonstrate a working knowledge of NIST Handbook 44 as regards scales.
10. Locate and cite relevant sections of NIST Handbook 44 to accurately explain and demonstrate scale capabilities to determine:
 - a. The correct scale class and design based on intended use.
 - b. Test procedures to determine proper scale function.
 - c. Test procedures to determine scale accuracy during installation, regular maintenance, and after major repair of weighing mechanism.
 - d. Determine user requirements for maintenance, permanence, and to remain in compliance with state regulations.

- VI. INSTRUCTOR'S EXPECTATIONS OF STUDENTS IN CLASS**
 - VII. TEXTBOOKS AND OTHER REQUIRED MATERIALS**
 - VIII. REFERENCES**
 - IX. METHODS OF INSTRUCTION AND EVALUATION**
 - X. ATTENDANCE REQUIREMENTS**
 - XI. COURSE OUTLINE**
-

Commercial Driver's License – Class B

I. GENERAL COURSE INFORMATION

Course Number: WGHT 1103

Course Title: Commercial Driver's License – Class B

Credit Hours: 3

Prerequisites: Applicant must possess a Kansas DOT medical card, and must pass a Motor Vehicle Record (MVR) background check in order to drive college vehicles.

Division/Discipline: Workforce Training and Community Education/ Weights and Measures

Course Description: This course provides information and techniques necessary to successfully acquire a Class B Commercial Driver's License (CDL). The student will be taught and required to demonstrate the skills essential for proficiency while operating a commercial motor vehicle. Students will understand changing conditions, demands, traffic situations, and hazards that are essential in the professional driver's job.

II. INSTRUCTOR INFORMATION

III. COLLEGE POLICIES

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<http://academicintegrity.bartonccc.edu/>

IV. COURSE AS VIEWED IN THE TOTAL CURRICULUM

This course is part of the required curriculum for the Scale Technician Certificate Program for those students not acquiring a Class A CDL. This course also serves as a standalone course for those individuals interested in acquiring a Commercial Driver's License – Class B (CDL). This course is not intended for transfer.

V. ASSESSMENT OF STUDENT LEARNING

Barton Community College is committed to the assessment of student learning and to quality education. Assessment activities provide a means to develop an understanding of how students learn, what they know, and what they can do with their knowledge. Results from these various activities guide Barton, as a learning college, in finding ways to improve student learning.

Course Outcomes, Competencies, and Supplemental Competencies:

- A. Demonstrate basic truck driving knowledge as outlined in the current Commercial Driver's License (CDL) manual.
 - 1. State the general roles specific to operating a Class B Commercial Vehicle on the public roads.
 - 2. Show the ability to pass a CDL written exam at a Department of Motor Vehicles testing station (DMV).
 - 3. Demonstrate the ability to operate a Class B Commercial Motor Vehicle (CMV) in a manner such as to prevent mechanical damage, as well as comply with all traffic regulations.
- B. Perform inspections on certain areas of the commercial vehicle as it pertains to a pre-trip examination licensing test.
 - 1. Accurately inspect the engine compartment of the commercial vehicle.
 - 2. Accurately inspect the area from the driver's door rearward of the commercial vehicle.
 - 3. Accurately inspect the cargo area of the vehicle.
 - 4. Demonstrate the ability to conduct an in-cab inspection of the commercial vehicle.
- C. Demonstrate basic control principles necessary to operate a commercial vehicle in various backing situations.
 - 1. Demonstrate the ability to complete a straight line backup without errors.
 - 2. Demonstrate the ability to complete both a right, and left side offset backup without errors.
 - 3. Demonstrate the ability to complete both a conventional, and sight side parallel park maneuver without errors.
 - 4. Demonstrate the ability to complete a 45 degree alley dock without errors.
- D. Demonstrate the ability to safely operate a commercial vehicle through a series of traffic situations.
 - 1. Abide by all local and state traffic laws while on the road.
 - 2. Demonstrate the ability to complete both right and left hand turns safely.
 - 3. Demonstrate and describe the proper method for crossing railroad tracks.
 - 4. Demonstrate an emergency road side stop.
 - 5. Demonstrate the ability to complete both right and left hand lane changes safely.

VI. INSTRUCTOR'S EXPECTATIONS OF STUDENTS IN CLASS

VII. TEXTBOOKS AND OTHER REQUIRED MATERIALS

VIII. REFERENCES

IX. METHODS OF INSTRUCTION AND EVALUATION

X. ATTENDANCE REQUIREMENTS

XI. COURSE OUTLINE

Commercial Driver's License

I. GENERAL COURSE INFORMATION

Course Number: AGRI 1212

Course Title: Commercial Driver's License

Credit Hours: 3

Prerequisites: Applicant must possess a Kansas DOT medical card, and must pass a Motor Vehicle Record (MVR) background check in order to drive college vehicles.

Division/Discipline: Workforce Training and Community Education/Crop Protection/Beef Cattle Production

Course Description: This course provides information and techniques necessary to successfully acquire a Commercial Driver's License. The student will be taught and required to demonstrate the skills essential for proficiency while operating a commercial motor vehicle. Students will understand changing conditions, demands, traffic situations, and hazards that are essential in the professional driver's job.

II. COLLEGE POLICIES

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IV. COURSE AS VIEWED IN THE TOTAL CURRICULUM

This course is part of the required curriculum for the Crop Protection and Beef Cattle Production Certificate programs and as an elective for A.A.S. Degrees in Agriculture Business Management and Crop Protection. This course also serves as a standalone course for those individuals interested in acquiring a Commercial Driver's License. This course is not intended for transfer.

V. ASSESSMENT OF STUDENT LEARNING

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Course Outcomes, Competencies, and Supplemental Competencies:

- E. Demonstrate basic truck driving knowledge as outlined in the current Commercial Driver's License (CDL) manual.
 - 4. State the general roles specific to operating a commercial vehicle on the public roads.
 - 5. Show the ability to pass a CDL written exam at a Department of Motor Vehicles testing station (DMV).
 - 6. Demonstrate the ability to operate a Commercial Motor Vehicle (CMV) in a manner such as to prevent mechanical damage, as well as comply with all traffic regulations.
- F. Perform inspections on certain areas of the commercial vehicle as it pertains to a pre-trip examination licensing test.
 - 1. Accurately inspect the engine compartment of the tractor vehicle.

2. Accurately inspect the area from the driver's door rearward of the tractor vehicle.
3. Accurately inspect the trailer from the bulkhead to the rear of the vehicle.
4. Accurately inspect the coupling area of the tractor trailer vehicle.
5. Demonstrate the ability to conduct an in-cab inspection of the tractor vehicle.

G. Demonstrate basic control principles necessary to operate a tractor-trailer vehicle in various backing situations.

1. Demonstrate the ability to complete a straight line backup without errors.
2. Demonstrate the ability to complete both a right, and left side offset backup without errors.
3. Demonstrate the ability to complete both a conventional, and sight side parallel park maneuver without errors.
4. Demonstrate the ability to complete a 45 degree alley dock without errors.

H. Demonstrate the ability to safely operate a combination commercial vehicle through a series of traffic situations.

1. Abide by all local and state traffic laws while on the road.
2. Demonstrate the ability to complete both right and left hand turns safely.
3. Demonstrate and describe the proper method for crossing railroad tracks.
4. Demonstrate an emergency road side stop.
5. Demonstrate the ability to complete both right and left hand lane changes safely.

VI. INSTRUCTOR'S EXPECTATIONS OF STUDENTS IN CLASS

VII. TEXTBOOKS AND OTHER REQUIRED MATERIALS

VIII. REFERENCES

IX. METHODS OF INSTRUCTION AND EVALUATION

X. ATTENDANCE REQUIREMENTS

XI. COURSE OUTLINE

I. GENERAL COURSE INFORMATION

Course number: AGRI 1181

Course title: Occupational Work Experience I

Credit hours: 1-4

Division & discipline: Workforce Training & Community Education - Farm & Ranch Management

Course description: A minimum of 100 clock hours for each credit hour per semester at selected work stations under the supervision of a coordinator is required for the course. Students will be required to fill out a report of their job experiences and hours worked.

II. CLASSROOM POLICY

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III. COURSE AS VIEWED IN TOTAL CURRICULUM

This course is designed to increase the student's ability to do work skill in Farm and Ranch Management and Agri-Services.

IV. ASSESSMENT OF STUDENT LEARNING

Barton Community College assesses student learning at several levels: institutional, program, degree and classroom. The goal of these assessment activities is to improve student learning. As a student in this course, you will participate in various assessment activities. Results of these activities will be used to improve the content and delivery of Barton's instructional program.

This course is intended to:

1. Provide skills and knowledge that cannot be taught in the classroom.
2. Coordinate classroom learning experiences with actual on the job work experience

V. COURSE COMPETENCIES

Upon completion of the course, the student should be able to:

1. Operate, set and adjust all machinery used in summer work operations in Farm and Ranch Management and Agri-Services.
2. Handle all summer livestock operations needed in Farm and Ranch Management.
3. Keep records needed for business analysis in Farm and Ranch Management and Agri-Services.
4. Take inventory and file records in Agri-Services.
5. Arrange merchandise displays in Agri-Services.
6. Handle telephone orders, cite merchandise facts related to customer benefits and close sales in Agri-Services.

VI. INSTRUCTOR EXPECTATIONS OF STUDENTS IN CLASS

VII. TEXT AND OTHER REQUIRED MATERIALS

- VIII. REFERENCES**
- IX. METHODS OF EVALUATION**
- X. ATTENDANCE REQUIREMENTS**
- XI. COURSE OUTLINE**

APPENDIX D

Faculty

Current Faculty

Dr. Victor Martin-Doctorate in agronomy

Vince Orth-Over thirty years of industry experience

Mike Peschka- Bachelor's degree in electronics from Kansas Technical School and over twenty years in the natural gas industry.

David Hays- Master's in Education from Southwestern College, eighteen credit hours in graduate level math courses from Wichita State University

Bradley Honas- Certified OSHA trainer

The program will begin by utilizing adjunct faculty. Vic and Vince may teach one class each but all others will be covered by adjuncts. Classes will be capped at sixteen students. We will seek at least two additional adjunct faculty members. Program oversight is with Mary Foley-Executive Director of Workforce Training and Economic Development.

Required Faculty Credentials

Tech Math- Master's Degree in Mathematics, Statistics, Applied Math or a Master's degree with 18 graduate hours in Mathematics

Commercial Driver's License-Commercial Driver's License with Airbrake endorsement and two years of relevant industry experience.

Computer Concepts and Applications-Masters in the field or Masters in a related field with 18 graduate credit hours in Information Technology coursework preferred or Bachelor's in Information technology or related field. Tested Experience including professional certification and/or minimum of two years of relevant professional employment may be substituted with administrative approval.

Scale Industry Safety-OSHA 10 or 30 certification or equivalent safety training or industry experience.

All other Courses-Associate's degree or higher in a related field and/or two years of relevant industry experience. (Associate's degree could be in electronics, information technology, and math.)

APPENDIX E

Fiscal Summary

KBOR Fiscal Summary for Proposed Academic Programs

CA-1a Form (2016)

Institution: Barton Community College

Proposed Program: Scale Technician

IMPLEMENTATION COSTS

Part I. Anticipated Enrollment		Implementation Year	
Please state how many students/credit hours are expected during the initial year of the program?			
		Full-Time	Part-Time
A. Headcount:		32 students/800 hours	0
Part II. Initial Budget		Implementation Year	
A. Faculty		Existing:	New: Funding Source:
Full-time	#	\$	\$
Part-time/Adjunct	#2	\$	\$30,000 Tuition/fees/state aid
		Amount	Funding Source
B. Equipment required for program		\$14,400	KDA Contract
C. Tools and/or supplies required for the program		\$6,520	Institutional funds
D. Instructional Supplies and Materials		\$	
E. Facility requirements, including facility modifications and/or classroom renovations		\$	
F. Technology and/or Software		\$	
G. Other <i>(Please identify; add lines as required)</i>			
Total For Implementation Year		\$50,920	

PROGRAM SUSTAINABILITY COSTS (First Two Years)

Part I. Program Enrollment		First Two Years	
Please state how many students/credit hours are expected during the first two years of the program?			
		Full-Time	Part-Time
A. Headcount:		64 students/1600 hours	0
Part II. Ongoing Program Costs		First Two Years	
A. Faculty		Existing:	New: Funding Source:
Full-time	#	\$	\$
Part-time	#2	\$60,000	\$ Tuition/fees/state aid
		Amount	Funding Source
B. Equipment required for program		\$	
C. Tools and/or supplies required for the program		\$	
D. Instructional Supplies and Materials		\$	
E. Facility requirements, including facility modifications and/or classroom renovations		\$	
F. Technology and/or Software		\$	
G. Other <i>(Please identify; add lines as required)</i>			
Total For Implementation Year		\$60,000	

KBOR Fiscal Summary for Proposed Academic Programs

CA-1a Form (2016)

Please indicate any additional support and/or funding for the proposed program:

Submit the completed document to the following:

Director of Technical Programs & Curriculum
Kansas Board of Regents
1000 SW Jackson, Ste. 520
Topeka, KS 66612-1368

Cost and Funding for Proposed Program

Once students enroll, the institution will receive tuition and fees from the student. Students will also assess course fees to cover for in class materials such as multi-meters and fuel for the truck used in the CDL class. Scales have already been purchased using funds from the KDA contract.

We have no grant opportunities or outside resources.

Once the program is approved we will develop a MOU between Barton and KDA to ensure students receive their appropriate license.

APPENDIX F

Minutes/Agendas

Industrial Technology Advisory Board Meeting Agenda

Team Name:	Weights and Measures	Date:	October 21, 2015
Process/Project:	Advisory Board Meeting	Time:	11:30 pm
Recorder:	Denise Schreiber/Caryn Kaiser	Place:	F-30

Meeting Facilitator: Mary Foley			
Advisory Board Members:			
Name	Business	Title	Present
Elaine Simmons	BCC	Dean of Workforce Training and Community Education	
Mary Foley	BCC	Executive Director of Workforce Training and Economic Dev.	
Dr. Victor Martin	BCC	Instructor/Coordinator-Ag Program	
Vincent Orth	BCC	Instructor-Natural Gas Program	
Krystall Barnes	BCC	Coordinator of Workforce Projects and Events	
Doug Musick	Kansas Department of Agriculture	Weights and Measures Program Manager	
Loren Minnich	Kansas Department of Agriculture	Scale Program Supervisor	
Tony Frieze	Absolute Testing Company		
Gene Gamble	Gene's Scale Service	Owner	
Neil Gamble	Gene's Scale Service	Owner	
Ray Wierman	Salina Scale		
Tom Doerfler	Salina Scale		
Ron Travis	Travis Scale	Owner	
Brian Hawkins	Hobart		
Rob Hammel	Hammel Scales		

Justin Alexander	Hobart Scales		
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Presenter	Key Discussion Points	Actions Needed	Actions Taken
Mary Foley	Welcome and Introductions		
Vince Orth/Vic Martin	Continuing Education Update <ul style="list-style-type: none"> • Proposed Dates • New Format • Registration Visibility • Online Testing 		<p>Online Registration process is being updated and will be available soon.</p> <p>January 4th and 5th training, one day in Manhattan and one day in Great Bend week in spring break in Manhattan 5th and 12th in GB</p> <p>How many massive flow people are we going to have? 20 or less 3 in Salina scale +Rob and Brian 3 or 4, doesn't matter location (prefer GB)</p> <p>Liked the idea of 2 hours for a general session, then 2 hours of specific scale classification training.</p> <p>Continuing education tweaks</p> <ul style="list-style-type: none"> • Online testing... have to work out online test integrity. • Re-tests online and at each location and on training day. Also can be arranged through the Barton Community College testing center. • Have techs pre-pay for smoother process • Will send out confirmations after registration and again approximately 2 weeks before the session. • We are working on Pay Pal options

Everyone	<p>New Certificate Program</p> <ul style="list-style-type: none"> • Job Needs • Job Titles • Desired Skills (Entry-Level, Mid-Level, Management) • Educational Outcomes <ul style="list-style-type: none"> ○ Non-Credit Training ○ Individual Coursework ○ Certificate Program (Stackable) ○ Associate Degree ○ Career Experience Opportunities ○ Industry Credentials ○ Facility and/or Equipment Needs ○ Instructor/Trainer Qualifications ○ Partnership Opportunities ○ Donations & Support • Approval Process (CAM) • Letters of Support 		<p>New Certificate Program</p> <ul style="list-style-type: none"> • Scale tech certificate program training- will help advance employees as they come in so they are more valuable to the company • 25-30 credit hours • The process will take approximately 1 year to 2 year to complete all steps. • Ron Travis, with Travis Scales, think this is an awesome idea. He spends a bulk of his time trying to find people to qualify • He's been calling to companies to gauge industry employee needs. out of state. 17 companies, had openings or 18% short of needed people • NO one is holding back on overtime Even offering overtime and still not getting people <p>Salina Scale is in favor of the new certificate program.</p> <ul style="list-style-type: none"> • Tried to work with the industry, try to get people from there but not getting anywhere... • Hired from other companies but doesn't seem to work out because other companies don't want to lose their good people so they send the people they do not want. • Takes 6 months to a year to train someone • Another big YES, great idea • 50-60 hours in a normal work week <p>Gamble Scales, Gene and Neil Gamble- Owners</p> <ul style="list-style-type: none"> • It's needed!!
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			<ul style="list-style-type: none"> • Spending 7-8 years to find a helper and finally found 1! Only one <p>Rob Hammel and Brian Hawkins</p> <ul style="list-style-type: none"> • Good idea • Needs to have people that will do the work correctly <p>Justin Alexander</p> <ul style="list-style-type: none"> • Yes! • Not only this company needs scales other companies, beef places, Dillon's, State Entities <p>Job titles</p> <ul style="list-style-type: none"> • Scale technicians • Service Technicians • Field Technicians <p>Describe industry</p> <ul style="list-style-type: none"> • Weights and Measures • Scale Mechanic • Really isn't ...they said • Compared to electricians.... carry the same insurance and everything • Also compared to Electronic technicians mechanical, electrical, computers, <p>NIST-National Institute of Standards and Technology Ron Travis says they are more than willing to get involved</p>
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			<p>Competitors No, they all think there isn't any other college or universities offering a certificate or degrees like this</p> <p>Need everyone to send letters of how they feel about this program being offered... we need at least 6 letters. (employers, agencies, NCWM, NIST)</p> <p>Curriculum</p> <ul style="list-style-type: none"> • This is for entry level people? Yes • Do we need to have separate certificates for small and large scale? One is good! (Salina Scale) • Math- good idea • Excel emphasis • OSHA-Can just be Safety, does not need the OSHA label. • Every company has their own safety • Legal issues, how's everything is traceable. Needs to be added to the curriculum. • CDL one with and one without? Yes have it be an option. Doesn't need a class A could be class B because a lot of what they do is with class B. should be an elective not a requirement because some small scale and retail scale companies would not require a CDL. <p>Internship</p> <ul style="list-style-type: none"> • If a company was deciding between 2 candidates, companies would hire the candidate with internship access. • Ron Travis wants an internship. • Salina Scales wants an internship to be a requirement, because students would be able to
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			<p>experience what they really have to do. ie crawling through a dirty space</p> <ul style="list-style-type: none"> • How many weeks? <ul style="list-style-type: none"> ○ Would like them to rotate between companies ○ 2-4 weeks is needed to get to experience all the different situations. <p>What's missing?</p> <ul style="list-style-type: none"> • PLC needs to be added (3 credit course) <ul style="list-style-type: none"> ○ Large scale would benefit or helpful but not for small scale ○ Brian Hawkins doesn't think it should be required <p>Do we need two certificates Large scale / small scale</p> <ul style="list-style-type: none"> • Techs do a combo of both if they are doing large • Just small (wouldn't need CDL, PLC) minds well keep it as one... • Doug Musick and Loren Minnich, Kansas Department of Agriculture, think two certificates is a good idea. <p>Brian Hawkins- Hobart</p> <ul style="list-style-type: none"> • Missing a basic logic class, Could enhance A/C computer, needs to be more than basic skills • File management, networking, database programs <p>Final could double as a student's licensing exam</p> <p>Is there a national industry credential exam?</p> <ul style="list-style-type: none"> • Not that they know of
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		<p>Board members think having classes from 8-5 is a great idea. Prepares them to be good employees. (work model) The more you do something the better you are at it.</p> <p>Career experiences, internships... what do you think?</p> <ul style="list-style-type: none"> • 45 hours to get 1 credit <ul style="list-style-type: none"> ○ Definitely, Ron Travis ○ Yes, Gene's Scale Service ○ Yes from everyone ○ Doug and Loren- Yes ○ Brian Hawkins- Yes they would ○ Rob Hammel- they just started internships, so would have to ask company <p>Equipment</p> <p>Budgets</p> <p>Who would be the most Desirable to teach this type of program? Skills? Experiences?</p> <ul style="list-style-type: none"> • Gene Gamble • People like them • Don't want someone that doesn't have a handle on it. • Tech may be able teach a day or two but they can't give an entire week. <p>Do you support the college in the development of this program?</p> <p>Gene Gamble made the motion to move forward with the certificate program. Motion was seconded by Ron Travis. All were in favor!</p>
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			<p>Nobody opposed</p> <p>Did we miss anyone that should be here? Will email Mary if we did</p> <p>Day or time for meeting that you prefer? Will email Mary</p> <p>They all said thank you and that lunch was delicious. It was the first time they had anyone get them together and talk to them.</p> <p>KDA can provide guest speakers and teach scale classes</p>
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Barton Core Priorities/Strategic Plan Goals

Drive Student Success

1. Increase student retention and completion
2. Enhance the Quality of Teaching and Learning

Cultivate Community Engagement

3. Enhance Internal Communication
4. Enhance External Communication

Emphasize Institutional Effectiveness

5. Initiate periodic review of the Mission Statement and Vision Statement.
6. Through professional development, identify and create a training for understanding and use of process improvement methodologies.

Optimize Employee Experience

7. Develop more consistent & robust employee orientation.
8. Enhance professional development system.

Agriculture Advisory Board Meeting Agenda

Team Name:	Agriculture	Date:	February 9th, 2016
Process/Project:	Advisory Board Meeting	Time:	6:30 PM
Recorder:	Caryn Kaiser	Place:	T-184

Meeting Facilitator: Mary Foley			
Advisory Board Members:			
Name	Business	Title	Present
Elaine Simmons	BCC	Dean of Workforce Training and Community Education	Yes
Mary Foley	BCC	Executive Director of Workforce Training and Economic Dev.	Yes
Dr. Victor Martin	BCC	Instructor/Coordinator-Ag Program	Yes
Mark Bogner	BCC	NAFTA Trainer CNH Industrial	No
Maggie Tracy	BCC	Instructor Ag and CDL	Yes
BJ Hammel	BCC	Associate Faculty	No
Kent Blakeslee	Ellinwood High School	Agriculture Instructor	Yes
Alicia Boor	K-State Extension	County Extension Agent, Agriculture and Natural Resources	
Mike Borgan	St. John High School	Principal	No
Wayne Dewerff	Retired		No
Jaye Dickson	Macksville High School		No
Reuel Foote	Stafford Co Flour Mill	General Manager	No
Mark Goodheart	USD 403-Otis Bison High School	Principal	
Johns Haas	Haas Farms LLC	Owner	Yes
Richard Harmon	Mid State Farmers Co		No
Carl Helm	Chase High School		No
Stan Kaiser	Golden Belt Feeders	Operation Manager	No
Stephanie Locke	Wilson High School		No
Roland Martin	Pawnee County Coop	Agronomy Manager	Yes
Nick Mazouch	MKC Coop	Agronomy Manager	No
Paul Snapp	First Kansas Bank	President	No
Bryan Nickelson	Kanza Coop		No
Kelly Nusser	Lyons High School		No
Rollie Peter	Great Bend High School	Instructor	No

Jennifer Pfortmiller	K State at Barton		No
Frank Riedl	Great Bend Coop		No
Marvin Rose	Great Bend Coop	Agronomy Manager	Yes
Dannah Rose	Stafford High School		No
Jim Ryan	USD 112	Instructor	No
Brad Birzer	Farm Bureau	President	No
Tim Maier	Farm Bureau		No
Jerry Morgenstern	Farm Bureau		Yes
Aaron Spanier	Innovative Livestock Services	Director of Human Resources	No
Jed Strnad	Russell High School	Instructor	No
John Sullivan	Great Bend Coop Association	Controller	Yes
Ed Taylor	Golden Valley		No
Devon Walter	Silvan-Lucas High School	Instructor	No
Leisa Welsch	Mid America Feeders		No
Randy Wetzel	USD 428-Great Bend High School	Assistant Principal	No
Craig Zwick	B.Z. Bee Inc	Owner	No
Terry Robl	Kan Equipment Inc.		No
Andrew Fullerton	Bartlett Grain Co.		No
Brooks Hanson	Bartlett Grain Co.		Yes
Nathan Woydziak	Crop Quest		Yes
Dave Tremain	Straub International		Yes
Kenton Wondra	BCCC Student- Farm Bureau		Yes
Brooke Russell	BCCC Student- Farm Bureau		No

Presenter	Key Discussion Points	Actions Needed	Actions Taken
Mary Foley	Welcome and Introductions		
Vic Martin/	<ul style="list-style-type: none"> Enrollment Numbers CDL Update <ul style="list-style-type: none"> Need for another truck & trailer Weights & Measurements Update WTCE Career Fair 		<p>Vic, Elaine Want more input in this meeting</p> <p><u>Enrollment</u> Up significantly Only college that has an increase, increasing since Dr. Heilman came 10 years ago. Horse science is on the increase</p>

			<p>Introduction to Ag taken from high school, Vic and Karly pretty frustrated about this.</p> <p><u>CDL Update</u> Class of 10 all Ag students Class of 6, Industry people 78 on waiting list Elaine, this is a problem because they are not going to wait. Issue only one truck Potential PR problem Wish list for another truck and trailer Welding, Natural Gas and Auto students also will be needing CDL</p> <p>Roland Martin-Does the Welding student need a class A welding could get a B? CDL testing site-Elaine Still in the hands of the Department of Ag</p> <p>Jerry M. worked with some students in CDL, Wants to know why we are going to Hays. Mary, Salina doesn't do testing on Fridays. We decided to go to Hays Mark B. can help test since he usually does not have classes on Fridays. Jerry, Hays is much stricter than other testing sites. Becoming a testing site would make things so</p>
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			<p>much easier, wouldn't have students or instructors waiting up at the test site all day waiting for everyone to complete their testing.</p> <p>Vic, asked people to help donate for another truck</p> <p>John S, how many do you need to partner up?</p> <p>Vic, maybe 8 to 10 people about \$3,000 per person. Good for the area.</p> <p>John S. easier to ask for \$4,000 or \$5,000 rather than \$25,000 and he would be more willing to help.</p> <p>Marvin, how long will it take to go through 78 waiting list, Vic- about 3 years.</p> <p>Meeting he just came from, average age is 58 years old, need for CDL drivers is going to increase (Marvin R.)</p> <p>Roland, how many hours does it take? Mary, unexperienced driver time 15 to 10 hours. Experience around 10 hours</p> <p>Roland, can you group the different classes to make the classes go faster? (Divide experienced and unexperienced. This way classes can start sooner for those who complete faster)</p> <p>Jerry, Salina would be more open minded for</p>
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			<p>students with bad habits more so than Hays.</p> <p>Jerry, we are going to need more employees with CDL because they are not exempt anymore. You can pick up a newspaper anywhere and truck drivers are a Huge need (Jerry)</p> <p>John S. what's your time line to get another truck?</p> <p>Elaine, we need it and she will know this month if we get help from the College or all coming from donors.</p> <p>Jerry, Barton willing to hire another instructor if we get another truck?</p> <p><u>W&M</u></p> <p>We are growing</p> <p>Elaine, contracts going extremely well. 5 year contract</p> <p>The industry is in need for at least 300 people, the career is easily forgotten.</p> <p>We are in a program development stage. Hoping a year from now, to come and train and exit with a license. We are looking for forgotten industries</p> <p>Vic, we have commitment for every piece of equipment we need.</p> <p>Marvin, has 5 scales on his location and 2 mass flow</p> <p><u>WTCE career fair</u></p>
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			<p>Vic Smaller schools don't have Ag in their schools</p> <p>Jerry M. what time is the fair? 1-3pm</p> <p>Kenton is going to be helping Vic at the fair. Schools are now wanting freshman to have a career in mind. We have about seventy 8th graders coming so we can help direct them before they enter their freshman year!!</p> <p>Students aren't aware, this is our time!!</p> <p>Dave T. Don't you think the State is putting this in their minds, they don't recognize how much math and science is needed for this career we are hitting a dead horse. Elaine, we need to work with our school partners to get awareness.</p> <p><u>Update on Welding</u></p> <p>Ribbon cutting</p> <p>High school Instructors brought students and after everyone left they got to weld with our Barton students.</p> <p>Looking for a full time instructor we are currently working with adjunct faculty only.</p> <p>The welding program allows for dual skills, it can be a stand-alone class or worked in with other classes.</p> <p>Jerry M. Welding program, under the Ag department. Do you</p>
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			have and advisory board for welding? Yes, industrial tech board and it's also talked about at other advisory board meetings like Ag.
Everyone	<ul style="list-style-type: none"> • Your Ideas <ul style="list-style-type: none"> ○ What's New? • Curriculum Verification • Surveys 		<p><u>Open questions</u></p> <p>As members, do you hear about our Ag department? (Elaine) Roland, Dave and Alicia <u>no</u> they don't hear about it. <u>(Carvn's personal thought. We need to do something about this!!!!!!)</u></p> <p>Marvin, tries to bring up our Ag department when he's talking to others.</p> <p>Roland, When we advertise or go to school and talk about Ag do we just talk about farming and cattle, or can they say like drones or technology? Simple and catchy, Look this is Ag too!!</p> <p>Elaine, we are going to talk to Tana to find out what approach they take. John H. they are getting stopped at Farmer, but we are some much more. Make it more exciting!! Elaine, create a "did you know Ag".</p> <p>John H. you need an Ag App LOL ☺ ☺</p> <p>Jerry, said BCC is doing a wonderful job with Farm Bureau!! BCC</p>

			<p>hosting event on March 2nd.</p> <p>Getting Ag students out here.</p> <p>Expecting about 125 students, GB, Hoisington, Central Plains, Otis-bison, St John, Stafford, Chase and Ellinwood. All in Barton County.</p> <p>Mostly high school students, will have a few middle schools.</p> <p>Electric Demo, exploding watermelon, fry hotdog, distracted driving demo... (Kiddos love this one)</p> <p>Kenton.... Vic's wanting his thoughts.</p> <p>Doesn't have much to say. What's his thought about BCC and what he wants to do? Close, affordable, sees more of what Ag is.</p> <p>Goals? He'd plans on working on the farm but he is getting his confidence built up.</p> <p>Brooks, how many kiddos are moving onto a 4 year school? Vic, less than half</p> <p>John S. can't see why we couldn't get more students with the other schools charging so much more than BCC. Money is a bigger thing now.</p> <p>Marvin, we hired 3 or 4 students, and they still have a couple. His goal is to have them stay at</p>
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			<p>least 5 years and after that they are good employees and will probably not leave.</p> <p>Co-op is always hiring, went from 3 people to 30 they are always growing. Roland, we need practical</p> <p>John H., Vic how long are you going to live.</p> <p>Maintain employment, lot of jobs, most people that don't have jobs don't want to work. He thinks this is growing. Doesn't know how to change this. Example, employee might go to lunch and not come back.</p> <p>Dave T. You've got to wear this on your sleeve, you are a part of this family. He knows when talking to someone if they will make it or not. Roland, Ag employers that have an employee that care for their jobs they work harder to keep those employees. Ag people try harder than other companies, and they care about family compared to an industry line company.</p> <p>He thinks it's easier to keep your job in Ag Dave T. Where are you on the technology side?</p> <p>Vic, very little. We don't have the resources</p> <p>Dave, biggest hold back in their industry!! They spend a lot of</p>
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			<p>money sending them to school. iPad's are in major use now, and if something breaks it's over. Things are quality like the used to be.</p> <p>John, Roland, things are changing so fast Dave thinks technology will get a lot more interest for the college Nathan also agrees. Hiring his is getting easier because of the technology he has in his field.</p> <p>Please fill out the Survey for feed back</p> <p>Alicia, streamline CDL course. Example Wichita (6 week program, 8-5 Monday-Friday)</p> <p>Can pick her husband's brain to help with this idea, Alicia said we can contact her anytime.</p>
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Barton Core Priorities/Strategic Plan Goals

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5. Initiate periodic review of the Mission Statement and Vision Statement.
6. Through professional development, identify and create a training for understanding and use of process improvement methodologies.

Optimize Employee Experience

7. Develop more consistent & robust employee orientation.
8. Enhance professional development system.

AGENDA/MINTUES	
Team Name	Program Topics and Processes (PTP)
Date	August 3, 2016
Time	8:00am – 9:30am
Location	L-136

Facilitator	Jenna Wornkey	Recorder	Jenna Wornkey
Topic/Notes			Presenter
Scales Technician – Executive Summary attached FYI for the group. No questions from the group. This will move to LICC.			Mary Foley
Curriculum Guide Date Stamp Review Date – Every year And Effective Date – When changes apply			Jenna
Show and Tell – Student Majors-two attachments The Bus Tech students are a rare example. Please pay close attention to student majors, this is an on going issue.			IR

KBOR/HLC/ED update

CAM Update

<http://docs.bartonccc.edu/research/internaldata/Process%20Maps/statusupdates.xlsx>

Let's review upcoming new projects:

- Scales

Let's discuss:

- Jenna KBOR Update
 - Submission season is upon us
- Myrna HLC/Department of Education Update
 - Certificate OSH is pending submission

Barton Community College

Scale Technician Certificate Program

Executive Summary

Objective:

Prepare individuals to work in the scale industry. The certificate program is designed to provide the skills necessary to install, maintain, and certify scales for wholesale and retail uses. Upon completion of this certificate program, students will possess the basic knowledge and proficiency for an entry-level position in the scale industry and progress rapidly in the industry. Students will also be eligible to obtain their license to certify scales for commercial use upon successful completion of the program.

The certificate program will be offered in an accelerated work format. The entire program of study may be completed within one college semester; each class within the certificate program will be completed in no more than two weeks. The proposed format will include eight hour school days mirroring a work day; thus, preparing students to work in the industry. Additionally, concentrating on course material over a shorter timeframe helps reinforce learning.

The certificate program will be limited to 16 students per program offering.

Classes within the certificate program would be open to individuals in the industry (as space allowed) to update skills.

Curriculum:

Technical Mathematics - 3 credit hours

- A basic mathematics background emphasizing mathematical concepts and operations for proper scale operations and scale certification.

AC Circuit Fundamentals – 4 credit hours

- This course teaches students the fundamentals of Alternating Current (AC), including magnetism, waveforms, oscilloscopes, function generators, capacitance, inductance, reactance, impedance, resonance, power supplies, transformers, RC circuits, RL circuits, RLC circuits, and filters.

DC Circuit Fundamentals- 3 credit hours

- The course is designed to acquaint students with the fundamentals of direct current (DC); circuits, the relationship between voltages, current, resistance, and power, the application of Ohm's and Kirchhoff's laws.

Safety- 2 credit hours

- Safety regulations pertinent to the scale industry.

Computer Concepts and Applications – 3 credit hours

- Basic computer operations including word-processing, spreadsheet applications and data base management.

Weights and Measures Procedures & Practices– 3 credit hours

- Federal/state rules and regulations applicable to the scale industry and exposure to the essential skills necessary for success in the weights and measures industry.

Scale Principles and Technology – 3 credit hours

- Principles and practices of scales including an overview of today's scale technology, both analog and digital. To include proper practices in scale setup, maintenance and evaluation.

Commercial Driver's License – 3 credit hours

- Information and training needed to successfully acquire a Commercial Driver's License (CDL), class A or B. If the student already possesses a CDL, they would receive credit for the class.

Internship- 1-4 credit hours

- This course is designed to provide the student with practical work experience and on the job training within his or her chosen career field. Students will work with professionals in the field, learn the type of dedication necessary and observe working operations of the scale industry.

Total Certificate Program College Credits: 23-26**Program Notes:**

- Program could be completed in nine to ten weeks.
- Preliminary discussions with the Weights and Measures Division of the Kansas Department of Agriculture indicate they would issue a license upon successful completion of the certificate program.
- It is suggested that discussion occur about the involvement of Physical Capacity Assessment prior to or at the time of hire.
- Large Scales training will be done on location at area industry partners.

Training Costs:

- **Tuition & Fees Per Student**
 - Legal Kansas Resident - \$104 per credit hour
 - Legal U.S. Resident Outside Kansas –\$132 per credit hour
- **Equipment Costs: (the College will need the following items to support the program)**
 - Retail Scale- approximately \$1,200 X 1= \$1,200
 - Small Scale- approximately \$2,000 X 1=\$2,000
 - Calibration Weights \$2,000 X 1= \$2,000
 - AC / DC Power supply - 8 ea. @ \$ 400 = \$3200
 - Solderless Breadboard - 8 ea. @ \$30 = \$240
 - Assortment kits of resistors, capacitors and inductors - 8 ea. @ 100 = \$800
 - Digital multimeters with scope display - 8 ea. @ \$1000 = \$8000
 - AC frequency generators - 8 ea. @ \$800 = \$6400
 - Calculators - 17 ea. @ \$40 = \$680
 - Solder kits with Accessories. 8 ea. @ \$200 = \$1600
- Barton purchased a set of calibration weights, a retail scale and a small scale, utilizing funds from the Kansas Department of Agriculture.
- Several of our industry partners have indicated they would be willing to make equipment donations

Training Team:

- Mary Foley – Executive Director of Workforce Training & Economic Development
- Dr. Vic Martin – Agriculture Instructor & Coordinator – Scale Technician Trainer
- Vince Orth – Natural Gas Technician Instructor – Scale Technician Trainer

AGENDA/MINUTES

Team Name	Learning, Instruction and Curriculum Committee (LICC)
Date	Wednesday, September 14, 2016
Time	3:30 pm – 4:30 pm
Location	A-113/Go To Meeting

Facilitator	Dr. Robin Garrett	Recorder	Jessica Vsetecka
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Team members								Present X	Absent O
	Team 1		Team 2		Team 3		Additional		Non voting
X	Stephannie Goerl	O	Mike Cox	O	Deanna Heier	X	Lori Crowther	O	Ashley Anderson
X	Mark Bogner	X	Cheryl Lippert	X	Abby Howe	X	ReGina Casper	X	Leanne Miller
X	Kim Brennan	X	Karen Kratzer	X	Terri Mebane	O	Bill Nash	X	Claudia Mather
X	Randy Allen	X	Brenda Glendenning					X	Elaine Simmons
								X	Brian Howe

Guests									
X	Mary Foley	O	Lawrence Weber	O	Gene Compton	O	Shawn Wood		
X	Vic Martin	X	Walter Brown	O	Chris Vanderlinde	X	Brandon Green		
X	Vince Orth	X	Lindsay Holmes						

Action Items	Reporter	New/ Revised	Effective Semester
<p>Streamlining LICC Processes</p> <p>-The committee decided that each team would discuss changes to author syllabi, and team lead would send all notes to author in one email.</p> <p>-The committee agreed that an extra week is needed and decided that starting in October, the submission deadline would be moved up a week allowing for a sub-team deadline and author deadline to make revisions. Jessica will revise the schedule and update the web.</p> <p>-Committee requested for the "steps for Processing Syllabi" document to be revised adding in the following, "Silence is a vote in agreement."</p>	Committee		
<p>Title IX Syllabus</p> <p>Overview of Title IX syllabus addendum. Option for authors to include in syllabus.</p>	Dr. Garrett		
<p>Scales Technician Executive Summary</p> <p>-annual certification—technicians certified, too</p> <p>-verbal commitment from several companies to donate equipment</p>	Mary Foley		

President's Staff Meeting
9:00 a.m. – A-113
September 26, 2016
AGENDA

1. [Scales Technician Certificate Program](#) – Vic Martin
2. **Enrollment Rx Update** – Randy Thode/Angie
3. **Grants & Contracts** – Bill & Cathie
4. **New/Revised Policy and Procedures**
 - **First Reading**
 - [1165-Copyright Law](#) – Regina
 - ✓ [Employee Questions/Comments](#)
 - [2150-Use of Copyright Materials](#) – Regina
 - ✓ [Employee Questions/Comments](#)
 - [2466-Adjunct Faculty Compensation](#) – Robin
 - ✓ [Employee Questions/Comments](#)
5. **No Pay Report** – Mark
6. **Institutional Effectiveness/Information Services** – Charles
 - GLBA training
 - Live Data Feed
 - Strategic Planning Update
 - Softphone update
7. **September Board Meeting** – Carl
8. [President's Forums](#) – Carl
9. **Miscellaneous/Announcements**

ENDS:

ESSENTIAL SKILLS
ACADEMIC ADVANCEMENT
REGIONAL WORKFORCE NEEDS
STRATEGIC PLANNING

WORKPLACE PREPAREDNESS
“BARTON EXPERIENCE”
BARTON SERVICES & REGIONAL LOCATIONS
CONTINGENCY PLANNING

Barton Core Priorities/Strategic Plan Goals

Drive Student Success

1. *Improve Student Success and Completion*
2. *Enhance the Quality of Teaching and Learning*

Cultivate Community Engagement

3. *Cultivate and Strengthen Partnerships*
4. *Reinforce Public Recognition of Barton Community College*
5. *Provide Cultural and Learning Experiences for the community*

Emphasize Institutional Effectiveness

6. *Develop, enhance, and align business processes*
7. *Provide a welcoming and safe environment*

Optimize Employee Experience

8. *Support a diverse culture in which employees are engaged and productive*

**Regular Meeting of the Board of Trustees
Barton Community College
October 25, 2016**

ATTENDANCE

Trustees Present: Leonard Bunselmeyer, Gary Burke, Mike Johnson, Don Learned, Mike Minton and John Moshier

Other Attendees: Brandon Steinert; Robin Garrett; Angie Maddy; Myrna Perkins; Elaine Simmons; Trevor Rolfs; Kathy Kottas; Jane Howard; Mary Foley; Sara Hoff; Cheryl Lippert; Vic Martin; Will Rains; Michelle Kaiser; Brian Howe; Shelli Schmidt; Coleen Cape, Foundation; Susan Thacker, Great Bend Tribune; President Carl Heilman; Amye Schneider; via Go to Meeting, Ashley Anderson; Lee Miller; Mike Cox; Emily Cowles; Eugene Compton

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Johnson called the meeting of the Board of Trustees of Barton County Community College to order at 4:00 p.m., October 25, 2016 in F-30 in the lower level of the Fine Arts Building. He then led in the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND NEW EMPLOYEES

Sara Hoff introduced Danielle Kultgen – Secretary (Allied Health/MLT) (Barton Campus)

Trevor Rolfs introduced Kade Sander – Assistant Coach (Wrestling) (Barton Campus)

Kathy Kottas introduced Emily Cowles – Instructor & Coordinator of Dietary Manager Program (Barton Campus)

Brandon Steinert introduced Micah Oelze – Public Relations & Social Media Specialist (Barton Campus)

PUBLIC COMMENT

Chairman Johnson invited public comments; there were none offered.

MONITORING REPORT – END 4: BARTON EXPERIENCE

Angie Maddy, Dean of Student Services; Myrna Perkins, Associate Dean of Student Services and Director of Financial Aid; Trevor Rolfs, Athletic Director and student Keanna Craig; Robin Garrett, Vice President of Instruction and Student Services presented information and updates relevant to this END statement.

COMMUNITY REPORT DRAFT

Brandon Steinert provided the Board with the most recent version of the community report for the Boards review.

FINANCIAL AID REPORT 15-16

Myrna Perkins, Associate Dean of Student Services and Director of Financial Aid gave this report.

JAYHAWK CONFERNECE BY-LAWS AMENDMENTS

Carl Heilman, President and Trevor Rolf provided these updates.

CONSENT AGENDA

The following was included in the consent agenda for consideration.

- a. Scales Technician Certificate Program
- b. Kip & Kelly Spray Family Strength Training Center Naming Contract Addendum
- c. BOT Meeting Minutes of September 27, 2016

Trustee Burke moved that the Board approve the consent agenda as presented. The motion was seconded by Trustee Learned. Following discussion, the motion carried 6-0.

INCIDENTAL INFORMATION AND DISCUSSION ITEMS

The following reports were presented for the Board's information:

- a. President's Report of Monthly Activities
- b. KACCT/Board Chair Report by Mike Johnson, Board Chair
- c. KBOR Update by Carl Heilman, President
- d. Upcoming Events
- e. Miscellaneous

Regular Meeting of the Board of Trustees
Barton Community College
October 25, 2016

EXECUTIVE SESSION

Chairman Johnson advised that an executive session would not be necessary.

PUBLIC COMMENT

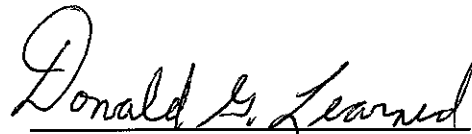
Chairman Johnson invited public comments; there were none offered.

ADJOURNMENT

The meeting adjourned at 5:25 p.m.



Mike Johnson, Chairman



Donald Learned, Secretary

Recorded by Amye Schneider

APPENDIX G

KS Dept. of Agriculture

Certification



The following copy of selected statutes and regulations is being made available by the Kansas Department of Agriculture for the convenience of the public and is meant to be used only as a reference. While the Kansas Department of Agriculture has made every effort to accurately reproduce these statutes and regulations, they are not the official statutes and regulations of the State. The Kansas Statutes Annotated (K.S.A.), published by the Revisor of Kansas Statutes, and the Kansas Administrative Regulations (K.A.R.), published by the Secretary of State should be consulted for the text of the official statutes and administrative regulations of the State.

WEIGHTS AND MEASURES

55-422. Petroleum products inspection law; definitions. K.S.A. 55-422 et seq., and amendments thereto, may be cited as the petroleum products inspection law. As used in the petroleum products inspection law:

(a) "Director" means the director of taxation of the Kansas department of revenue, or the director's duly authorized deputy, agent, or representative.

(b) "Secretary" means the secretary of agriculture or the secretary's authorized representative.

(c) "Person" means an individual, firm, association, organization, partnership, business trust, joint stock company, company, corporation, or other legal entity.

(d) "Motor fuel" means any refined or blended motor fuel products, including gasoline, diesel fuel, aviation fuel, oxygenated fuel, or any other fuel used for generation of power in an internal combustion engine as specified by the secretary by rules and regulations adopted under the petroleum products inspection law.

(e) "Petroleum product" includes gasoline, kerosene, motor-fuels and such other products as defined by rules and regulations adopted pursuant to the petroleum products inspection law.

(f) The terms "manufacturer", "distributor" and "importer" shall have the meanings ascribed to them in the motor-fuel tax law.

(g) "Dispensing device" means a motor-vehicle fuel or liquid fuel dispensing pump, meter or other similar measuring device and shall include any device which dispenses refined or blended gasoline or diesel fuel product. This definition shall not include liquefied petroleum meters.

History: L. 1935, ch. 210, § 1; L. 1941, ch. 278, § 1; L. 1989, ch. 163, § 1; L. 1993, ch. 58, § 1; L. 1996, ch. 105, § 3; L. 2007, ch. 180, § 1; July 1.

55-423. Standards for petroleum products established by the secretary. No person shall sell, offer for sale, have in such person's possession, use or deliver any petroleum products for consumption or use for illuminating, heating or power purposes in this state until the same meets the standards or characteristics for those products as established pursuant to rules and regulations adopted by the secretary.

55-424. Duties of secretary; entry upon premises; samples collected; stop-sale order. (a) The secretary may examine and test the quality of such petroleum products sold, offered for sale, used or delivered by any manufacturer, importer, or distributor in this state.

(b) The secretary shall have access during business hours to enter all places where petroleum products are manufactured, stored, sold or offered for sale or resale for the purpose of examination, inspection, sampling or investigation of such petroleum products. Neither the secretary nor any authorized representative of the secretary shall be required to obtain a search warrant in order to perform any duty imposed by this section.

(c) The secretary may collect or cause to be collected any samples of petroleum products and test or cause such samples to be tested or analyzed for compliance with the provisions of this act or any rules and regulations adopted thereunder.

(d) Whenever the secretary finds any violation of this act or any rule and regulation adopted under this act has occurred, the secretary may issue a stop-sale order, removal order or any combination of such orders with respect to any petroleum product being manufactured, held, offered, or exposed for sale, sold or delivered if the secretary deems it necessary for the protection of the public.

(e) No person may sell, use, remove, otherwise dispose of, or fail to remove from the premises any petroleum product contrary to the terms of any order issued pursuant to this section.

55-425. Standards for tests; test methods and equipment. (a) Whenever possible, in making any test pursuant to this act, the secretary shall use methods and equipment similar to those methods and equipment adopted by the American society for testing materials. Such methods of testing shall be prescribed by rules and regulations. Methods of testing in existence prior to the effective date of the act shall continue until changed by rules and regulations adopted pursuant to the provisions of this act.

(b) The secretary is hereby authorized to enter into contracts for the testing of petroleum products pursuant to the provisions of this act.

(c) The secretary is authorized to adopt, by rules and regulations, any additional methods of testing petroleum products and standards setting forth specifications, tolerances and other technical requirements for the equipment used in performing such tests. In establishing rules and regulations pursuant to this subsection, the secretary shall conform to the standards of the American society for testing materials whenever possible. Specifications, tolerances and other technical requirements for the testing equipment in existence prior to the effective date of the act shall continue until changed by rules and regulations adopted pursuant to the provisions of this act.

55-426. Fees, amount. (a) The director of taxation is entitled to demand and receive from the manufacturer, importer, exporter or distributor first selling, offering for sale, using or delivering gasoline or diesel including government sales, the sum of \$.015 per barrel. For the purposes of this section 50 gallons is to be considered and counted as a barrel.

(b) The secretary is hereby authorized and empowered to reduce the fees and charges provided by subsection (a) for any period deemed justified whenever the secretary shall determine that such fees and charges being paid into the state treasury as required by law are yielding more revenue than is required for the purposes to which such fees and charges are devoted by law. In the event that the secretary determines that sufficient revenues are not being produced by such reduced fees and charges, the secretary is hereby authorized and empowered to restore the fees and charges in full or in part to a rate not exceeding that provided in subsection (a) that will in the secretary's judgment produce sufficient revenue for the purposes to which such fees and charges are devoted by law.

History: L. 1935, ch. 210, § 5; L. 1939, ch. 288, § 14; L. 1941, ch. 278, § 3; L. 1949, ch. 306, § 1; L. 1989, ch. 163, § 5; L. 1990, ch. 195, § 1; L. 1996, ch. 105, § 5; L. 2007, ch. 180, § 2; July 1.

STATE OF KANSAS
BEFORE THE KANSAS DEPARTMENT OF AGRICULTURE

ORDER INCREASING PETROLEUM INSPECTION FEE

Pursuant to K.S.A. 2009 Supp. 55-426(b), the Secretary finds as follows:

1. K.S.A. 2009 Supp. 55-426(a) states that the director of taxation is entitled to demand and receive from the manufacturer, importer, exporter or distributor first selling, offering for sale, using or delivering gasoline or diesel including government sales, the sum of \$.015 per barrel.

2. K.S.A. 2009 Supp. 55-426(b) states that the secretary is authorized to reduce the fees and charges provided by subsection (a) for any period deemed justified whenever the secretary shall determine that such fees and charges being paid into the state treasury as required by law are yielding more revenue than is required for the purposes for which such fees and charges are devoted by law. In the event the secretary determines that sufficient revenues are not being produced by such reduced fees and charges, the secretary is authorized and empowered to restore the fees and charges in full or in part at a rate not exceeding \$.015 per barrel that will in the secretary's judgment produce sufficient revenue for the purposes to which such fees and charges are devoted by law.

3. On November 13, 2008, the Secretary entered an order reducing the fee to \$.0135 per barrel beginning January 1, 2009.

4. The Secretary has determined that the revenue from the reduced fees is not sufficient. Therefore, as authorized by law the fee per barrel should be restored.

IT IS THEREFORE ORDERED THAT:

1. The fee established in K.S.A. 2009 Supp. 55-426(a) shall be restored to the sum of \$.015 per barrel.
2. The fee of \$.015 per barrel shall be applicable to the sale of petroleum products beginning July 1, 2010.
3. This Order shall remain in effect until otherwise modified by the Secretary as authorized by law.

Date: 3/4/2010

/s/ Joshua Svaty
Joshua Svaty
Secretary
Kansas Department of Agriculture

55-427. Monthly report of sales and payment of fees; interest and penalty when delinquent; petroleum inspection fee fund.

(a) Every manufacturer, importer, or distributor of any of the above-named petroleum products subject to inspection and liable for the payment of fees as provided in the petroleum products inspection law, shall report in full and detail before the 25th day of every month at the office of the director of taxation, on blanks prepared, furnished and approved by the director of taxation, the quantity of each of the above-named petroleum products sold in the state of Kansas during the preceding calendar month, and shall, at the time of forwarding such report, compute and pay to the director of taxation at the director's office, the amount of fees due the state on all petroleum products subject to inspection during the preceding month.

(b) All fees imposed under the provisions of the petroleum products inspection law and not paid on or before the 25th day of the month succeeding the calendar month in which such petroleum products were sold or offered for sale shall be deemed delinquent and shall bear interest at the rate of 1% a month, or fraction thereof, from such due date until paid. In addition, there is hereby imposed upon all amounts of such fees remaining due and unpaid after such due date a penalty in the amount of 5%. Such penalty shall be added to and collected as part of the fees by the director of taxation. The fees, including penalty and interest shall be remitted by the director of taxation to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit the same in accordance with subsections (c) and (d).

(c) There is hereby created in the state treasury the petroleum inspection fee fund which shall be administered by the secretary of agriculture. All moneys credited to the petroleum inspection fee fund shall be used for the expenses incurred for the performance of the duties and functions of the secretary of agriculture and the Kansas department of agriculture prescribed by K.S.A. 55-422 through 55-427, 55-434 through 55-445 and 55-447, and amendments thereto, and K.S.A. 83-501, and amendments thereto, or any rules and regulations adopted thereunder, relating to the regulation of the quality of petroleum products, and for the expenses incurred for the performance of the duties and functions of the secretary of agriculture and the Kansas department of agriculture prescribed by K.S.A. 83-401 through 83-410, and amendments thereto, or any rules and regulations adopted thereunder, and K.S.A. 83-501, and amendments thereto, or any rules and regulations adopted thereunder, relating to the regulation of motor fuel dispensing devices, as defined by K.S.A. 83-401, and amendments thereto. All expenditures from the petroleum inspection fee fund shall be made in accordance with the provisions of appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by a person or persons designated by the secretary.

(d) All moneys received for the fee imposed by K.S.A. 55-426, and amendments thereto, or for interest or penalties imposed by K.S.A. 55-427, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and such moneys shall be credited in accordance with the following:

(1) On and after July 1 of each fiscal year, 2/3 of each such deposit shall be credited to the state general fund and the balance of each such deposit shall be credited to the petroleum inspection fee fund until the aggregate of all amounts credited to the state general fund under this subsection (d)(1) equals \$100,000; and

(2) after \$100,000 has been credited to the state general fund under subsection (d)(1) for any fiscal year, the entire amount of each amount deposited thereafter for such fiscal year shall be credited to the petroleum inspection fee fund.

History: L. 2008, Ch. 93, § 1, July 1.

55-434. Penalties. (a) Any person who violates any of the provisions of the petroleum products inspection law or any rule or regulation adopted thereunder shall be guilty of a class A nonperson misdemeanor. Each separate violation shall constitute a separate offense.

(b) Any violation of the provisions of the petroleum products inspection law shall be deemed a deceptive act and practice as defined by K.S.A. 50-626, and amendments thereto. Violations of the petroleum products inspection law may be enforced by the secretary of agriculture under the administrative provisions of the petroleum products inspection law, by the attorney general or the county or district attorney under the Kansas consumer protection act.

55-435. Invalidity of part. If any part, or parts, of this act are held to be unconstitutional, the remaining part thereof shall be unaffected, and it shall be presumed that the legislature would have enacted this law with the part held to be invalid, omitted.

55-436. Administration and enforcement; jurisdiction of secretary of agriculture over inspections. The secretary of agriculture shall administer the law with reference to a thorough and practical inspection as required by law covering inspection of petroleum products used in lighting and heating, and in the operation or propulsion of motor vehicles, including inspection of pumps and measures used in dispensing the same.

55-437. Same; transfer of powers, duties and functions. (a) All of the powers, duties and functions of the director of taxation with regard to the petroleum products inspection law pertaining to the actual inspection of the products specified in K.S.A. 55-423, and amendments thereto, are hereby transferred to and conferred and imposed upon the secretary of agriculture.

(b) The secretary of agriculture shall be the successor in every way to the powers, duties and functions of the director of taxation with regard to the petroleum products inspection law pertaining to the actual inspection of the products specified in K.S.A. 55-423, and amendments thereto, in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the director of taxation with regard to the petroleum products inspection law in which such powers, duties and functions were vested prior to the effective date of this order.

(c) Whenever the director of taxation, or words of like effect, with regard to the petroleum products inspection law pertaining to the actual inspection of the products specified in K.S.A. 55-423, and amendments thereto, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture.

(d) All rules and regulations of the director of taxation with regard to the petroleum products inspection law pertaining to the actual inspection of the products specified in K.S.A. 55-423, and amendments thereto, in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of agriculture until revised, amended, revoked or nullified pursuant to law.

(e) All orders and directives of the director of taxation with regard to the petroleum products inspection law pertaining to the actual inspection of the products specified in K.S.A. 55-423, and amendments thereto, in existence on the effective date of this act shall continue to be effective and shall be deemed the orders and directives of the secretary of agriculture until revised, amended or nullified pursuant to law.

(f) The secretary of agriculture shall succeed to whatever right, title or interest the director of taxation, with regard to the petroleum products inspection law pertaining to the actual inspection of the products specified in K.S.A. 55-423, and amendments thereto, has acquired in any real property in this state, and the secretary shall hold the same for and in the name of the state of Kansas.

(g) On and after the effective date of this act whenever any statute, contract, deed or other document concerns the power or authority of the director of taxation with regard to the petroleum products inspection law pertaining to the actual inspection of the products specified in K.S.A. 55-423, and amendments thereto, to acquire, hold or dispose of real property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

55-438. Same; transfer of officers and employees; retention of benefits and rights; service deemed continuous. On the effective date of this act, officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the petroleum products inspection law pertaining to the actual inspection of the products specified in K.S.A. 55-423, and amendments thereto, and who, in the opinion of the secretary of agriculture, are necessary to perform the powers, duties and functions of the petroleum products inspection law pertaining to the actual inspection of the products specified in K.S.A. 55-423, and amendments thereto, shall be transferred to, and shall become officers and employees of the state department of agriculture. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to the effective date of this act. The service of each such officer and employee so transferred shall be deemed to have been continuous.

55-439. Same; resolution of conflicts by governor; succession to property and records. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition, transfer, attachment or change made by or under authority of this act, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The Kansas state department of agriculture shall succeed to all property, property rights and records which were used for or pertain to the performance of the powers, duties and functions transferred to the secretary of agriculture. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer, attachment or all or part of the powers, duties and functions of the director of taxation, shall be determined by the governor, whose decision shall be final.

55-440. Same; civil and criminal actions saved. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against the director of taxation with regard to the petroleum products inspection law or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the transfers effected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the secretary of agriculture or any officer affected.

55-441. Same; transfer of appropriations; assumption of liability for compensation of transferred officers and employees. (a) On the effective date of this act, the balance of all funds appropriated and reappropriated to the director of taxation with regard to the petroleum products inspection law is hereby transferred to the department of agriculture and shall be used only for the purpose for which the appropriation was originally made.

(b) On the effective date of this act, the liability for all accrued compensation or salaries of officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of any state agency or officer transferred by this act, or which becomes a part of the department of agriculture or the powers, duties and functions of which are transferred to the secretary of agriculture, shall be assumed and paid by the department of agriculture.

55-442. Rules and regulations. (a) The secretary of agriculture may adopt rules and regulations establishing standards for and identity of any petroleum product. These rules and regulations shall conform, insofar as practicable, to the American society for testing materials standards for those products and the rules and regulations and clean air act waivers of the United States environmental protection agency.

(b) The secretary of agriculture may adopt rules and regulations establishing methods of testing any petroleum product. These rules and regulations shall conform, insofar as practicable, to the methods for testing those petroleum products as established by the American society for testing materials.

(c) The secretary of agriculture may adopt rules and regulations establishing specifications, tolerances and other technical requirements for equipment used for the testing those petroleum products as established by the American society for testing materials.

(d) The secretary of agriculture may adopt rules and regulations concerning labeling of petroleum products and standards of identity for petroleum products. These rules and regulations shall conform, insofar as practicable, to the standards of identity for petroleum products as established by the American society for testing materials and to federal regulations regarding labeling whenever possible.

(e) The secretary of agriculture may adopt rules and regulations designating additional products as petroleum products.

(f) The secretary of agriculture may adopt any other rules and regulations deemed necessary for the administration of the petroleum products inspection law.

55-443. Penalties; appeal procedure. (a) It is a violation for any person to:

(1) Act as or represent such person's self to be a technical representative without having a valid license issued by the Kansas department of agriculture;

(2) hinder or obstruct in any way the secretary or any of the secretary's authorized agents in the performance of the secretary's official duties under the petroleum products inspection law;

(3) failure to follow the applicable version of NIST Handbook as referenced in chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder when installing, repairing, calibrating or testing a device;

(4) failure to complete the testing or placing-in-service report in its entirety and to report the accurate description of the parts replaced, adjusted, reconditioned or work performed;

(5) filing a false or fraudulent application or report to the secretary;

(6) failure to pay all fees and penalties as prescribed by the petroleum products inspection law and the rules and regulations adopted and promulgated pursuant to the petroleum products inspection law;

(7) refuse to keep and make available for examination by the department of agriculture all books, papers, and other information necessary for the enforcement of the petroleum products inspection law or chapter 83 of the Kansas Statutes Annotated, and amendments thereto;

(8) failure to have any commercial dispensing device tested as required by the petroleum products inspection law or chapter 83 of the Kansas Statutes Annotated, and amendments thereto;

(9) sell, offer or expose for sale any petroleum product which does not comply with the provisions of the petroleum products inspection law;

(10) sell, use, remove, otherwise dispose of or fail to remove from the premises specified, any dispensing device, package or commodity contrary to the terms of any order issued by the secretary; and

(11) violate any order issued by the secretary pursuant to chapter 83 of the Kansas Statutes Annotated, and amendments thereto.

(b) Any person who violates any provision of the petroleum products inspection law or any applicable provisions of chapter 83 of the Kansas Statutes Annotated, or amendments thereto, or any rules and regulations adopted thereunder, in addition to any other penalty provided by law, may incur a civil penalty imposed under subsection (c) in an amount, fixed by rules and regulations of the secretary, of not less than \$100 nor more than \$5,000 for each such violation and, in the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(c) In determining the amount of the civil penalty, the following shall be taken into consideration:

(1) The extent of harm caused by the violation;

(2) the nature and persistence of the violation;

(3) the length of time over which the violation occurs;

(4) any corrective actions taken; and

(5) any and all relevant circumstances.

(d) All civil penalties assessed shall be due and payable within 10 days after written notice of assessment is served on the person, unless a longer period of time is granted by the secretary. If a civil penalty is not paid within the applicable time period, the secretary may file a certified copy of the notice of assessment with the clerk of the district court in the county where the weighing and measuring device or dispensing device is located. The notice of assessment shall be enforced in the same manner as a judgment of the district court.

(e) No civil penalty shall be imposed pursuant to this section except upon the written order of the duly authorized agent of the secretary to the person who committed the violation or to the person whose agent or employee committed the violation. Such order shall state the violation, the penalty to be imposed and the right of the person to appeal to the secretary. Any such person, within 20 days after notification, may make written request to the secretary for a hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reasons therefor.

(f) Any person aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.

(g) An appeal to the district court or to an appellate court shall not stay the payment of the civil penalty.

(h) Any civil penalty recovered pursuant to the provisions of this section or any penalty recovered under the consumer protection act for violations of this section, and amendments thereto, or any rules and regulations adopted thereunder, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund.

(i) This section shall be part of and supplemental to the petroleum products inspection act, article 4 of chapter 55 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 1993, ch. 58, § 11; L. 1996, ch. 105, § 15; L. 2001, ch. 5, § 195; L. 2003, ch. 68, § 1; L. 2004, ch. 101, § 167; July 1; amended 2010.

55-444. Secretary's rights. Nothing in this act shall limit the right of the secretary to proceed as authorized by any other provision of law.

55-445. Injunction, restraining order. The secretary may bring an action in the district court for injunction or other process to restrain or prevent a violation of the petroleum products inspection law. Such injunction or other process shall issue without any bond being required.

55-447. Servicing or repairing a dispensing device; exceptions. Except as provided in K.S.A. 83-401 through 83-410, and amendments thereto, nothing in article 4 of chapter 55 of the Kansas Statutes Annotated, and amendments thereto, shall prohibit the owner of a dispensing device or the owner's employee or agent, from servicing or repairing such device. However, if such device is found out of tolerance and is rejected by the Kansas department of agriculture, the owner is responsible for repairing the device within the time specified on the rejection tag and notifying the department when the device is repaired and in operation. The owner shall pay a fee commensurate with the expense incurred by the secretary in performing the follow-up inspection or test.

Chapter 83.--WEIGHTS AND MEASURES

Article 1.--AUTHORIZED STANDARDS AND ENFORCEMENT PROVISIONS

83-139. REPEALED. **History:** L. 1905, ch. 525, § 1; Feb. 28; R.S. 1923, 83-139; L. 2012, ch. 79, sec. 1; July 1.

83-140. REPEALED **History:** L. 1905, ch. 525, § 2; Feb. 28; R.S. 1923, 83-140; L. 2012, ch. 79, sec. 1; July 1.

83-143. Liquefied petroleum gas; unlawful acts. It shall be unlawful to sell at retail or offer for sale at retail any liquefied petroleum gas except by avoirdupois weight, specified in pounds or kilograms; liquid measure, specified in gallons or liters; or vapor, specified in cubic feet, cubic meters or such other units as may be approved by the secretary of agriculture.

83-144. Same; labeling of packages and containers. When liquefied petroleum gas is sold at retail or offered for sale at retail by weight, in packages or containers, the tare weight of the container, and the net weight of the contents shall be plainly and conspicuously marked on the outside of the container or on a label firmly attached thereto. Tare weight shall not be construed to include the valve protecting cap, which shall be removed when weighing.

83-145. Liquefied petroleum gas; weighing and measuring devices; testing; unlawful acts. (a) The secretary of agriculture, or the secretary's authorized representative, is authorized to test all weighing and measuring devices used in the retail sale of liquefied petroleum gas, and shall reject all such devices which are found to be inaccurate and to not clearly indicate the quantity of liquefied petroleum gas in kilograms or pounds, liters or gallons, cubic feet or cubic meters or other unit approved by the secretary of agriculture, or the secretary's authorized representative. The secretary of agriculture, or the secretary's authorized representative, shall conspicuously mark all rejected devices. Such mark shall not be removed or defaced except upon authorization of the secretary of agriculture or the secretary's authorized representatives. It shall be unlawful to use a vapor meter dial which is not equipped with a cubic foot indicator for testing the accuracy of the meter.

(b) It shall be unlawful to use a liquid meter for measuring the volume, in gallons, of liquefied petroleum gas for retail sale from delivery vehicles unless such meter is equipped with a ticket printer for use in issuance of printed tickets showing the volume, in gallons, of the liquefied petroleum gas delivered.

83-146. Same; purchaser's invoice; ticket. An invoice shall be submitted to the purchaser showing the quantity of liquefied petroleum gas sold, expressed in pounds, or gallons, or cubic feet, or other units approved by the secretary of agriculture. When vapor meters reading in approved units other than cubic feet are used, the invoice shall clearly indicate to the purchaser a factor to convert to cubic feet or gallons. When liquefied petroleum gas is sold at retail by liquid volume from a delivery vehicle, a ticket issued by a liquid meter shall be used to show the quantity delivered in gallons; and the printed ticket shall clearly indicate to the purchaser the gallons of liquefied petroleum gas sold and delivered.

83-148. Liquefied petroleum gas; purchaser's credit for refilled or exchanged container, exceptions. Except as otherwise provided, when liquefied petroleum gas is sold by the container, either by a refilling of a container or an exchange of containers, the vendor shall give the purchaser full credit for the unused liquid remaining in a container being exchanged or refilled. The provisions of this section shall not apply to an exchange of containers when the exchanged container is delivered to the vendor by the purchaser.

83-149. Same; penalties. Any person who violates any of the provisions of article 1 of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any of the rules and regulations issued hereunder, shall be deemed guilty of a class A, nonperson misdemeanor.

83-154. Falsely making or altering scale ticket or other written records; penalty. Every person who, with intent to defraud, shall falsely make or alter or cause or procure to be falsely made or altered any scale ticket or other written record evidencing or relating to the weight of any personal property or who shall, with intent to defraud, falsely make or alter or cause or procure to be falsely made or altered any entry or item on any such scale ticket or written record, upon conviction thereof, shall be deemed guilty of a class A, nonperson misdemeanor.

83-155. Scale ticket or written record relating to weights; requirements; penalties for violations. It shall be unlawful for any person who shall for hire weigh any vehicle at an attended public scale to issue any scale ticket or other written record evidencing or relating to the weight of such vehicle or the load thereon unless such scale ticket or written record shall show the following: (a) The date and time of the weighing; (b) the place of the weighing; and (c) the signature of the weigher. Any person violating any of the provisions of this section shall be guilty of a class A, nonperson misdemeanor.

Article 2.--STANDARDS AND ENFORCEMENT

83-201. Definitions. As used in article 2 of chapter 83 of the Kansas Statutes Annotated and K.S.A. 83-502, and amendments thereto: (a) "Weights and measures" means all commercial weights or measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices and any point-of-sale system.

(b) "Weight" as used in connection with any commodity means net weight, except if the label declares that the product is sold by drained weight, the term means net drained weight.

(c) "Correct" as used in connection with weights and measures means conformance to all applicable tolerances, specifications and requirements as established by the secretary and those established within article 2 of chapter 83 of Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder.

(d) "Primary standards" means the physical standards of the state which serve as the legal reference from which all other standards and weights and measures are derived.

(e) "Secondary standards" means the physical standards which are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and rules and regulations.

(f) "Person" means an individual, agent or employee of a service company, partnerships, corporations, companies, societies and associations.

(g) "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.

(h) "Package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.

(i) "Drained weight" means the weight of the solid or semisolid product representing the contents of a package or container obtained after a prescribed method for excluding the liquid has been employed.

(j) "Secretary" means the secretary of agriculture or the secretary's authorized representative.

(k) "Measuring device" includes all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments.

(l) "Point-of-sale system" means any combination of a cash register or other devices, or system, such as a scanner, capable of recovering stored information related to the price or computing the price of any individual item which is sold or offered for sale at retail. A point-of-sale system may also include or be attached or connected to a weighing or measuring device.

(m) "Scanner" means any electronic system that employs a laser-bar code reader to retrieve product identity, price or other information stored in a computer memory.

(n) "Service company" means a company which is in the business of examining, calibrating, testing, repairing and adjusting weighing and measuring devices but such term does not include a technical representative unless the technical representative is the owner of such service company.

(o) "Technical representative" means an individual who installs, repairs, adjusts or calibrates the weighing and measuring devices and certifies the accuracy of the weighing and measuring devices.

83-202. Recognized system of weights and measures. (a) Except as provided further:

(1) The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and either one or both of these systems shall be used for all commercial purposes in the state.

(2) The following standards and requirements shall apply to commercial weighing and measuring devices:

(A) "The standards of the national conference on weights and measures" published in the national institute of standards and technology handbook 44 entitled specifications, tolerances, and other technical requirements for weighing and measuring devices as published on October, 1994 or later versions as established in rules and regulations adopted by the secretary, except a mechanical vehicle scale used solely to sell aggregated products shall be allowed a minimum tolerance of +/-100 pounds. Such scale shall not be sold or moved to another location for use in commercial applications unless it complies with all applicable tolerances of the national institute of standards and technology handbook 44 entitled specifications, tolerances, and other technical requirements for weighing and measuring devices as published in October, 1994 or later versions as established in rules and regulations adopted by the secretary;

(B) "the uniform laws and regulations of the national conference on weights and measures" published in the national institute of standards and technology handbook 130 regarding packaging and labeling, the method of sale of commodities, national type

evaluation regulation, motor fuel inspection and motor fuel regulation, as published on December, 1994 or later versions as established in rules and regulations adopted by the secretary;

(C) "checking the net contents of packaged goods" published in the national institute of standards and technology handbook 133, third edition, as published on September, 1988 or later versions as established in rules and regulations adopted by the secretary;

(D) "checking the net contents of packaged goods" published in the national institute of standards and technology handbook 133, third edition, supplement 4, as published on October, 1994 or later versions as established in rules and regulations adopted by the secretary; and

(E) any other handbooks or sections thereof as adopted by the secretary by rules and regulations.

(b) Whenever there exists an inconsistency between the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, and any of the handbooks adopted by reference, the requirements of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, shall control.

History: L. 1985, ch 345, sec 2; L. 1992, ch. 164, sec. 1; L. 1996, ch. 146, sec 12; L. 2001, ch. 175, sec. 4; L. 2003, ch. 33, sec 1; L. 2005, ch. 76, sec 1; L. 2011, ch. 7, sec 1; July 1.

83-203. State primary standards of weights and measures; secondary standards. Weights and measures that are traceable to the United States prototype standards supplied by the federal government, or approved as being satisfactory by the national institute of standards and technology, shall be the state primary standards of weights and measures and shall be maintained in such calibration as prescribed by the national institute of standards and technology. All secondary standards may be prescribed by the secretary and shall be verified upon their initial receipt and as often thereafter as deemed necessary by the secretary.

83-204. Contracts, sales or purchases construed in terms of standards of weights and measures adopted under act. All contracts, sales or purchases made for work to be done, or for anything to be sold or delivered or done by weight or measure within this state shall be taken and construed in terms of and according to the standards of weights and measures adopted under this act, except where parties have agreed upon any other calculations or measurement. All statements and representations of any kind referring to the weights or measures of commodities sold or purchased, or exposed for sale, shall be understood in terms of the standards of weights and measures adopted under this act.

83-205. Weights and measures inspection program; personnel; functions. (a) There is hereby established in the Kansas department of agriculture a weights and measures inspection program to enforce the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder. The program shall be under the supervision of the secretary, and the secretary shall employ an administrator of the program and appoint such personnel as may be necessary for the proper administration of chapter 83 of the Kansas Statutes Annotated, and amendments thereto. The administrator shall be in the unclassified service of the Kansas civil service act.

(b) The weights and measures inspection program shall perform the following functions:

(1) Assure that weights and measures in commercial service within the state are suitable for their intended use, properly installed, accurate and are so maintained by their owner or user;

(2) prevent unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold or purchased within this state;

(3) make available to all users of physical standards or weighing and measuring equipment the precision calibration and related metrological certification capabilities of the weights and measures facilities of the department of agriculture;

(4) promote uniformity, to the extent such conformance is practicable and desirable, between weights and measures requirements of this state and those of other states and federal agencies;

(5) encourage desirable economic growth while protecting the consumer through the adoption by rule and regulation of weights and measures requirements as necessary to assure equity among buyers and sellers; and

(6) such other functions as may be specified by law or deemed necessary by the secretary to carry out the duties and functions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder.

83-206. Same; powers and duties of secretary of agriculture. In the administration of the weights and measures inspection program, the secretary shall: (a) Administer and enforce the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder.

(b) Conduct investigations to ensure compliance with chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder.

(c) Delegate to appropriate individuals or private or public entities any of these responsibilities for the proper administration of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder.

(d) Test annually the standards of weight and measure used by any city or county within the state, and approve the same when found to be correct.

(e) Inspect and test weights and measures kept, offered or exposed for sale.

(f) Inspect and test, to ascertain if they are correct, weights and measures and point-of-sale systems commercially used:

(1) In determining the weight, measure or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure or count;

(2) in computing the basic charge or payment for services rendered on the basis of weight, measure or count; or

(3) in recovering stored information related to the price of any item or commodity which is sold or offered for sale at retail.

(g) Approve for use, and may mark, such weights and measures and point-of-sale systems as the secretary finds to be correct, and reject and mark as rejected such weights and measures and point-of-sale systems as the secretary finds to be incorrect. Weights and measures and point-of-sale systems that have been rejected may be seized if not corrected within the time specified by the secretary or if used or disposed of in a manner not specifically authorized. The secretary shall reject and may seize the weights and measures and point-of-sale systems found to be incorrect that are not capable of being made correct.

(h) Weigh, measure or inspect packaged commodities kept, offered or exposed for sale, sold, or in the process of delivery, to determine whether they contain the amounts represented and whether they are kept, offered or exposed for sale in accordance with chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations promulgated pursuant thereto. In carrying out the provisions of this section, the secretary shall employ recognized sampling procedures by incorporating applicable procedures designated in the national institute of standards and technology handbooks.

(i) Allow reasonable variations from the stated quantity of contents, which shall include those caused by loss or gain of moisture during the course of good distribution practice.

(j) Perform such other duties as may be necessary to carry out the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder, or as may be otherwise authorized by law.

(k) Be authorized to enter into such contracts and agreements with individuals or private or public entities as may be necessary, in the judgment of the secretary, to fulfill the duties and responsibilities established in chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder. Any contract entered into by the secretary pursuant to this section shall not be subject to K.S.A. 75-3739, or amendments thereto.

83-207. Same; rules and regulations. The secretary of agriculture may adopt rules and regulations necessary for the administration and enforcement of the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto. As a part of such rules and regulations, the secretary of agriculture shall adopt standards setting forth specifications, tolerances and other technical requirements for all weights, measures and weighing and measuring devices, and point-of-sale systems. These specifications, tolerances and other technical requirements shall conform, insofar as practicable, to the specifications, tolerances and other technical requirements for weights, measures and weighing and measuring devices established by the national institute of standards and technology. The secretary of agriculture shall prescribe by rules and regulations the appropriate term or unit of weight or measure to be used whenever the secretary determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count, or combination thereof, does not facilitate value comparisons by consumers, or that such practice offers an opportunity for consumer confusion.

83-208. Inspections; prohibited acts; penalty for violation. The secretary, or an authorized representative of the secretary, may enter any premises or vehicle in or on which any weights, measures, balances or measuring devices may be located or used for the purposes of trade, for the purpose of inspecting, testing and sealing or rejecting the same. Whoever hinders, obstructs, or in any way interferes with the secretary or an authorized representative of the secretary, while in the performance of the inspection, or whoever fails to produce, upon demand by such secretary or authorized representative, all weights, measures, balances or measuring devices in or upon the premises or vehicle of such person or in the possession of such person for use in manufacture or trade, shall be deemed guilty of a class A, nonperson misdemeanor.

83-209. Enforcement; orders of secretary. (a) If the secretary finds that any package or amount of any commodity is held, offered or exposed for sale in violation of law, the secretary may order them off-sale and may mark or tag them to show they are illegal.

(b) Whenever the secretary finds that any violation of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted under it has occurred, the secretary may issue a stop-use order, stop-sale order, stop-removal order or removal order or any combination of such orders with respect to weights and measures being, or capable of being, commercially used. The secretary may issue stop-sale orders, stop-removal orders or removal orders, or any combination of such orders, with respect to any package or amount of any commodity held, offered or exposed for sale, sold or being delivered if the secretary deems it necessary for the protection of the public.

(c) No person may sell, use, remove, otherwise dispose of, or fail to remove from the premises specified, any weight, measure or package or any amount of any commodity contrary to the terms of any order issued under this section.

(d) This section does not limit the right of the secretary to proceed as authorized by other sections of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder.

83-210. County or city enforcement; powers and duties of officials. (a) Any county or city in the state may establish a department of public inspection of weights and measures, appoint inspectors of weights and measures and fix their compensation and pass such ordinances relating to weights and measures not in conflict with the state laws as may be deemed necessary. If a county or city establishes such a department it shall provide the department with suitable quarters, a set of secondary standards and all other equipment for the proper performance of duties. All county and city standards shall be tried, proved and sealed under the direction of the secretary, and shall be returned to the secretary for verification at least once in every year.

(b) Any weights and measures official appointed for a county or city shall have the duties enumerated in subsections (e) to (h), inclusive, of K.S.A. 83-206, and amendments thereto, and the powers enumerated in K.S.A. 83-208 and 83-209, and amendments thereto. These powers and duties shall extend to their respective jurisdictions, except that the jurisdiction of a county official shall not extend to any city for which a weights and measures official has been appointed. Weights and measures officials appointed for a county or city shall exercise such additional powers as may be granted by the governing body of such county or city, but such additional powers shall not be less than the powers granted to state inspectors of weights and measures under chapter 83 of the

Kansas Statutes Annotated, and amendments thereto, and shall not be in conflict with powers granted to the secretary under chapter 83 of the Kansas Statutes Annotated, and amendments thereto.

(c) All departments of public inspection of weights and measures established by cities or counties prior to July 1, 1985, are hereby specifically continued in existence.

83-212. Bulk sales delivery ticket; contents. All bulk sales in which the buyer and seller are not both present to witness the measurement, all bulk deliveries of heating fuel and all other bulk sales specified by rules and regulations of the secretary of agriculture, shall be accompanied by a delivery ticket containing the following information: (a) The names and addresses of the buyer and seller;

(b) the date of delivery of the product or commodity;

(c) the quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity;

(d) the identity of the commodity or product being sold in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale;

(e) the count of individually wrapped packages, if more than one; and

(f) the unit price, unless otherwise agreed on by both the buyer and seller.

83-213. Labeling of packages; rules and regulations. (a) Except as otherwise provided in chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or by rules and regulations adopted pursuant thereto, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain and conspicuous declaration of:

(1) The identity of the commodity in the package, unless the same can easily be identified through the wrapper or container;

(2) the quantity of contents in terms of weight, measure or count; and

(3) the name and place of business of the manufacturer, packer or distributor, in the case of any package kept, offered or exposed for sale, or sold in any place other than on the premises where packed.

(b) The secretary of agriculture may adopt rules and regulations which establish reasonable variations or tolerances, prescribe the size of printing of the labeling required and prescribe exemptions of small packages.

83-214. Testing and sealing on request; charge for services; weights and measures fee fund. (a) The secretary may try and prove weights, measures, balances and other measuring devices on request for any person, corporation or institution, and when the same are found or made to conform to the state standards, and otherwise fulfill such reasonable requirements as the secretary may make, the secretary, or an authorized representative of the secretary, may seal the same with a seal which is kept for that purpose.

(b) Except as otherwise provided by statute, the secretary, or the authorized representative of the secretary, may charge for services provided by the department and other necessary and incidental expenses or both incurred in conjunction with the testing and proving of weights, measures and other devices at a rate per hour or fraction thereof and other necessary and incidental expenses which are fixed by rules and regulations adopted by the secretary of agriculture, except that (1) the charges for services provided by the metrology lab shall not exceed \$50 per hour or fraction thereof, and (2) in the case of the head house scale program such charges shall not exceed \$100 per hour or fraction thereof. The secretary may charge for subsistence and transportation of personnel and equipment to such point and return. Such charges shall be set by rules and regulations adopted by the secretary of agriculture. The secretary may fix the manner in which any charges made pursuant to this subsection are collected.

(c) The secretary shall remit all moneys received under subsection (b) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund which is hereby created. All expenditures from the weights and measures fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person designated by the secretary.

(d) Except as provided in K.S.A. 83-301 through 83-311, and amendments thereto, nothing in article 2 of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, shall prohibit the owner of a weighing or measuring device or the owner's employee or agent from servicing or repairing such device. However, if such device is found out of tolerance and is rejected by the department of agriculture, the owner is responsible for repairing the device within the time specified on the rejection tag and notifying the department when the device is repaired and in operation. The owner shall pay a fee commensurate with the expense incurred by the secretary in performing the follow-up inspections or tests.

83-215. Rejection of weighing or measuring device; repair or destruction of device. (a) The secretary is hereby authorized and empowered to reject any weighing or measuring device which is found not to conform to state standards or which is found not to weigh or measure within authorized tolerances.

(b) Service companies or any agent or employee thereof, shall be prohibited from condemning or taking a weighing or measuring device out of service.

(c) Any weighing or measuring device that has been rejected under authority of the secretary shall remain subject to the control of the secretary until such time as suitable and acceptable repair has been made of the same, or an authorized disposition of the same has been approved. An authorized repair period of use not longer than 30 days for purposes of obtaining a repair of the weighing or measuring device by the owner, or a reasonable extension of that period, may be given by the secretary when it is determined that the immediate cessation of use of such weighing or measuring device will work an undue hardship on the person using such device or the patrons of such person. The owner of such rejected weighing or measuring device shall cause the same to be repaired and corrected to weigh or measure within authorized tolerances within 30 days after being rejected, or within such

extension as may be authorized, or in lieu thereof, the owner of the same may dispose of or destroy such weighing or measuring device or any rejected weight or measure under specific authority from the secretary.

83-216. Same; devices declared to be common nuisance and contraband; action for disposal of device. (a) Any weight, measure or weighing or measuring device which has been rejected by the secretary and which has not been repaired or restored to weigh or measure within approved tolerances, during any authorized repair period, is hereby declared to be a common nuisance and a contraband device. The secretary may seal the beam or mechanism out of service on any weighing or measuring device, or may take possession of any contraband weight or measure. The secretary shall deliver to the owner or person found in possession of any contraband weight, measure or weighing or measuring device a statement giving the location and description of the weight, measure or weighing or measuring device so sealed or taken.

(b) Any weighing or measuring device which has been sealed out of service by the secretary and which has not been repaired or restored and made to weigh or measure within approved tolerances within 90 days following the date of sealing, or an authorized extension thereof, may be proceeded against by an action, instituted in Shawnee county district court or in the county where such weighing or measuring device is located, for an order for the disposal of such device.

(c) Procedure in regard to the prevention of the maintenance of a common nuisance and procedure for the disposal of any weighing or measuring device may be had in accordance with and in the manner provided for under K.S.A. 41-805 and 41-806, and amendments thereto, and as otherwise authorized by statute.

83-217. Damages owed by person using inaccurate, false or rejected device; variations in weight, measure or quantity.

Any person who is liable to an injured person by reason of any inaccurate, false or rejected weighing or measuring device shall be assessed and adjudged to pay damages in double the amount of property wrongfully taken or not given, and in addition thereto, for punitive damages the additional sum of \$25, and reasonable attorney fees, to be recovered in any court of competent jurisdiction. The selling and delivery of a stated quantity of any commodity shall be prima facie evidence of representations on the part of the vendor that the quantity sold and delivered was the quantity bought by the vendee. A slight variation from the stated weight, measure or quantity, within authorized tolerances, is permissible for individually packaged commodities if such variation is as often over, as it is under, the correct weight, measure or quantity stated.

83-218. Presumptive proof of regular use of device. For the purposes of this act, proof of the existence of a weight, measure or a weighing or measuring device, in or about any building, enclosure, stand or vehicle in which or from which it is shown that buying or selling is commonly carried on, in the absence of conclusive evidence to the contrary, shall be presumptive proof of the regular use of such weight, measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand or vehicle

83-219. Unlawful acts. (a) It shall be unlawful for any person:

(1) To offer or expose for sale, or to sell or otherwise dispose of any weight, measure or weighing or measuring device that does not meet the tolerances and specifications required by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or which has been rejected without first obtaining the written authorization of the secretary;

(2) to use or possess a weight, measure or weighing or measuring device that is used for or intended to be used for commercial purposes which does not meet the tolerance and specifications required by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or that does not conform to the standard authorized by the secretary for determining the quantity of any commodity or article of merchandise, for the purpose of:

(A) Buying or selling any commodity or article of merchandise;

(B) computation of any charge for services rendered on the basis of weight or measure;

(C) determining weight or measure, either when a charge is made for such determination or where no charge is made for use of such weight, measure, weighing or measuring device;

(3) except as allowed in K.S.A. 83-225, and amendments thereto, to break or remove any tag, mark or seal placed on any weighing or measuring device by the secretary or a county or city inspector of weights and measures, without specific written authorization from the proper authority or to use a weighing or measuring device after the lapse of the authorized period following the placing of a rejection tag thereon by the secretary, unless further extension of time for any repair purposes is first obtained from the secretary;

(4) to sell, offer or expose for sale, less than the represented quantity of any commodity, thing or service;

(5) to take or attempt to take more of the represented quantity of any commodity, thing or service when the buyer furnishes the weight, measure or weighing or measuring device by which the amount of any commodity, thing or service is determined;

(6) to keep for the purpose of sale, or to offer or expose for sale, or to sell any commodity in a manner contrary to the law or contrary to any rule and regulation;

(7) to use in retail trade, except in preparation of packages of merchandise put up in advance of sale, a weighing or measuring device that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from a reasonable customer position;

(8) to violate any of the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted thereunder, for which a specific penalty is not provided;

(9) to sell or offer for sale, or use or possess for the purpose of selling or using any device or instrument to be used or calculated to falsify any weight or measure;

(10) to dispose of any rejected weight or measure in a manner contrary to law or rules and regulations;

(11) to expose for sale, offer for sale or sell any commodity in package form, without it being so wrapped, or the container so made, formed or filled, that it will not mislead the purchaser as to the quantity of the contents of the package;

(12) to expose for sale, offer for sale or sell any commodity in any container where the contents of the container fall below such reasonable standard of fill as may have been prescribed for the commodity in question by the secretary;

(13) to misrepresent the price of any commodity or service sold, offered, exposed or advertised for sale by weight, measure or count, nor represent the price in any manner calculated or tending to mislead or in any way deceive any person;

(14) to misrepresent, or represent in a manner calculated or tending to mislead or deceive an actual or prospective purchaser, the price of an item offered, exposed or advertised for sale at retail;

(15) to compute or attempt to compute at the time of sale of an item, a value which is not a true extension of a price per unit which is then advertised, posted or quoted;

(16) to charge or attempt to charge, at the time of the sale of an item or commodity, a value which is more than the price which is advertised, posted or quoted;

(17) to alter a weight certificate, use or attempt to use any such certificate for any load or part of a load or for articles or things other than for which the certificate is given, or, after weighing and before the delivery of any articles or things so weighted, alter or diminish the quantity thereof;

(18) to hinder or obstruct in any way the secretary or any of the secretary's authorized agents in the performance of the secretary's official duties under chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder;

(19) to fail to follow the standards and requirements established in K.S.A. 83-202, and amendments thereto, or any rules and regulations adopted thereunder;

(20) to fail to pay all fees and penalties as prescribed by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, and the rules and regulations adopted thereunder;

(21) to fail to keep or make available for examination or provide to the secretary all inspection reports, test reports and any other service reports or other information on any device owned or operated by the owner or any agent or employee of the owner and other information necessary for the enforcement of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder, and as required by the secretary;

(22) to fail to have any commercial weight, measure or weighing and measuring device tested as required by chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder;

(23) to sell or offer or expose for sale liquefied petroleum gas in packages or containers which do not bear a statement as to tare and net weight as required by chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder, or packages or containers which bear a false statement as to weights;

(24) to sell, use, remove, or otherwise dispose of, or fail to remove from the premises specified, any weighing or measuring device or package or commodity contrary to the terms of any order issued by the secretary;

(25) to violate any order issued by the secretary pursuant to chapter 83 of the Kansas Statutes Annotated, and amendments thereto; and

(26) to prohibit a buyer or seller from observing the weighing or operation of any transaction to which such buyer or seller is a party.

(b) It shall be unlawful for any service company or technical representative to:

(1) Act as or represent such person's self to be a technical representative without having a valid license issued by the Kansas department of agriculture;

(2) certify a device as correct unless the device meets the tolerances and specifications as required by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder;

(3) hinder or obstruct in any way the secretary in the performance of the secretary's official duties under chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder;

(4) fail to follow the standards and requirements set forth in K.S.A. 83-202, and amendments thereto, or any rules and regulations adopted thereunder;

(5) fail to complete the testing or placing-in-service report in its entirety and to report the accurate description of the parts replaced, adjusted, reconditioned or work performed;

(6) file a false or fraudulent service company or technical representative application or reports to the secretary;

(7) fail to pay all fees and penalties as prescribed by chapter 83 of the Kansas Statutes Annotated, and amendments thereto, and the rules and regulations adopted thereunder;

(8) fail to keep or make available for examination in an accessible and legible manner or provide to the secretary in a legible manner all inspection reports, test reports, and any other service or report work information on any device which the service company or an agent or employee performed work on and other information necessary for the enforcement of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder; or

(9) sell, offer or expose for sale a weighing or measuring device intended to be used commercially, which is not traceable to a national type evaluation program certificate of conformance.

(c) For the purpose of paragraph (a)(4), the selling and delivery of a stated quantity of any commodity shall be prima facie evidence of representations on the part of the seller that the quantity sold and delivered was the quantity bought by the purchaser.

(d) Violation of this section shall be deemed a deceptive act and practice as defined by K.S.A. 50-626, and amendments thereto. Violations of the provisions of K.S.A. 83-219, and amendments thereto, may be enforced by the secretary under the administrative provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or by the attorney general or a county or district attorney under the Kansas consumer protection act.

83-220. Penalty for violations. Any person violating any of the provisions of article 2 of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or violating any rules and regulations adopted thereunder shall be guilty of a class A, a nonperson misdemeanor

83-221. Dispensing devices and vehicle tanks; inspections, tests, certifications. All inspections and tests to inspect, test and seal, certify or reject any dispensing device, as defined in K.S.A. 83-401, and amendments thereto, or the capacity of any vehicle tank used in the transportation of liquefied petroleum gas, motor-vehicle fuels or liquid fuels shall be made in compliance with the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, and the rules and regulations promulgated thereunder.

History: L. 1985, ch. 345, § 21; L. 1988, ch. 397, § 8; L. 1989, ch. 163, § 9; L. 1996, ch. 146, § 26; L. 2007, ch. 180, § 3; July 1.

83-222. Continuation of rules and regulations. Except as otherwise provided in article 2 of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, all rules and regulations adopted under the provisions of article 1 of chapter 83 of the Kansas Statutes Annotated in existence immediately prior to July 1, 1985, shall continue to be effective and shall be deemed to be the rules and regulations of the secretary of agriculture until revised, amended, repealed or nullified pursuant to law.

83-223. Action for injunction authorized to restrain or prevent violations. The secretary may bring action in the district court in the name of the state of Kansas for injunction or other process to restrain or prevent a violation of this act.

83-224. Severability. If any part or parts of this act are held to be invalid or unconstitutional by any court, it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such invalid or unconstitutional part or parts.

83-225. Scale; authorized removal of rejection tag or other mark. (a) A licensed service company shall be authorized to remove an official rejection tag or other mark placed on a scale by authority of the secretary for the purpose of testing or repairing any scale.

(b) After the test is conducted and necessary repairs are completed, the service company shall place the weighing and measuring device in service and shall notify the secretary of such within the time periods established by the secretary pursuant to rules and regulations adopted hereunder.

(c) When a scale cannot be repaired properly, the service company shall replace the rejection tag or other mark with a substitute rejection tag or other mark supplied by the department and shall notify the secretary within the time period as established by the secretary pursuant to rules and regulations adopted hereunder.

(d) This section shall apply to new and used scales.

(e) This section shall be supplemental to and part of the act appearing in article 2 of chapter 83 of Kansas Statutes Annotated. Administrative or civil penalties specified in K.S.A. 83-220, and amendments thereto, shall apply to violations of this section.

Article 3.--SCALES

83-301. Definitions. As used in K.S.A. 83-301 through 83-325, and amendments thereto: (a) "Weighing and measuring device" means any scales, liquefied petroleum gas meter or vehicle tank meter used for commercial weighing or measuring of commodities;

(b) "person" means any individual, agent or employee of a service company, partnership, association, corporation or governmental agency;

(c) "place of business" means any location from which a scale testing and service company, or one or more representatives or employees thereof, sell and perform services for the purpose of testing, repairing, adjusting or calibrating scales;

(d) "technical representative" means an individual who conducts any of the following: Installs, repairs, adjusts, calibrates or certifies the accuracy of, a weighing and measuring device;

(e) "secretary" means the secretary of agriculture or an authorized representative of the secretary;

(f) "service company" means a company which is in the business of any of the following: Installing, examining, calibrating, testing, repairing, adjusting weighing and measuring devices but such term does not include a technical representative unless the technical representative is the owner of such service company;

(g) "vehicle tank meter" means those meters mounted on vehicle tanks used for the measurement and delivery of petroleum products; and

(h) "liquefied petroleum gas" means commercial propane and such commercial butane as is used for heating fuel.

83-302. Scales; service company license required; application; fees; out-of-state places of business; technical representatives, licensure; continuing education seminars; weights tested by secretary; deposit of moneys. (a) Each person, other than an authorized representative of the secretary or an authorized representative of a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210, and amendments thereto, desiring to operate and perform testing and other services as a company in Kansas shall apply to the secretary for a service company license, on a form to be supplied by the secretary, and shall obtain such license from the secretary before operating and performing testing or other services as a service company. Each service company shall obtain a license for each place of business maintained in

Kansas and shall pay a license application fee of \$50, or commencing July 1, 2002, and ending June 30, 2010, a fee of \$100 and thereafter an annual license renewal application fee of \$50, or commencing July 1, 2002, and ending June 30, 2010, a fee of \$100 for each place of business. Each service company license shall expire on June 30 following issuance, shall be void unless renewed prior to the expiration and shall not be transferable.

(b) If any service company maintains any out-of-state places of business which the company operates in serving Kansas patrons, the service company seeking to obtain or renew a license under this section shall list in the application such places of business and the firm names under which the company operates at each such place of business. If any out-of-state place of business is established by a service company after being licensed under this section, the licensee shall supply such information to the secretary before any work is performed in Kansas from such out-of-state location. Each nonresident service company shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any liabilities arising from operations thereunder. Each nonresident service company which maintains no established place of business in Kansas shall obtain a license under this section for each out-of-state place of business and shall list on the application the firm name or names for each place of business from which the service company intends to operate.

(c) Each technical representative shall be licensed annually by the secretary. Each technical representative shall be required to attend continuing education seminars on an annual basis as required by rules and regulations adopted by the secretary and to pass a reasonable examination prescribed by the secretary each year prior to being licensed. The Kansas department of agriculture shall be authorized to charge a fee to the attendees of the continuing education seminars sponsored by the agency. The amount charged shall be no more than is necessary to cover the expenses incurred in providing the seminar. Each technical representative's license shall expire on June 30 following the issuance of the license and shall be void unless renewed prior to the expiration.

(d) No service company license may be issued or renewed under this section until the applicant's weights or measures, or both have been tested for accuracy and sealed by the secretary. The secretary is authorized to accept a certification of the accuracy of the applicant's weights or measures issued by the national institute of standards and technology or by a weights and measures laboratory certified by the national institute of standards and technology in lieu of a test by the secretary, if such certificate shows that the weights or measures have been tested within the last 365 days preceding the license application.

(e) The secretary shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund.

83-303. Rules and regulations of secretary of agriculture; access to private premises by secretary. (a) The secretary of agriculture may adopt, amend and revoke reasonable rules and regulations concerning:

- (1) Standards of workmanship for technical representatives and service companies;
- (2) requirements for contractual responsibilities and fulfillment of agreements by service companies;
- (3) maintenance and furnishing of reports and information necessary for the secretary to carry out the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder; and
- (4) other matters necessary for the administration of the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder.

(b) For purposes of inspection, the secretary may enter upon private premises during normal business hours so as to inspect a weights and measures device or to inspect the installation, or repair or service reports the owner of the device or the service company is required to keep pursuant to chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted thereunder or to perform any other lawful act as set out in chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted thereunder.

83-304. Annual inspection required; scales not tested and approved, taken out of service; approval and seal of certain test weights or equipment; exemptions; report of results; withdrawal of inaccurate scale from use; notification of secretary; reports required to be kept by service companies; inspection of vapor meters. (a) Except as provided by subsection (e), the owner or operator of a weighing and measuring device which is used commercially shall have such weighing and measuring device tested and inspected at least annually for accuracy. The test shall be conducted by either a licensed technical representative employed by a licensed service company or by an authorized representative of any city or county which has established a department of public inspection of weights and measures pursuant to K.S.A. 83-210, and amendments thereto, or by the secretary, which inspects such weighing and measuring device in accordance with rules and regulations adopted by the secretary. If upon inspection by the secretary or an authorized representative of the secretary, it is found that the weighing and measuring device has not been tested and inspected for accuracy and approved within the preceding 365 days, the secretary or the authorized representative of the secretary shall take the weighing and measuring device out of service pursuant to the provisions of K.S.A. 83-215, and amendments thereto. Except as provided further, the test weights or equipment used by the service company shall have been approved and sealed by the secretary pursuant to K.S.A. 83-214, and amendments thereto, within 365 days preceding the date of the tests. Test weights or equipment which has the nominal capacity of 250 pounds or greater, are housed in a grain elevator or similar structure and are used to test scales in grain elevators or similar facilities shall have been approved and sealed by the secretary pursuant to K.S.A. 83-214, and amendments thereto, within three calendar years preceding the date of the test. Except at the option of the city or county which has an established department of public inspection of weights and measures, tests and inspections shall be at the expense of the owner or operator of the weighing and measuring device. In any city or county which has a department of public inspection which inspects such weighing and measuring device, the test may be conducted by an authorized representative of the city or county weights and measures department. Farmers or

ranchers who own and operate a weighing and measuring device used in private treaty transactions are exempt from the annual testing requirements. Volumetric provers which are stationary or which exceed the testing capacity of the state metrology lab due to engineering design or the capacity of the prover are exempt from the annual testing requirement.

(b) A service company or the city or county department of public inspection of weights and measures or an authorized representative of the secretary which conducts tests pursuant to this section shall, at the time of testing and inspection, promptly furnish to the owner or operator of the weighing and measuring device a report showing the results of the tests and inspection. The city or county department of public inspection of weights and measures and service company reports shall also be sent to the secretary, as required by rules and regulations adopted by the secretary. No report shall be furnished later than 10 days after the test or inspection of the device has occurred.

(c) Subject to the provisions of K.S.A. 83-215, and amendments thereto, the owner or operator of a weighing and measuring device which is found to be out of the tolerances or specifications required by chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder, at the time of testing shall withdraw immediately the weighing and measuring device from further use until the necessary corrections, adjustments or repairs are made and the weighing and measuring device is determined to be accurate by a service company or the city or county department of public inspection of weights and measures or an authorized representative of the secretary. Weighing and measuring devices which have been repaired or serviced shall meet the tolerances and specifications established in chapter 83 of the Kansas Statutes Annotated, and amendments thereto, and those rules and regulations adopted by the secretary prior to being placed or returned to service. The service company or the city or county department of public inspection of weights and measures shall notify the secretary of any weighing and measuring devices which are found not to comply with such tolerances and specifications and are thus inaccurate and cannot be adjusted, repaired or serviced so as to comply with the standards and tolerances established in chapter 83 of the Kansas Statutes Annotated, and amendments thereto. Such notification shall be as required by the secretary, pursuant to rules and regulations. Such notification shall be furnished to the department no later than 10 days after the service company or city or county department of public inspection of weights and measures has found the weighing and measuring device to be in noncompliance with the tolerance and specifications required for such weighing and measuring device. A copy of the report prepared by the service company or city or county department of public inspection of weights and measures or the secretary showing the results of the weighing and measuring device test and the work done to correct any deficiencies shall be filed with the secretary by the service company.

(d) Each service company shall be required to keep at such company's corporate headquarters or at such company's resident agent's office a copy of all reports regarding the installation, repair, calibration and other work the service company or the technical representatives employed by the service company performed on the commercial weighing and measuring devices. Such reports shall be legible and maintained in an accessible manner and for a period of time as established by the secretary pursuant to rules and regulations. The owner or operator of a weighing and measuring device shall also be required to retain copies of all reports regarding the installation, repair or adjustment or any of the aforementioned done to the weighing and measuring device at the site where the measuring and weighing device is used. Such reports shall be legible and maintained in an accessible manner and for a period of time as established by the secretary pursuant to rules and regulations.

(e) The secretary may adopt rules and regulations providing for inspection of vapor meters at intervals less frequently than annually if the secretary determines that annual inspections are not necessary to protect the public interest. In adopting any such rules and regulations, the secretary shall take into consideration the standard for inspections of vapor meters adopted by the national institute of standards and technology of the United States department of commerce.

83-305. Test of scale for accuracy by secretary, when. When the secretary has been notified by a licensed service company, by an authorized representative of the secretary or by a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210, and amendments thereto, that a weighing and measuring device does not comply with tolerances and specifications adopted by the secretary, by rule and regulation, then the secretary may test the weighing and measuring device for accuracy after repairs have been made.

83-307. Railroad track scales exempt from act. Chapter 83 of the Kansas Statutes Annotated, and amendments thereto, does not apply to a railway track scale used exclusively for the weighing of commodities on railroad vehicles.

83-308. Grounds for revocation of, suspension of, failure to renew or failure to issue a license. At any time after notice and opportunity for a hearing are given accordance with the provisions of the Kansas administrative procedure act, the secretary may revoke, suspend, decline to renew or decline to issue a service company license or technical representative's license, when the service company or technical representative: (a) Has refused to provide the secretary with reasonably complete and accurate information regarding methods used, materials used or work performed as required by the secretary;

(b) has failed to comply with any provision or requirement of chapter 83 of the Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder;

(c) has failed to perform work in a manner consistent with the standards set forth in chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder; or

(d) has committed an unlawful act as established in K.S.A. 83-219, and amendments thereto.

History: L. 1985, ch. 343, § 8; L. 1988, ch. 398, § 7; L. 1990, ch. 366, § 1; L. 1996, ch. 146, § 35; Apr. 18; amended 2010.

83-311. Penalty for violations. Any person violating or failing to comply with any of the provisions of K.S.A. 83-301 through 83-311 and K.S.A. 83-321 through 83-325, and amendments thereto, or violating or failing to comply with any authorized rules and

regulations of the secretary adopted thereunder, shall be deemed guilty of a class A nonperson misdemeanor. Each separate violation shall be a separate misdemeanor.

83-321. Jurisdiction of secretary of agriculture over scales and measuring devices; transfer of powers, duties and functions. (a) All of the powers, duties and functions of the director of the Kansas state grain inspection department with regard to the Kansas grain inspection laws pertaining to the actual inspection of the scales and other weighing and measuring devices specified in chapter 34 of Kansas Statutes Annotated, and amendments thereto, are hereby transferred to and conferred and imposed upon the secretary of agriculture.

(b) The secretary of agriculture shall be the successor in every way to the powers, duties and functions of the director of the Kansas state grain inspection department with regard to the Kansas grain inspection laws pertaining to the actual inspection of the scales and other weighing and measuring devices specified in chapter 34 of Kansas Statutes Annotated, and amendments thereto, and shall be deemed the orders and directives of the secretary of agriculture until revised, amended or nullified pursuant to law.

(c) The secretary of agriculture shall succeed to whatever right, title or interest the director of the Kansas state grain inspection department, with regard to the Kansas grain inspection laws pertaining to the actual inspection of the scales and other weighing and measuring devices specified in chapter 34 of Kansas Statutes Annotated, and amendments thereto, in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the director of the Kansas grain inspection department with regard to the Kansas grain inspection laws pertaining to the actual inspection of the scales and other weighing and measuring devices specified in chapter 34 of Kansas Statutes Annotated, and amendments thereto, in which such powers, duties and functions were vested prior to the effective date of this order.

(d) Whenever the director of the Kansas grain inspection department, or words of like effect, with regard to the Kansas grain inspection laws pertaining to the actual inspection of the scales and other weighing and measuring devices specified in chapter 34 of Kansas Statutes Annotated, and amendments thereto, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture.

(e) All rules and regulations of the director of the Kansas grain inspection department with regard to the Kansas grain inspection laws pertaining to the actual inspection of the scales and other weighing and measuring devices specified in chapter 34 of Kansas Statutes Annotated, and amendments thereto, in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of agriculture until revised, amended, revoked or nullified pursuant to law.

(f) All orders and directives of the director of the Kansas grain inspection department with regard to the Kansas grain inspection laws pertaining to the actual inspection of the scales and other weighing and measuring devices specified in chapter 34 of Kansas Statutes Annotated, and amendments thereto, in existence on the effective date of this act shall continue to be effective and shall be deemed the orders and directives of the secretary of agriculture until revised, amended or nullified pursuant to law.

(g) The secretary of agriculture shall succeed to whatever right, title or interest the director of the Kansas grain inspection department, with regard to the Kansas grain inspection laws pertaining to the actual inspection of the scales and other weighing and measuring devices specified in chapter 34 of Kansas Statutes Annotated, and amendments thereto, has acquired in any real or personal property in this state, and the secretary shall hold the same for and in the name of the state of Kansas.

(h) On and after the effective date of this act, whenever any statute, contract, deed or other document concerns the power or authority of the director of the Kansas state grain inspection department with regard to the Kansas grain inspection laws pertaining to the actual inspection of the scales and other weighing and measuring devices specified in chapter 34 of Kansas Statutes Annotated, and amendments thereto, to acquire, hold or dispose of real or personal property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

83-322. Same; transfer of officers and employees; retention of benefits and rights; service deemed continuous. On the effective date of this act, officers and employees who immediately prior to such date, were engaged in the performance of powers, duties or functions of the Kansas grain inspection laws pertaining to the actual inspection of the scales and other weighing and measuring devices specified in chapter 34 of Kansas Statutes Annotated, and amendments thereto, and who in the opinion of the secretary of agriculture, are necessary to perform the powers, duties and functions of the Kansas grain inspection laws pertaining to the actual inspection of the scales and other weighing and measuring devices specified in chapter 34 of Kansas Statutes Annotated, and amendments thereto, shall be transferred to and shall become officers and employees of the state department of agriculture. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to the effective date of this act. The service of each such officer and employee so transferred shall be deemed to have been continuous.

83-323. Same; resolution of conflicts by governor; succession to property and records. (a) When any conflict arises as to the disposition of any property, power, duty or function, or the unexpended balance of any appropriation, as a result of any abolition, transfer, attachment or change made by or under authority of this act, such conflict shall be resolved by the governor whose decision shall be final.

(b) The state department of agriculture shall succeed to all property rights and records which were used for or pertain to the performance of the powers, duties and functions transferred to the secretary of agriculture. Any conflict as to the proper disposition of property or records arising under this section and resulting from the transfer, attachment or all or part of the powers, duties and functions of the director of the Kansas state grain inspection department shall be determined by the governor whose decision shall be final.

83-324. Same; civil and criminal actions saved. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced by or against the director of the Kansas state grain inspection department with regard to the Kansas grain inspection laws or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties shall abate by reason of the transfers effected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the secretary of agriculture or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

83-325. Same; transfer of appropriations; assumption of liability for compensation of transferred officers and employees. (a) On the effective date of this act, the balance of all funds appropriated and reappropriated to the director of the Kansas state grain inspection department, the actual inspection of scales and other weighing and measuring devices with regard to the Kansas grain inspection laws is hereby transferred to the state department of agriculture and shall be used only for the purpose for which the appropriation was originally made.

(b) On the effective date of this act, the liability for all accrued compensation or salaries of officers and employees who, immediately prior to such date were engaged in the performance of powers, duties or functions of any state agency or officer transferred by this act, or which becomes a part of the state department of agriculture or the powers, duties and functions of which are transferred to the secretary of agriculture, shall be assumed and paid by the state department of agriculture.

83-326. Severability clause. If any part of this act are [is] held to be invalid or unconstitutional by any court, it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such invalid or unconstitutional part or parts.

Article 4.--DISPENSING DEVICES

83-401. Definitions. As used in K.S.A. 83-401 et seq. and 83-501 et seq., and amendments thereto:

(a) "Dispensing device" means a motor-vehicle fuel or liquid fuel dispensing pump, meter or other similar measuring device and shall include any device which dispenses refined or blended gasoline or diesel fuel product. This definition shall not include liquefied petroleum meters;

(b) "person" means any individual, agent, technical representative, partnership, association, corporation or governmental agency but does not include the secretary;

(c) "secretary" means the secretary of agriculture, the secretary's authorized representative or the secretary's authorized inspector;

(d) "place of business" means any location from which a testing service, or one or more representatives or employees thereof, sell and perform services for the purpose of testing, repairing, adjusting, measuring or calibrating dispensing devices;

(e) "technical representative" means an individual who is responsible for the proper installation, repair, adjustment or calibration and certification of the accuracy of such dispensing devices; and

(f) "service company" means a company which is in the business of examining, calibrating, testing, repairing and adjusting of dispensing devices but such term does not include a technical representative unless the technical representative is the owner of such service company.

History: L. 1985, ch. 344, § 1; L. 1988, ch. 397, § 1; L. 1989, ch. 163, § 10; L. 1996, ch. 105, § 16; L. 2007, ch. 180, § 4; July 1.

83-402. Service company license required; application; fees; technical representative license; continuing education seminars; weights and measures tested for accuracy; deposit of moneys. (a) Each person, other than an authorized representative of the secretary or an authorized representative of a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210, and amendments thereto, desiring to operate and perform testing and other services as a service company in Kansas shall apply to the secretary for a service company license, on a form to be supplied by the secretary, and shall obtain such license from the secretary before operating and performing testing or other services as a service company. Each service company shall obtain a license for each place of business maintained in Kansas and shall pay a license application fee of \$50, or commencing July 1, 2002, and ending June 30, 2010, a fee of \$100 and thereafter an annual license renewal application fee of \$50, or commencing July 1, 2002, and ending June 30, 2010, a fee of \$100 for each place of business. Each service company license shall expire on June 30 following issuance, shall be void unless renewed prior to the expiration and shall not be transferable.

(b) If any service company maintains any out-of-state places of business which the service company operates in serving Kansas patrons, the applicant seeking to obtain or renew a license under this section shall list in the application such places of business and the firm names under which the service company operates at each such place of business. If any out-of-state place of business is established by a service company after being licensed under this section, the licensee shall supply such information to the secretary before any work is performed in Kansas from such out-of-state location. Each nonresident service company shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any liabilities arising from operations thereunder. Each nonresident service company which maintains no established place of business in Kansas shall obtain a license under this section for each

out-of-state place of business and shall list on the application the firm name or names for each place of business from which the service company intends to operate.

(c) Each technical representative shall be licensed annually by the secretary. Each technical representative shall be required to attend continuing education seminars on an annual basis as required by rules and regulations adopted by the secretary and to pass a reasonable examination prescribed by the secretary each year prior to being licensed. The Kansas department of agriculture shall be authorized to charge a fee to the attendees of the seminar sponsored by the department. The amount charged shall be no more than is necessary to cover the expenses incurred in providing the seminar. All technical representatives who install, repair, adjust or calibrate a device and certify such devices shall be required to pass the state examination annually. Each technical representative license shall expire on June 30 following issuance of the license and shall be void unless renewed prior to the expiration.

(d) No service company license may be issued or renewed under this section until the applicant's weights and measures have been tested for accuracy and sealed by the secretary. The secretary is authorized to accept a certification of the accuracy of the applicant's weights or measures issued by the national institute of standards and technology, by a weights and measures laboratory certified by the national institute of standards and technology, or by the appropriate certifying agency of another state in lieu of a test by the secretary, if such certificate shows that the weights or measures have been tested within the 12 calendar months next preceding the license application.

(e) The secretary shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund.

83-403. Same; rules and regulations of state board of agriculture; access to private premises by state sealer. (a) The secretary of agriculture with the recommendation of the state sealer may adopt, amend and revoke reasonable rules and regulations concerning:

- (1) Standards of workmanship for testing services;
- (2) requirements for contractual responsibilities and fulfillment of agreements by testing services;
- (3) furnishing of reports and information necessary for the state sealer to carry out the provisions of K.S.A. 83-401 to 83-410, inclusive, and amendments thereto; and
- (4) other matters necessary for the administration of the provisions of K.S.A. 83-401 to 83-410, inclusive.

(b) For purposes of inspection, the state sealer or authorized representatives of the state sealer may enter upon private premises with consent of the occupant.

83-404. Inspection required; dispensing device not tested and approved taken out of service; exemptions; report of results; withdrawal of inaccurate dispensing device from use; notification of secretary; reports required to be kept by service companies. (a) The owner or operator of a dispensing device which is used for commercial purposes shall have such device tested and inspected at least once within every 18-month period. The test shall be conducted by either an authorized representative of any city or county which has established a department of public inspection of weights and measures pursuant to K.S.A. 83-210, and amendments thereto, or by the secretary, which inspects such dispensing devices in accordance with rules and regulations adopted by the secretary. If upon inspection by the secretary, it is found that the dispensing device has not been tested and inspected for accuracy and approved within the preceding 18 months, the secretary shall take the dispensing device out of service pursuant to the provisions of K.S.A. 83-215, and amendments thereto. The test weights and measures used by the service company shall have been approved and sealed by the secretary pursuant to K.S.A. 83-214, and amendments thereto, every 365 days. Except at the option of the city or county which has an established department of public inspection of weights and measures, annual tests and inspections shall be at the expense of the owner or operator. In any city or county which has a department of public inspection of weights and measures which annually inspects such dispensing devices, the tests may be conducted by an authorized representative of such city or county weights and measures department. Farmers or ranchers who own and operate a dispensing device used in private treaty transactions are exempt from the annual testing requirements.

(b) The city or county department of public inspection of weights and measures or the secretary which conducts tests pursuant to this section, at the time of testing and inspection, shall promptly furnish to the owner or operator a report showing the results of the tests and inspection. Such reports shall also be sent to the secretary, as required by rules and regulations adopted by the secretary, however, no report shall be furnished later than 10 days after the test or inspection of such device has occurred.

(c) Subject to the provisions of K.S.A. 83-215, and amendments thereto, the owner and operator of a dispensing device which is found to be inaccurate at the time of testing shall withdraw immediately the device from further use until the necessary corrections, adjustments or repairs are made and the device is determined to be accurate by a service company or the city or county weights and measures department or an authorized representative of the secretary. The devices which have been repaired or serviced shall meet the tolerances and specifications adopted by the secretary by rules and regulations. The service company or the city or county shall notify the secretary of any devices which are found not to comply with such tolerances and specifications and those which are not able to be serviced or repaired so as to comply with such tolerances and specifications. The service company shall report to the secretary within the time frames and in a manner established in rules and regulations adopted by the secretary of any dispensing device which has been installed, repaired, calibrated or fails to comply with the required tolerances and specifications.

(d) Each service company shall be required to keep at such company's corporate headquarters or at such company's resident agent's office a copy of all reports regarding the installation, repair, calibration and other work the service company or the technical representatives employed by the service company performed on the commercial dispensing devices. Such reports shall be legible and maintained in an accessible manner and for a period of time as established by the secretary pursuant to rules and regulations.

The owner or operator of a dispensing device shall also be required to retain copies of all reports regarding installation, repair or adjustment or any of the aforementioned done to the dispensing device at the site where the dispensing device is used. Such reports shall be legible and maintained in an accessible manner and for a period of time as established by the secretary pursuant to rules and regulations.

83-405. Test of dispensing device for accuracy by secretary, when. When the secretary is notified by a licensed service company, an authorized representative of the secretary or by a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210, and amendments thereto, that a dispensing device does not comply with tolerances and specifications adopted by the secretary, by rules and regulations, the secretary may test for accuracy after repairs have been made.

83-407. Grounds for revocation of, suspension of, failure to renew or failure to issue a license. At any time after notice and opportunity for a hearing are given in accordance with the provisions of the Kansas administrative procedure act, the secretary may revoke, suspend, decline to renew or decline to issue a service company license or a technical representative's license, when the service company or technical representative: (a) Has refused to provide the secretary with reasonably complete and accurate information regarding methods used, materials used or work performed;

(b) has failed to comply with any provision or requirement of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder;

(c) has failed to perform work in a manner consistent with the standards set forth in chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder; or

(d) has committed an unlawful act pursuant to K.S.A. 83-219, and amendments thereto, or any rules and regulations adopted thereunder.

History: L. 1985, ch. 344, § 7; L. 1988, ch. 397, § 6; L. 1990, ch. 366, § 2; L. 1996, ch. 105, § 20; July 1; amended 2010.

83-409. Unlawful acts. It is unlawful for any person, other than the secretary or an authorized representative of a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210, and amendments thereto, to: (a) Commit any unlawful act pursuant to K.S.A. 83-219, and amendments thereto; or

(b) violate any of the provisions of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder.

83-410. Penalty for violations. Any person violating or failing to comply with any of the provisions of K.S.A. 83-401 through 83-410, and amendments thereto, or violating or failing to comply with any authorized rules and regulations of the secretary adopted thereunder, shall be deemed guilty of a class A, nonperson misdemeanor. Each separate violation shall be a separate misdemeanor.

83-411. Severability clause. If any part of this act are [is] held to be invalid or unconstitutional by any court, it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such invalid or unconstitutional part or parts.

Article 5.--CIVIL PENALTIES

83-501. Civil penalties for violation of chapter 83. (a) In addition to any other penalty provided by law, any person who violates any provision of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder, may incur a civil penalty imposed under subsection (b) in the amount, fixed by rules and regulations of the secretary of agriculture, of not less than \$100 nor more than \$5,000 for each such violation and, in the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) In determining the amount of the civil penalty, the following shall be taken into consideration: (1) The extent of harm caused by the violation; (2) the nature and persistence of the violation; (3) the length of time over which the violation occurs; (4) any corrective actions taken; and (5) any and all relevant circumstances.

(c) All civil penalties assessed shall be due and payable within 10 days after written notice of assessment is served on the person, unless a longer period of time is granted by the secretary. If a civil penalty is not paid within the applicable time period, the secretary may file a certified copy of the notice of assessment with the clerk of the district court in the county where the weighing and measuring device or dispensing device is located. The notice of assessment shall be enforced in the same manner as a judgment of the district court.

(d) No civil penalty shall be imposed pursuant to this section except upon the written order of the duly authorized agent of the secretary to the person who committed the violation or to the person whose agent or employee committed the violation. Such order shall state the violation, the penalty to be imposed and the right of the person to appeal to the secretary. Any such person, within 20 days after notification, may make written request to the secretary for a hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reasons therefor.

(e) Any person aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.

(f) An appeal to the district court or to an appellate court shall not stay the payment of the civil penalty.

(g) Any civil penalty recovered pursuant to the provisions of this section or recovered under the consumer protection act for violations of any provision of K.S.A. 83-219, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund.

History: L. 1996, ch. 105, § 2; L. 2001, ch. 5, § 485; July 1; amended 2010.

83-502. Same. (a) In addition to any other penalty provided by law, any person who violates any provision of chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder, may incur a civil penalty imposed under subsection (b) in the amount, fixed by rules and regulations of the secretary of agriculture, of not less than \$100 nor more than \$5,000 for each such violation and, in the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) In determining the amount of the civil penalty, the following shall be taken into consideration: (1) The extent of harm caused by the violation; (2) the nature and persistence of the violation; (3) the length of time over which the violation occurs; (4) any corrective actions taken; and (5) any and all relevant circumstances.

(c) All civil penalties assessed shall be due and payable within 10 days after written notice of assessment is served on the person, unless a longer period of time is granted by the secretary. If a civil penalty is not paid within the applicable time period, the secretary may file a certified copy of the notice of assessment with the clerk of the district court in the county where the weighing and measuring device or dispensing device is located. The notice of assessment shall be enforced in the same manner as a judgment of the district court.

(d) No civil penalty shall be imposed pursuant to this section except upon the written order of the duly authorized agent of the secretary to the person who committed the violation or to the person whose agent or employee committed the violation. Such order shall state the violation, the penalty to be imposed and the right of the person to appeal to the secretary. Any such person, within 20 days after notification, may make written request to the secretary for a hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reasons therefor.

(e) Any person aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.

(f) An appeal to the district court or to an appellate court shall not stay the payment of the civil penalty.

(g) Any civil penalty recovered pursuant to the provisions of this section or recovered under the consumer protection act for violations of any provision of K.S.A. 83-219, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund.

History: L. 1996, ch. 146, § 1; L. 2001, ch. 5, § 486; July 1; amended 2010.

Kansas Administrative Regulations

99-25-1. Adoption by reference, exceptions; availability of copies. (a) The document titled "specifications, tolerances, and other technical requirements for weighing and measuring devices, as adopted by the 96th national conference on weights and measures 2011," published by the national institute of standards and technology (NIST), Gaithersburg, MD, as the 2012 edition of NIST handbook 44, is hereby adopted by reference, with the following exceptions:

- (1) Section 3.31.UR.2.2;
- (2) sections 5.56.(a) and 5.56.(b);
- (3) in appendix A, sections 1 and 6; and
- (4) in appendix B, sections 1 and 2.

(b) The adopted portions of NIST handbook 44 shall apply to commercial, data-gathering, and weighing and measuring devices in the state.

(c) Each vehicle-mounted metering system manufactured on or after January 1, 1995 shall be equipped with a ticket printer. A copy of the ticket issued by the vehicle-mounted metering system shall be given to the customer at the time of delivery or as otherwise specified by the customer.

(d) Copies of the handbook adopted by this regulation or pertinent portions from it shall be available from the office of weights and measures, Kansas department of agriculture, Topeka, Kansas. (Authorized by K.S.A. 83-207; implementing K.S.A. 2012 Supp. 83-202; effective May 1, 1979; amended May 1, 1981; amended May 1, 1986; amended Aug. 14, 1989; amended Oct. 21, 1991; amended March 6, 1998; amended March 5, 1999; amended Jan. 18, 2002; amended Aug. 26, 2005; amended Feb. 8, 2008; amended Sept. 3, 2010; amended Aug. 23, 2013.)

99-25-3 Certificate of conformance. (a) No person shall use a weighing or measuring device for commercial purposes within the state of Kansas unless a certificate of conformance has been obtained for the weighing or measuring device before its use for commercial purposes within the state of Kansas.

(b) For the purpose of this regulation, a "certificate of conformance" means a document issued by the national institute of standards and technology, national conference on weights and measures, or other authorized laboratory establishing that the weight or measure or weighing or measuring instrument or device meets the requirements of the national institute of standards and technology handbook 44 as adopted by reference in K.A.R. 99-25-1.

(c) Any certificate of performance issued by the national bureau of standards or other authorized laboratory establishing that the weighing or measuring device meets the requirements of the national bureau of standards handbook 44 as previously adopted by reference in K.A.R. 99-25-1 on and after May 1, 1986 may be accepted in lieu of the certificate of conformance required in subsection (b) of this regulation.

(d) This regulation shall not apply to a weighing or measuring device manufactured and installed in the state before May 1, 1986. This regulation shall not apply to a one-of-a-kind device or type of weighing and measuring device for which there are no weighing and measuring devices that are traceable to a certificate of conformance if the weighing or measuring device complies with the applicable requirements, including permanence, of the national institute of standards and technology handbook 44 as adopted by reference in K.A.R. 99-25-1.

99-25-4 Continuing education requirements for technical representatives. (a) Before the license of a technical representative is issued or renewed by the Kansas department of agriculture, the technical representative shall complete a minimum of four clock-hours of verifiable continuing education for each category of weighing or measuring devices. The continuing education shall consist of educational seminars regarding the following topics:

- (1) The installation, calibration, or repairing of a weighing or measuring device;
- (2) the applicable state weights and measures laws or regulations;
- (3) the applicable handbooks adopted by reference in these regulations;
- (4) the information required on testing and reporting forms; and

(5) the proper method for testing weights and measures and weighing and measuring devices. (b) All training or continuing education not conducted by the Kansas department of agriculture or representatives of the department shall be approved by the secretary before the training or continuing education is applied toward the requirements for continuing education.

99-25-5. Technical representative license application and renewal. (a) Each person applying for a technical representative license or renewal of a license shall submit an application on a form provided by the department of agriculture ("department").

(b)(1) Each license shall be issued or renewed if the technical representative performs the following:

- (A) Completes and submits the application form provided by the department;
- (B) successfully completes the continuing education seminar conducted by the department in approved subjects during the effective period of the technical representative's license;

(C) pays an attendance fee of \$20 for the continuing education seminar; and

(D) obtains a score of at least 80 percent on the examination administered by the department.

(2) Each technical representative license shall expire annually on June 30.

(c) Each service company shall verify and maintain records documenting that each technical representative employed by the service company has satisfactorily completed the required training. (Authorized by K.S.A. 83-207; implementing K.S.A. 2008 Supp. 83-302 and K.S.A. 2008 Supp. 83-404; effective March 6, 1998; amended May 8, 2009.)

99-25-6 Notification of nonconforming weighing or measuring device. (a) Each service company shall notify the weights and measures office by telephone, facsimile, mail, or e-mail within 48 hours of any attempt to calibrate, repair, or adjust a measuring or weighing device that cannot be certified as conforming with all applicable tolerances, specifications, and requirements. The notification shall contain the following information:

- (1) The location of the weighing or measuring device;
- (2) the weighing or measuring device's serial number, identification number, or any other identifying number;
- (3) the name of the technical representative or representatives who attempted to calibrate, repair, or adjust the device;
- (4) the date on which the calibration, repair, or adjustment was attempted; and
- (5) a description of the factors that the technical representative determined were preventing the device from being repaired or adjusted in order to meet all applicable tolerances, specifications, and requirements.

(b) If a service company sends in a report by a telephone, facsimile, or e-mail, the service company shall mail a hard copy of the same information to the weights and measures office within seven days of the date of the attempt to repair, adjust, or calibrate the weighing and measuring device.

(c) Each report mailed to the administrator shall be considered timely if it is postmarked by the second business day following the unsuccessful attempt to calibrate, repair, or adjust the weighing and measuring device described in the report.

99-25-7 Reporting requirements. The service company or the city or county department of public inspections of weights and measures shall send a copy of the appropriate report to the weights and measures office within 10 days after a test or inspection in which any of the following devices is found to be within applicable tolerances, standards, and requirements: (a) Large capacity scale;

(b) small capacity scale;

(c) vehicle tank meter; or

(d) LPG meter. Each report shall be submitted on a form obtained from the office of weights and measures, Kansas department of agriculture.

99-25-8 Record retention. Each service company and each owner of a weighing and measuring device shall keep all records as required by K.S.A. 83-304(d) and K.S.A. 83-404(d), respectively, for a period of five years.

99-25-9. Adoption by reference. Except as specified in subsection (c), the following uniform regulations published by the national institute of standards and technology (NIST), Gaithersburg, MD, in the 2012 edition of NIST handbook 130, titled "uniform laws and regulations in the areas of legal metrology and engine fuel quality, as adopted by the 96th national conference on weights and measures 2011," are hereby adopted by reference and shall apply to weighing and measuring devices in the state: (a) "Uniform packaging and labeling regulation";

(b) "uniform regulation for the method of sale of commodities"; and

(c) "uniform engine fuels and automotive lubricants regulation," except for the following sections:

(1) 2.1.2, which caps ethanol at 10 percent;

(2) 2.15, which pertains to the testing standard for B100 biodiesel;

(3) 2.16, which pertains to the testing standard for biodiesel blends; and

(4) 3.2.6, which pertains to oxygenates.

Copies of the adopted material or the pertinent portions of it shall be available from the office of weights and measures, Kansas department of agriculture, Topeka, Kansas. (Authorized by K.S.A. 55-442 and K.S.A. 83-207; implementing K.S.A. 55-442 and K.S.A. 2012 Supp. 83-202; effective Jan. 18, 2002; amended Aug. 26, 2005; amended Feb. 8, 2008; amended Sept. 3, 2010; amended Aug. 23, 2013.)

99-25-10. Retail dispenser labeling. Each retail dispenser of fuel ethanol shall be labeled with the capital letter "E" followed by the percentage of denatured ethanol, by volume, and ending with the word "ethanol" if the percentage of fuel ethanol, by volume, exceeds 10 percent.

99-25-11. Motor fuel defined; testing standards. (a) "Motor fuel" shall include the following fuel products used for the generation of power in an internal combustion engine, in addition to the fuel products specified in K.S.A. 55-422 and amendments thereto:

(1) B100 biodiesel fuel;

(2) biodiesel blended fuels;

(3) gasoline-ethanol blended fuels; and

(4) diesel-ethanol blended fuels.

(b) All B100 biodiesel fuel shall meet the requirements of ASTM D 6751-07b, "standard specification for biodiesel fuel (B100) blend stock for distillate fuels."

(c) All blends of biodiesel and diesel fuels shall meet the following requirements:

(1) The base diesel fuel shall meet the requirements of ASTM 975-07b, "standard specification for diesel fuel oils"; and

(2) the biodiesel blend stock shall meet the requirements of ASTM 6751-07b, "standard specification for biodiesel fuel (B100) blend stock for distillate fuels." (Authorized by and implementing K.S.A. 2007 Supp. 55-422 and K.S.A. 55-442; effective Feb. 8, 2008.)

99-25-12. Adoption by reference. The document titled "checking the net contents of packaged goods, as adopted by the 89th national conference on weights and measures 2004," including the appendices, published by the national institute of standards and technology (NIST), Gaithersburg, MD in January 2005 as NIST handbook 133 is hereby adopted by reference. (Authorized by and implementing K.S.A. 83-207 and K.S.A. 2009 Supp. 83-202; effective amended Sept. 3, 2010.)

99-26-1. Fees. (a) The following fees and other necessary and incidental expenses incurred shall be charged for requested services rendered by the secretary or the secretary's authorized representative in conjunction with the testing, proving, or evaluation of weights, measures, and devices, at the following rates:

(1) The testing and proving of mass, volume, length, and other standards by the metrology laboratory at the rate of \$50.00 per hour or fraction thereof;

(2) the testing and proving of a grain hopper scale and any weights, measures, and other related devices at the rate of \$50.00 per hour or fraction thereof; and

(3) conducting or assisting with an evaluation for a national conference on weights and measures certificate of conformance at the rate of \$95.00 per hour or fraction thereof.

(b) In addition to the hourly rates specified in subsection (a), expenses incurred by personnel, including meals, lodging, transportation, and mileage to and from their duty station to the point of testing, equipment, and other necessary and incidental expenses, may be charged. (Authorized by K.S.A. 83-207 and K.S.A. 2008 Supp. 83-214; implementing K.S.A. 2008 Supp. 83-214; effective, T-83-25, Sept. 1, 1982; effective May 1, 1983; amended, T-99-11-14-90, Nov. 14, 1990; amended Jan. 14, 1990; amended June 9, 2000; amended Jan. 18, 2002; amended May 8, 2009.)

99-27-1 Civil penalty. Civil penalties shall be assessed based on the harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, any corrective action taken, and any and all relevant circumstances. The penalty shall be based on the following chart. After the maximum penalty is assessed for any violation, the next range of penalties may be applied for any repeat offense.

1 = A penalty ranging from \$1,001 to \$5,000 per violation.

2 = A penalty ranging from \$501 to \$1,000.

3 = A penalty ranging from \$100 to \$500 per violation.

Violation	Penalty		
Offering, exposing for sale, or disposing of an incorrect device, when committed by a service company	1		
Offering, exposing for sale, or disposing of an incorrect device for which a stop-use order has been issued, when committed by an individual	1		
Offering, exposing for sale, or disposing of an incorrect device for which a stop-use order has not been issued, when committed by an individual		2	
Using or possessing an incorrect weighing or measuring device after being informed that device is incorrect		2	
Unknowingly using or possessing an incorrect weighing or measuring device			3
Without authorization, breaking or removing any tag, mark, or seal on devices or packages whose retail worth is less than or equal to \$1,000		2	
Without authorization, breaking or removing any tag, mark, or seal on packages whose retail worth is greater than \$1,000	1		
Selling, offering, or exposing for sale less than the represented quantity of any commodity, thing, or service that has a retail value less than or equal to \$500			3
Selling, offering, or exposing for sale, less than the represented quantity of any commodity, thing, or service that has a retail value greater than \$500		2	
Repeatedly selling, offering, or exposing for sale, less than the represented quantity of any commodity, thing, or service that has a retail value less than or equal to \$500		2	
Repeatedly selling, offering, or exposing for sale, less than the represented quantity of any commodity, thing, or service that has a retail value greater than \$500	1		
Unknowingly taking or attempting to take more of the represented quantity of any commodity, thing, or service that has a retail value less than or equal to \$500			3
Unknowingly taking or attempting to take more of the represented quantity of any commodity, thing, or service that has a retail value greater than \$500		2	
Repeatedly taking or attempting to take more of the represented quantity of any commodity, thing, or service that has a retail value less than or equal to \$500		2	
Repeatedly taking or attempting to take more of the represented quantity of any commodity, thing, or service that has a retail value greater than \$500	1		
Keeping for the purpose of sale or offering or exposing for sale any commodity that is labeled in a manner contrary to law			3
Using a device that is not positioned so that a customer may view its indications			3
Selling, offering for sale or use, or possessing for the purpose of selling or using any device or instrument to be used or calculated to falsify any weight or measure	1		
Disposing of any rejected weight or measure contrary to law or rules and regulations			3
Exposing or offering for sale commodities that are in misleading packaging			3
Repeatedly and after notification by the division of weights and measures, exposing or offering for sale commodities that are in misleading packaging	1		
Misrepresenting or representing in a manner tending to mislead or deceive an actual or prospective purchaser, the price of an item offered, exposed, or advertised for sale at retail			3
Misrepresenting or representing in a manner calculated to mislead or deceive an actual or prospective purchaser, the price of an item offered, exposed, or advertised for sale at retail	1		
Unknowingly using a device that does not correctly compute total price			3
Knowingly using a device that does not correctly compute total price	1		

Charging or attempting to charge a value that is more than the advertised price for an item or commodity at the time of sale			3
Charging or attempting to charge an incorrect price at the time of sale of an item when more than 24 hours have passed after being informed by the division of weights and measures that the price was incorrect		2	
Altering a weight certificate, or using or attempting to use such a certificate for the purpose of altering a weight or delivery, or both	1		
Hindering or obstructing the secretary or an authorized agent in the performance of official duties	1		
Failing to pay all fees and penalties	1		
Failing to keep all inspection reports		2	
Failing to make available all inspection reports	1		
Failing to have any commercial weight, measure, or weighing and measuring device tested			3
Selling or offering or exposing for sale LPG in packages or containers that are not labeled properly			3
Selling, using, removing or otherwise disposing of, or failing to remove from the premises specified, any weighing or measuring device or package or commodity contrary to the terms of any order issued by the secretary	1		
Violating any order issued by the secretary	1		
Acting as or representing such person's self to be a technical representative without having a valid license	1		
Certifying as correct an inaccurate device			3
Certifying as correct an inaccurate device and not following established test procedures		2	
Failing to complete the proper forms in their entirety			3
Filing false reports	1		
Selling a weighing and measuring device that does not have an NTEP certificate of conformance	1		
Failing to notify the secretary within 48 hours of a weighing or measuring device that cannot be approved			3
Offering, selling, or exposing for sale fuel that does not conform to the applicable fuel quality standards			3
Repeatedly offering, selling, or exposing for sale fuel that does not conform to the applicable fuel quality standards		2	
Failing to take proper precautions to prevent the offering, selling, or exposing for sale of fuel that does not conform to the applicable fuel quality standards	1		
Knowingly offering, selling, or exposing for sale fuel that does not conform to the applicable fuel quality standards	1		

99-27-2. Civil penalty; order. Each order that assesses a civil penalty shall include the following elements:

- (a) A statement reciting each subsection of the act authorizing the assessment of a civil penalty;
- (b) a specific reference to each provision of the act or implementing regulation that the respondent is alleged to have violated;
- (c) a concise statement of the factual basis for each alleged violation;
- (d) the amount of the civil penalty; and
- (e) a notice of the respondent's right to request a hearing. (Authorized by K.S.A. 55-442 and K.S.A. 2007 Supp. 83-403; implementing K.S.A. 55-443, K.S.A. 2007 Supp. 83-501, and K.S.A. 2007 Supp. 83-502; effective March 6, 1998; amended Jan. 18, 2002; amended July 18, 2008.)

99-27-3. (Authorized by K.S.A. 83-403 and K.S.A. 2000 Supp. 55-442; implementing K.S.A. 2000 Supp. 55-443, as amended by L. 2001, Ch. 5, Sec. 195, K.S.A. 83-501, as amended by L. 2001, Ch. 5, Sec. 485 and K.S.A. 83-502, as amended by L. 2001, Ch. 5, Sec. 486; effective March 6, 1998; amended Jan. 18, 2002; revoked July 18, 2008.)

99-27-4. Informal settlement. (a) Any respondent may request an informal settlement conference if the respondent timely filed a written request for a hearing. The request may be contained in the respondent's request for a hearing. The request shall be made before the prehearing conference.

(b) If a settlement is reached, the parties shall reduce the settlement to writing and present the proposed written consent agreement to the secretary. The consent agreement shall state that, for the purpose of the proceeding, the following conditions are met:

(1) The respondent admits the jurisdictional allegations and admits the facts stipulated in the consent agreement.

(2) The respondent neither admits nor denies the specific violations contained in the order.

(3) The respondent consents to the assessment of a stated civil penalty, if any is assessed.

The consent agreement shall include all terms of the agreement and shall be signed by all parties or their counsel.

(Authorized by K.S.A. 55-442 and K.S.A. 2007 Supp. 83-403; implementing K.S.A. 55-443, K.S.A. 2007 Supp. 83-501, and K.S.A. 2007 Supp. 83-502; effective March 6, 1998; amended Jan. 18, 2002; amended July 18, 2008.)

99-27-5. Adjusting the amount of the civil penalty. (a) At the informal settlement conference, each respondent shall present all evidence relating to adjustment of the civil penalty. This evidence may include mitigating factors or new evidence not previously known to the secretary when the order was issued.

(b) If the respondent presents new evidence establishing facts and circumstances that were unknown to the secretary when the order was issued, one of the following shall apply:

(1) If the new evidence relates to the gravity of the violation, an adjustment may be made to the civil penalty.

(2) If the new evidence establishes that a respondent did not commit the violation, the order shall be amended or vacated.

(c) Each respondent shall have the burden of presenting evidence of any mitigating factors to support any requested reduction in the amount of the civil penalty. The amount of the civil penalty may be reduced if the reduction serves the public interest.

(d) The amount of a civil penalty shall not be reduced to less than \$100 per offense.

(1) The decision regarding reduction of a civil penalty shall lie solely within the discretion of the secretary or the secretary's designee.

(2) A civil penalty shall not be reduced unless evidence of mitigating factors has been presented by the respondent. (Authorized by K.S.A. 55-442 and K.S.A. 2007 Supp. 83-403; implementing K.S.A. 55-443, K.S.A. 2007 Supp. 83-501, and K.S.A. 2007 Supp. 83-502; effective March 6, 1998; amended Jan. 18, 2002; amended July 18, 2008.)

99-30-2 Registration form. Each application for issuance or renewal of a scale testing and service company license shall provide the following information:

(a) The name and business address of the applicant;

(b) the name, home address, social security number, and date of birth of all technical representatives who repair, calibrate, adjust, or test scales for the applicant;

(c) the signature and title of the applicant or representative;

(d) the date of submission of the application;

(e) a certification that the applicant is fully qualified to install, service, repair, or recondition scales; and

(f) a certification that the applicant has in possession or available for use sufficient standards and equipment adequate to test scales.

99-30-3 Conformance with handbook 44. Each scale testing and service company shall conduct each test and make each repair to scales in conformance with the requirements of the national institute of standards and technology handbook 44 as adopted by reference in K.A.R. 99-25-1. Copies of this material or the pertinent portions of it shall be available from the office of weights and measures, Kansas department of agriculture, Topeka, Kansas.

99-30-4 Minimum required equipment. Each scale testing and service company shall have at each place of business sufficient standards and equipment to adequately test scales as specified in the notes section of the general code and in the scale code contained in the national institute of standards and technology handbook 44, as adopted by reference in K.A.R. 99-25-1.

99-30-5 Removal of rejection tags. (a) For the purpose of testing or repairing a scale, any licensed scale testing and service company may remove an official rejection tag or other mark placed on a scale by authority of the secretary.

(b) After the test is conducted and necessary repairs are completed, the scale testing and service company shall place the scale in service. If the scale is not repaired properly, the scale testing and service company shall replace the rejection tag or other mark with a substitute rejection tag or other mark supplied by the secretary.

(c) After removing an official rejection tag for the purpose of repairing a scale, the scale testing and service company shall send a completed inspection or test report and the official rejection tag to the weights and measures office within 10 days after the date of removing the official rejection tag. The completed inspection or test report may be submitted by facsimile. The inspection or test report or other attached document shall detail all repairs made, and the testing shall be conducted to ensure that the scale is in compliance with Kansas law and K.A.R. 99-25-1.

(d) Any licensed scale testing and service company may file reports required by this regulation by means of facsimile. If the reports are sent to the weights and measures office by facsimile, the original shall be mailed to the weights and measures office within 10 days after the date of the test or inspection. Notifications mailed to the administrator shall be considered timely if they are postmarked on or before the 10th day following the calibration, repair, or adjustment described in the notification.

(e) This regulation shall apply to new and used scales.

99-30-6 Placed-in-service report. Each scale testing and service company shall submit to the secretary a placed-in-service report, also referred to as the DI-701 report, within 10 days after a scale has been restored to service or placed in service. The placed-in-service report shall be executed in triplicate. The scale testing and service company shall mail to the secretary the original report and each official rejection tag removed from the device. A duplicate copy of the report shall be delivered to the owner or operator of the device. The scale testing and service company shall retain the third copy of the report.

99-31-2 Registration form. Each application for issuance or renewal of a testing service company license shall provide the following information: (a) The name and business address of the applicant;

(b) the name, home address, social security number, and date of birth of all technical representatives who repair, calibrate, adjust, or test dispensing devices for the applicant;

(c) the signature and title of the applicant or representative;

(d) the date of submission of the application;

(e) a certification that the applicant is fully qualified to install, service, repair, or recondition dispensing devices; and

(f) a certification that the applicant has in its possession or available for use sufficient standards and equipment adequate to test dispensing devices.

99-31-3 Conformance with handbook 44. Each testing service company shall conduct each test and make each repair to dispensing devices in conformance with the requirements of the national institute of standards and technology handbook 44 as adopted by reference in K.A.R. 99-25-1. Copies of this material or the pertinent portions of it shall be available from the office of weights and measures, Kansas department of agriculture, Topeka, Kansas.

99-31-4 Minimum required equipment. Each testing service company shall have at each place of business sufficient standards and equipment to adequately test dispensing devices as specified in the notes section of the general code, and in the liquid-measuring device code, vehicle-tank meter code, and LPG liquid-measuring device code contained in the national institute of standards and technology handbook 44, as adopted by reference in K.A.R. 99-25-1.

99-31-5 Removal of rejection tags. (a) For the purpose of testing or repairing a dispensing device, any licensed testing service company may remove an official rejection tag or other mark placed on a dispensing device by authority of the secretary.

(b) After the test is conducted and necessary repairs are completed, the testing service company shall place the dispensing device in service until examination by the secretary. If the dispensing device is not repaired properly, the testing service company shall replace the rejection tag or other mark with a substitute rejection tag or other mark supplied by the secretary.

(c) After removing an official rejection tag for the purpose of repairing a device, the service company shall send a completed inspection or test report and the official rejection tag to the weights and measures office within 10 days from the date of removing the official rejection tag. The completed inspection or test report may be submitted by means of facsimile. The inspection or test report or other attached document shall detail all repairs made, and the testing shall be conducted to ensure that the device is in compliance with Kansas law and K.A.R. 99-25-1.

(d) Any licensed testing service company may file notifications or reports required by this regulation by means of facsimile. Notifications or reports mailed to the administrator shall be considered timely if they are postmarked on or before the 10th day following the calibration, repair, or adjustment described in the notification or report.

(e) This regulation shall apply to new and used dispensing devices.

99-31-6 Placed-in-service report. Each testing service company shall submit to the secretary a placed-in-service report, also referred to as the DI-701 report, within 10 days after a dispensing device has been restored to service or placed in service. The placed-in-service report shall be executed in triplicate. The testing service company shall mail to the secretary the original of the properly executed report, together with any official rejection tag removed from the device. A duplicate copy of the report shall be delivered to the owner or operator of the dispensing device while the third copy of the report shall be retained by the testing service company.

99-40-3. Invoice disclosure requirements for wholesalers and distributors of gasoline and diesel fuel. (a) Each distributor or wholesaler of gasoline and diesel fuel shall provide the following information to the purchaser at the time of delivery:

(1) The minimum octane of the product as determined by the (R+M)/2 method;

(2) for diesel fuel, the grade, minimum flash point, and American petroleum institute gravity of the product;

(3) the terminal of origin of the product;

(4) the destination of the product;

(5) the name of the wholesaler, if different from the distributor or point of origin;

(6) the quantity of each type of product delivered;

- (7) the percentage of ethanol if more than one percent; and
- (8) the percentage of biodiesel fuel if more than one percent.
- (b) The information required in subsection (a) shall be provided to the purchaser in writing.
- (c) For the purposes of this regulation, the term "purchaser" shall mean a wholesaler, distributor, or retailer. (Authorized by K.S.A. 55-442; and K.S.A. 83-207; implementing K.S.A. 55-424, K.S.A. 55-442, and K.S.A. 83-206; effective Jan. 14, 1991; amended Jan. 18, 2002; amended Aug. 23, 2013.)