

BILL ANALYSIS

Senate Research Center
85R3379 BEF-F

H.B. 1730
By: Cyrier (Kolkhorst)
Agriculture, Water & Rural Affairs
5/12/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1730 amends the Agriculture Code to change the frequency with which the Texas Department of Agriculture (TDA) is required to submit the state's primary standards of weights and measures to the National Institute of Standards and Technology (NIST) or to a laboratory approved by NSIT for certification from at least once each 10 years to the frequency required to maintain recognition of the TDA metrology laboratory. This will enable the lab to continue to receive funding.

TDA's Metrology Laboratory, located in Giddings, is the only state-run metrology laboratory in Texas. The lab maintains the primary standards by which all state and local standards of weights and measures are tried, authenticated, proved, and certified. In 2009 an assessment of the facility found that its environmental conditions were not meeting NIST standards. The lab's responsibility for calibration of quantity values in weights and measures ultimately ensures that devices used in commercial activities are accurate, that consumers are protected, and guaranteed fair trade is observed. Work at the lab must wait until environmental conditions are right, as the HVAC system does not provide adequate control for the sensitive instrumentation. The laboratory is in jeopardy of losing recognition from NIST. Recognition and the resulting Certificate of Traceability issued by NIST are essential if the facility is to continue to function as the state metrology laboratory. The cost estimate for the necessary repairs to bring the lab to NIST standards was prepared by the Texas Facilities Commission that will ultimately manage the project. The financial impact of an unrecognized state lab would be substantial. Without recognition, the lab could be shut down and its consumer protective and cost-recovery capabilities lost. Calibrations are likely to be more expensive at private labs, or if other states' labs are utilized, shipping or delivery of equipment to the out-of-state labs would create an additional cost for TDA. Continued efficient operation of the state metrology lab will ensure that private licensed service companies are provided calibration services in Texas at a reasonable cost that can be carried over to consumers.

H.B. 1730 amends current law relating to certification of the state's primary standards of weights and measures.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 13.113(b), Agriculture Code, to require the Texas Department of Agriculture (TDA) to maintain the state's primary standards of weights and measures in good order and to submit them to the National Institute of Standards and Technology (NSIT) or to a laboratory approved by NSIT for certification as required to maintain recognition of TDA's metrology laboratory, rather than at least once each 10 years.

SECTION 2. Effective date: upon passage or September 1, 2017.