

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JERRI CONRAD
Interim Director

Las Vegas Office:
2300 E. St. Louis Ave.
Las Vegas NV 89104-4211
(702) 668-4590
Fax (702) 668-4567



Elko Office:
4780 E. Idaho Street
Elko NV 89801-4672
(775) 738-8076
Fax (775) 738-2639

DEPARTMENT OF AGRICULTURE

405 South 21st Street
Sparks, Nevada 89431-5557
Telephone (775) 353-3601 Fax (775) 353-3661
Website: <http://www.agri.nv.gov>

TO: Nevada Department of Agriculture Offices
State Capitol Building
State Library and Archives
Dennis Belcourt – AG's Office

FROM: Cadence Matijevich – (775) 353-3726
c.matijevich@agri.nv.gov Fax number: (775) 353-3798

SUBJECT: Posting of Agenda for Workshop Scheduled for: Thursday, August 2, 2018 at 1:30 pm.

DATE: July 16, 2018

I have attached a copy of the agenda for the Nevada Department of Agriculture Workshop that will be held on Thursday, August 2, 2018 at 1:30 pm.

Please post the agenda for NAC 581.210; NAC 581.220; NAC 581.280; NAC 581.285; and NAC 581.295 before 9:00am on Wednesday, July 18, 2018, per *open meeting law* and return this memo to my attention, signed with the date of posting, as I need this for our files.

We appreciate your assistance in this posting.

Thank you.

Distribution: State Capitol Building
State Library and Archives
Dennis Belcourt – AG's Office
Sparks Office – Nevada Department of Agriculture
Las Vegas Office – Nevada Department of Agriculture
Elko Office – Nevada Department of Agriculture
Consumer Equitability – Department of Agriculture

OFFICE: _____

SIGNATURE: _____

DATE & TIME OF POST: _____

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NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

AGENDA

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431

VIDEO CONFERENCE

Nevada Department of Agriculture and Nevada Department of Agriculture
2300 E. St. Louis Ave. 4750 E. Idaho Street
Las Vegas, NV 89104 Elko, NV 89801

**Thursday, August 2, 2018
1:30 PM**

Note: Items on this agenda may be taken in a different order than listed.
Items may be combined for consideration by the Department of Agriculture.
Items may be pulled or removed from the agenda at any time.

- I. ****Public Comment** – In consideration of others who may also wish to provide public comment, please avoid repetition and limit your comments to no more than three (3) minutes. Unused time may not be reserved by the speaker nor allocated to another speaker.
- II. The Nevada Department of Agriculture will hold a workshop to solicit comments from interested persons on the following general topics that may be addressed in proposed regulations (LCB File No. R172-18):
 - NAC 581.210** Weighing and measuring devices: Tests and services for which fees will be charged; fees for tests; failure to pay fee. (NRS 581.050, 581.067, 581.075)
 - NAC 581.220** Weighing and measuring devices: Additional fees for special tests; failure to pay fee. (NRS 581.050, 581.067, 581.075)
 - NAC 581.280** Issuance of license: Prerequisites; inspection of devices; failure of inspection; period of validity of license. (NRS 581.050, 581.067, 581.065, 581.067)

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(775) 738-8076
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NAC 581.285 Renewal of license: Notice; payment of fee; inspection of device; failure of inspection (NRS 581.050, 581.057, 581.065, 581.067)

NAC 581.295 Licensing fees: Amount; late payment. (NRS 581.050, 581.065, 581.067, 581.075).

III. ****Public Comment** – In consideration of others who may also wish to provide public comment, please avoid repetition and limit your comments to no more than three (3) minutes. Unused time may not be reserved by the speaker nor allocated to another speaker.

IV. Adjourn

****This item is to receive public comment on any issue, provided that comment will be limited to areas relevant to and within the authority of the Nevada Department of Agriculture. No action will be taken on any items raised in the public comment period. At the direction of the Department, public comment may be received prior to action on individual agenda items. Public comment may not be limited based on viewpoint.**

A copy of materials relating to the meeting and proposed regulations will be available at the workshop, online at <http://agri.nv.gov/CE/> or by contacting:

Cadence Matijevich
Administrator, Division of Consumer Equitability
Nevada Department of Agriculture
405 S. 21st Street
Sparks, NV 89431
(775) 353-3726
c.matijevich@agri.nv.gov

Written comments on the proposed regulations may be directed to the address above.

Reasonable efforts will be made for members of the public who have disabilities and require special accommodations for assistance at the meeting. Requests for accommodations or assistance may be submitted to the Department in writing to the address above or by calling 775-353-3782 prior to the meeting.

Notice of this meeting has been sent to all persons on the agency's mailing list for administrative regulations, posted on the internet through the Department of Agriculture's website at www.agri.nv.gov, on the Nevada Public Notices website at <https://notice.nv.gov/>, and posted on or before 9 a.m. fifteen (15) calendar days prior to the meeting at the following locations:

Nevada Department of Agriculture 2150 Frazer Ave Sparks, NV 89431	Nevada Department of Agriculture 2300 E St. Louis Ave Las Vegas, NV 89104	Nevada Department of Agriculture 4780 E. Idaho Street Elko, NV 89801	Nevada Department of Agriculture 405 South 21 st Street Sparks, NV 89434
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Notice of this meeting was sent for posting to each County Public Library and the State Library in Carson City, and to the Nevada Legislative Counsel Bureau for posting at <https://leg.state.nv.us/App/Notice/A/>.

**REGULATION OF
THE STATE SEALER OF CONSUMER EQUITABILITY**

Effective July 1, 2019

Explanation – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: NRS 581.050, 581.067, and 581.075.

Section 1. NAC 581.210 is hereby amended to read as follows:

581.210 Weighing and measuring devices: Tests and services for which fees will be charged; fees for tests; failure to pay fee. ([NRS 581.050](#), [581.067](#), [581.075](#))

1. The tests and services for which fees will be charged pursuant to this section include, without limitation:

(a) A retest of:

(1) A device which was marked “out of order” during a test; or

(2) A point-of-sale system or cash register found to not be in compliance during a test conducted pursuant to subsection 19 of [NRS 581.067](#).

(b) A trip to test a device which was not available or ready for testing at the time scheduled for a test.

(c) A test requested for a device if a special trip is required to perform the test. If, upon the arrival of the inspector, the test scheduled for the device cannot be performed for any reason which is not the fault of the Division or the inspector, any fee which would have been charged for that test remains due.

(d) A test requested for a noncommercial device.

(e) A calibration according to industrial standards of weights and measures.

(f) An adjustment of a commercial device immediately following a determination of noncompliance during a ~~an annual~~ test *conducted by the Division*.

2. The fees for tests of devices are:

(a) For scale devices:

500 pounds and under *tested with a Class F, Echelon III weight kit*..... \$~~25~~ 32

500 pounds and under tested with a Class II, Echelon II weight kit.....	45
Over 500 pounds through 2,000 pounds.....	[50] 90
Over 2,000 pounds through 5,000 pounds.....	[100] 240
Over 5,000 pounds <i>through 30,000 pounds</i>	[160] 420
Hopper, 5,000 pounds and under.....	[300] 600
Hopper, over 5,000 pounds.....	[350] 750
[Livestock or vehicle scale, 40,000 pounds and under.....	130]
[Livestock or vehicle scale, o]Over [40,000] 30,000 pounds.....	[200] 450
(b) For linear devices.....	[25] 42
(c) For meter devices:	
Dispenser, hose, meter or octane grade tested with a 5-gallon prover...	[25] 30
Dispenser tested with a prover larger than 5 gallons.....	[95] 222
Truck- or rack-mounted meter, rated to a maximum capacity of up to 120 gallons per minute.....	[95] 222
Truck- or rack-mounted meter, rated to a maximum capacity of over 120 gallons per minute.....	[160] 420
Nontemperature-compensated meter used to measure liquid petroleum gas.....	[100] 222
Temperature-compensated meter used to measure liquid petroleum gas.....	[200] 450
(d) For standards of mass, volume or length, per hour:	
For certification of standards for use in testing a commercial device for a service agency or serviceperson.....	75
For certification of standards for use in testing a noncommercial device.....	95
(e) For point-of-sale systems and cash registers not in compliance:	
For not more than five point-of-sale systems or cash registers.....	50
For six or more point-of-sale systems or cash registers.....	125
3. Failure to pay a fee required pursuant to this section [within 30 days after receipt of] <i>by the due date indicated on</i> the bill for the fee, <i>which shall not be fewer than 30 days from issuance of the bill</i> , is a violation of this section [-], and the Division will, in addition to any civil penalty	

that may be imposed pursuant to [NAC 581.260](#), impose a late fee equal to 10 percent of the amount of the fee that is paid late.

[Dep't of Agriculture, § 3, eff. 8-6-80] — (NAC A 10-15-81; 11-3-83; A by St. Sealer of Weights & Measures, 11-1-89; 4-18-90; 10-23-91; 11-18-93; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004; A by St. Sealer of Consumer Equitability by R096-15, 12-21-2015)

Sec. 2 NAC 581.220 is hereby amended to read as follows:

581.220 Weighing and measuring devices: Additional fees for special tests; failure to pay fee. ([NRS 581.050](#), [581.067](#), [581.075](#))

1. In addition to the fees prescribed in [NAC 581.210](#), the following fees will be charged for a special test except as otherwise provided in this section:

- (a) For each hour for testing a device above the time normally required to perform that test..... \$~~[40]~~ 60
- (b) For each hour for witnessing the test of a device that is not conducted by the Division..... [40] 60
- (c) For mileage, per mile for:
 - Pickup truck..... 1
 - ~~[Livestock test truck.....]~~ ~~[2]~~
 - Petroleum prover truck..... [2] 3
 - ~~[Motor truck and hopper t]~~ Test truck *for scale devices over 2,000 pounds..* [3] 4
- (d) For each hour of required travel of the inspector, in addition to the fees specified in paragraph (c)..... [40] 60
- (e) For the per diem of the inspector, the amounts allowed by law for state employees, under conditions set by the Division.

2. The fees for mileage, travel and per diem will be prorated among persons requiring tests of devices in the same area if all the devices can be tested during the same trip.

3. Only the fee prescribed by [NAC 581.210](#) for a test of a device will be charged if:

- (a) The test can be made during a scheduled trip for inspections in the vicinity; or
- (b) The site of the test is within a minimal distance from the base of the inspector or within the same metropolitan area.

4. The amount of charges for:

- (a) The testing of devices or standards not listed on the schedule of fees;
- (b) Testing of standards from out of State; or
- (c) Testing which requires special arrangements or conditions,

↳ will be determined by agreement between the State Sealer of Consumer Equitability and the owner or operator of the device or standard to be tested.

5. Failure to pay a fee required pursuant to this section [~~within 30 days after receipt of~~] *by the due date indicated on the bill for the fee, which shall not be fewer than 30 days from issuance of the bill*, is a violation of this section[-], *and the Division will, in addition to any civil penalty that may be imposed pursuant to NAC 581.260, impose a late fee equal to 10 percent of the amount of the fee that is paid late.*

[Dep't of Agriculture, § 4, eff. 8-6-80] — (NAC A 10-15-81; 11-3-83; A by St. Sealer of Weights & Measures, 11-1-89; 4-18-90; 10-23-91; 11-18-93; R146-98, 12-14-98; R084-00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004)

Sec. 3. NAC 581.280 is hereby amended to read as follows:

581.280 Issuance of license: Prerequisites; inspection of devices; failure of inspection; period of validity of license. ([NRS 581.050](#), [581.057](#), [581.065](#), [581.067](#))

1. To obtain a license to use a weighing or measuring device as commercial weighing and measuring equipment, an applicant must provide to the Division information concerning the device, including:

- (a) The date on which the device was purchased or installed;
- (b) The manufacturer and model or type of the device;
- (c) The address where the device is located; and
- (d) The name of the person who installed the device.

2. Except as otherwise provided in this section, upon receiving the information pursuant to subsection 1 about a weighing or measuring device, the Division will, as soon as practicable, inspect the device. If the Division determines that the device meets all the applicable standards

and the applicant has paid the applicable fees, the Division will issue a license for the device to be used as commercial weighing and measuring equipment.

3. The Division may waive the initial inspection of a weighing or measuring device required pursuant to subsection 2 if the Division determines that the device was adjusted after installation by a person who is registered with the Division pursuant to [NRS 581.103](#) to adjust such a device. If the Division waives the initial test, the Division will:

(a) Immediately issue a license for the weighing or measuring device to be used as commercial weighing and measuring equipment; and

(b) As soon as practicable thereafter, inspect the device to ensure that it meets all the applicable standards.

4. If a weighing or measuring device fails an inspection conducted pursuant to subsection 3, the Division will immediately suspend the license issued for the device. If, during the period for which the license was issued, the device:

(a) Passes an inspection conducted by the Division, the Division will reinstate the license.

(b) Fails to pass an inspection conducted by the Division, the Division may revoke the license.

5. A license issued for a weighing or measuring device to be used as commercial weighing and measuring equipment is valid from ~~[October]~~ *September* 1 or the date on which it is issued, whichever is later, until the next following ~~[September 30]~~ *August 31*.

6. If a weighing or measuring device used as commercial weighing and measuring equipment was approved by the Department for use on or after July 1, 2003, but before January 27, 2004, a license shall be deemed to have been issued for the device by the Division pursuant to this section, effective on the date on which the device was approved for commercial use.

(Added to NAC by St. Sealer of Weights & Measures by R161-03, eff. 1-27-2004)

Sec. 4. NAC 581.285 is hereby amended to read as follows:

581.285 Renewal of license: Notice; payment of fee; inspection of device; failure of inspection. ([NRS 581.050](#), [581.057](#), [581.065](#), [581.067](#))

1. On or before ~~[August 1]~~ *July 10* of each year, the Division will send a notice of renewal for each license then in force that has been issued by the Division for a weighing or measuring device to be used as commercial weighing and measuring equipment. If a license that is suspended as of the date the Division sends the notices of renewal is subsequently reinstated, the Division

will, at the time of the reinstatement of the license, provide a notice of renewal to the holder of the license.

2. The notice of renewal must include the amount of the renewal fee which must be paid on or before ~~September 30~~ *August 31* of that year. If the renewal fee is paid timely, the Division will:

(a) Renew the license for the weighing or measuring device to be used as commercial weighing and measuring equipment; and

(b) As soon as practicable thereafter, inspect the device to ensure that the device continues to meet all the applicable standards.

3. If, at the inspection conducted pursuant to subsection 2, a weighing and measuring device fails to meet the applicable standards, the Division will immediately suspend the license issued for the device to be used as commercial weighing and measuring equipment. If, during the period for which the renewal was issued, the device:

(a) Passes an inspection conducted by the Division, the Division will reinstate the license.

(b) Fails to pass an inspection conducted by the Division, the Division may revoke the license.

(Added to NAC by St. Sealer of Weights & Measures by R161-03, eff. 1-27-2004)

Sec. 5. NAC 581.295 is hereby amended to read as follows:

NAC 581.295 Licensing fees: Amount; late payment. ([NRS 581.050](#), [581.065](#), [581.067](#), [581.075](#))

1. The fee for the annual licensing of a device is:

(a) For scale devices:

500 pounds and under <i>tested with a Class F, Echelon III weight kit</i>	\$ [11] 27
<i>500 pounds and under tested with a Class II, Echelon II weight kit</i>	35
Over 500 pounds through 2,000 pounds.....	[30] 75
Over 2,000 pounds through 5,000 pounds.....	[80] 200
Over 5,000 pounds <i>through 30,000 pounds</i>	[140] 350
Hopper, 5,000 pounds and under.....	[200] 500
Hopper, over 5,000 pounds.....	[250] 625
[Livestock or vehicle scale, 40,000 pounds and under].....	100]

	[Livestock or vehicle scale, o] Over 40,000 30,000	
	pounds.....	[150] 375
(b)	For linear devices.....	[15] 35
(c)	For meter devices:	
	Dispenser, hose, meter or octane grade tested with a 5-gallon prover.....	[10] 25
	Dispenser tested with a prover larger than 5 gallons.....	[75] 185
	Truck- or rack-mounted meter, rated to a maximum capacity of not more than 120 gallons per minute.....	[75] 185
	Truck- or rack-mounted meter, rated to a maximum capacity of more than 120 gallons per minute.....	[140] 350
	Nontemperature-compensated meter used to measure liquid petroleum gas....	[75] 185
	Temperature-compensated meter used to measure liquid petroleum gas.....	[150] 375
2.	Failure to pay a fee required pursuant to this section [within 30 days after receipt of] by <i>the due date indicated on</i> the bill for the fee, which shall not be fewer than 30 days from issuance <i>of the bill</i> , is a violation of this section, and the Division will, in addition to any civil penalty that may be imposed pursuant to NAC 581.260 , impose a late fee equal to [50] 10 percent of the amount of the fee that is paid late.	
	[Dep't of Agriculture, § 2, eff. 8-6-80] — (NAC A 10-15-81; 11-3-83; A by St. Sealer of Weights & Measures, 11-1-89; 4-18-90; 10-23-91; 11-18-93; 2-20-96; R146-98, 12-14-98; R084- 00, 6-22-2000, eff. 7-1-2000; R161-03, 1-27-2004) — (Substituted in revision for NAC 581.200)	

Summary of Survey Results – July 2018

**Economic impact on small businesses due to proposed changes to
NAC 581.210, 581.220, 581.280, 581.285, 581.295**

Survey Overview:

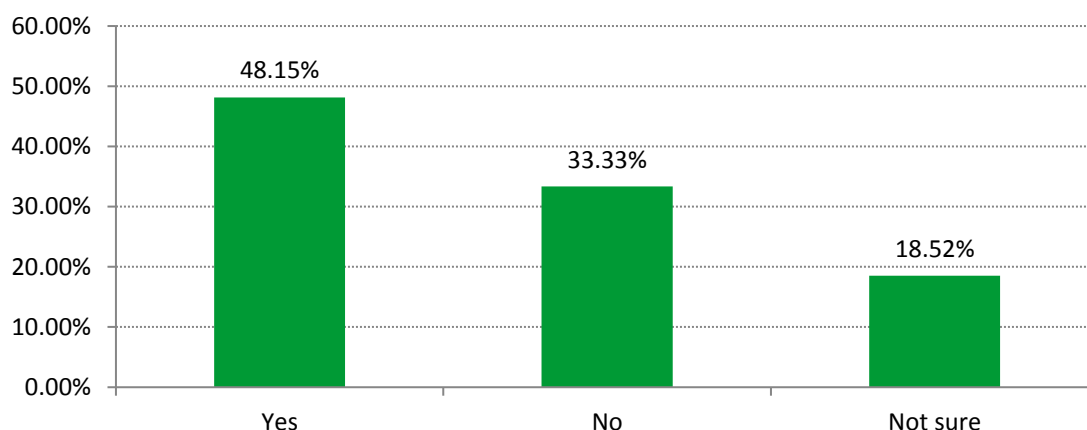
Notice and text of the proposed regulations was mailed via the United States Postal Service to 2,071 commercial weighing and measuring device owners. 51 notices were returned as undeliverable. The notice contained the website address for an electronic survey and provided an option for device owners to request a hard copy of the survey be sent to them by mail or email. The survey was open from June 19, 2018 through July 6, 2018. A total of 108 responses were received.

Survey Results:

Q1. Will the new proposed changes and amendment to NAC have significant impact on your business?

- 48.2% of the survey respondents stated the proposed changes to NAC will have significant impact on their business.

Answer Choices	Responses	
Yes	48.15%	52
No	33.33%	36
Not sure	18.52%	20
	Answered	108
	Skipped	0



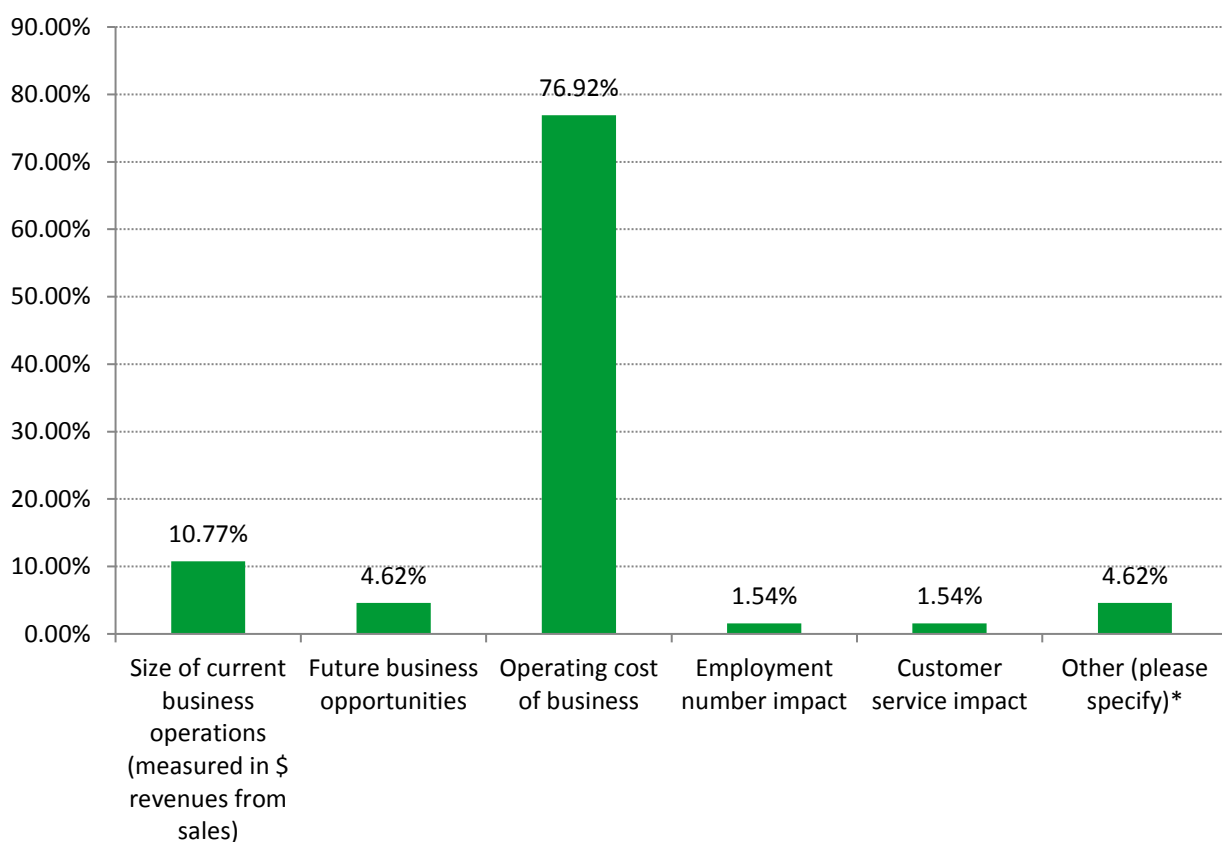
Division of Consumer Equitability



Q2. If Yes, select all the categories that will be affected by the proposed regulation:

- Related to the proposed changes and increased fees, the survey participants expect their operating cost of business to be affected the most.

Answer Choices	Responses	
Size of current business operations (measured in \$ revenues from sales)	10.77%	7
Future business opportunities	4.62%	3
Operating cost of business	76.92%	50
Employment number impact	1.54%	1
Customer service impact	1.54%	1
Other (please specify)	4.62%	3
	Answered	65
	Skipped	43



Comments received for question 2:

- 1) Scales increase is nominal.

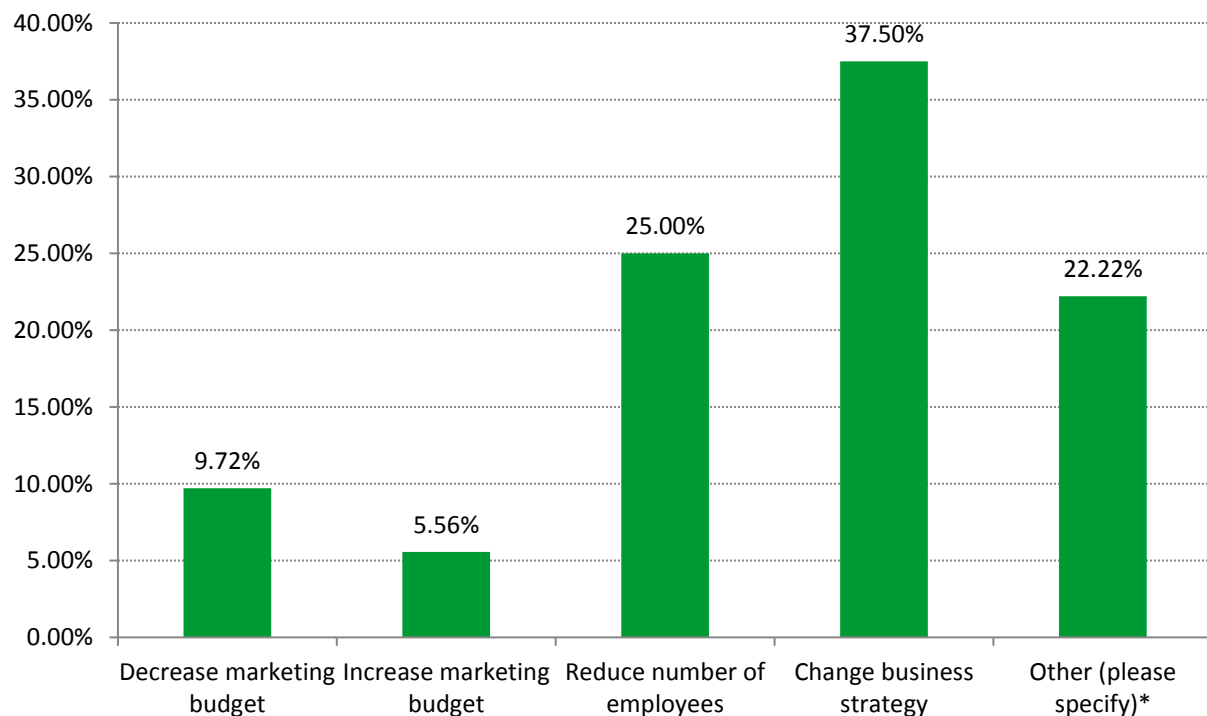
Division of Consumer Equitability

- 2) These fees do not apply to my company.
- 3) How excited I am about running a business in NV will go down some.
- 4) We use these scales once a year. We sell calves once a year, 10 drafts of 20 head of calves. 4 hrs/year. Used to be every other year, now once a year. Now a large increase.

Q.3 If your business is significantly impacted by the new proposed changes, which of the following actions would you take?

- Survey participants will have to mainly change their business strategy due to the impact their business will have because of the proposed changes in NAC.

Answer Choices	Responses	
Decrease marketing budget	9.72%	7
Increase marketing budget	5.56%	4
Reduce number of employees	25.00%	18
Change business strategy	37.50%	27
Other (please specify)	22.22%	16
	Answered	72
	Skipped	36



Comments received for question 3:

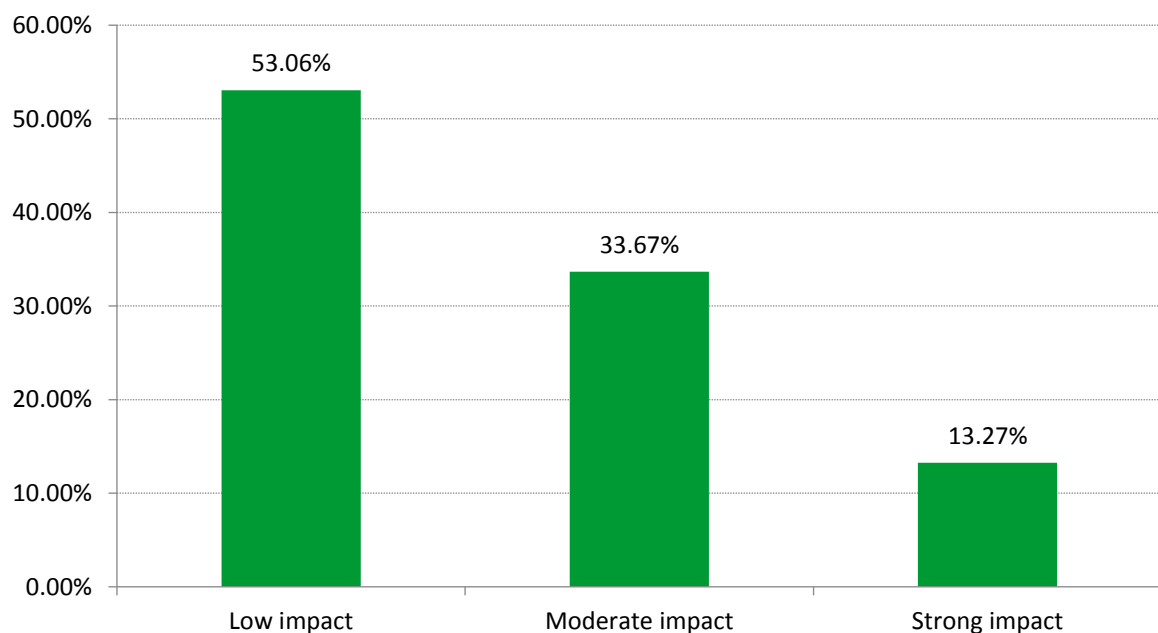
Division of Consumer Equitability

- 1) Decrease size of our operation and reduce number of employees.
- 2) Look to do business elsewhere.
- 3) Absorb costs.
- 4) Big increase in price to test livestock scales.
- 5) No significant action would need to be taken – impact would be financial.
- 6) Why take more money from us?
- 7) Overhead expenses that will affect our charity partners.
- 8) Raise consumer prices.
- 9) We have no solution.
- 10) We don't have an option, so we'd have to pay whatever fees NV decides to charge to use scales to ship things with FedEx.

Q4. Please select the level of financial impact the new proposed changes will have on your business?

- Most of survey respondents expect a low level of financial impact to their operations caused by changes in NAC.

Answer Choices	Responses	
Low impact	53.06%	52
Moderate impact	33.67%	33
Strong impact	13.27%	13
	Answered	98
	Skipped	10



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Sparks, Nevada 89431-5557
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Website: <http://www.agri.nv.gov>

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608

LCB File No. R172-18
July 13, 2018

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Notice and text of the proposed regulations was mailed via the United States Postal Service to 2,071 commercial weighing and measuring device owners. 51 notices were returned as undeliverable. The notice contained the website address for an electronic survey and provided an option for device owners to request a hard copy of the survey be sent to them by mail or email. The owners of businesses meeting the definition of "small business" under NRS 233B.0382 were asked to respond to the survey. Three device owners requested hard copies of the survey, two of which were returned to the Division of Consumer Equitability by email. The survey was open from June 19, 2018 through July 6, 2018. A total of 108 responses were received, though not all respondents answered all four of the survey questions.

- ⌚ 48.2% of the survey respondents (52 of 108) stated the proposed changes will have a significant impact on their business. However, 52% (52 of 98) of survey respondents indicated that the level of financial impact to their operations would be low.
- ⌚ Related to the proposed changes and increased fees, the survey participants expect their operating cost of business to be affected the most.
- ⌚ Survey participants indicated they would mainly change their business strategy as result of the proposed changes.

Persons interested in obtaining the survey results and summary may do so by contacting the Division of Consumer Equitability at 775-353-3782 or by email ce@agri.nv.gov.

2. The manner in which the analysis was conducted.

A statistical analysis of the survey results was compiled and considered. While the majority of respondents indicated the proposed changes would have a significant impact on their business, the majority of respondents indicated that the level of financial impact caused would be low. 13 respondents indicated that the level of financial impact caused would be high; 13 respondents represents 13% of the total survey respondents and .006% of the 2,020 commercial weighing and

measuring device owners notified about the proposed regulations.

3. The estimated economic effect of the proposed regulation on small businesses:

The annual economic impact to small businesses is estimated to total \$450,000.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The agency considered simplifying the proposed regulation, establishing different standards of compliance for small business, and modifying the fees and fines set forth in the proposed regulation so that a small business is authorized to pay a lower fee.

The agency found that simplification of the proposed regulation would not in and of itself relieve the impact of the proposed regulation on small businesses and so that method was not utilized. The proposed regulations in and of themselves are relatively straightforward and the impact of the proposal on small businesses is almost entirely driven by the proposed increase to fee amounts. The agency did not use this method.

In considering establishing different standards of compliance for small business, the agency found that there was an unacceptable level of risk to the patrons of businesses subject to different standards that could result from the business utilizing commercial weighing and measuring devices that are not suitable for their intended use, and/or are not properly installed and accurate, and/or are not so maintained. Because of this finding, the agency did not use this method.

The agency considered modifying the fee(s) and fine(s) set forth in the regulation so that a small business would be authorized to pay a lower amount, but found that in order for the Division of Consumer Equitability to have adequate resources to perform its mandated functions there would need to be an increased amount charged to non-small businesses to account for the reduced fees collected from small businesses. This would result in one set of weighing and measuring device owners subsidizing the cost of service to another set of weighing and measuring device owners. The agency found that such a subsidy would be inappropriate. Additionally, the Division of Consumer Equitability's current system for the registration and invoicing of weighing and measuring devices does not allow for a business to be distinguished by size and cannot be programmed to charge a different price for the annual registration of the same type of weighing and measuring device. For these reasons, the agency did not use this method.

As the agency continues through the regulatory adoption process required under the Nevada Administrative Procedure Act it will consider any other methods to reduce the impact to small businesses that may be proposed.

5. The estimated cost to the agency for enforcement of the proposed regulation.

The agency does not anticipate that its ongoing costs to enforce the proposed revised provisions of NAC 581 will increase. The agency anticipates one-time costs of approximately \$800 to print and mail a notice of the revised regulations to all commercial weighing and measuring device owners following adoption of the regulation.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

Beginning in State Fiscal Year 2020, the agency expects it will collect a total of \$2,124,360 in fees for the registration and testing of commercial weighing and measuring devices. This represents an increase of \$1,276,372 from the amount collected in State Fiscal Year 2018. The additional revenues will be used to hire additional Weights & Measures Inspectors, which will ensure we're meeting all of our statutory duties. Additional revenues will also be used to provide additional training to the Division of Consumer Equitability's Weights & Measures Inspectors, to allow for increased in-state travel for staff to perform required proficiency testing in both of the state's metrology laboratories, and to purchase and maintain new/replacement equipment and vehicles used by the Division of Consumer Equitability's Weights & Measures, Petroleum Technology and Metrology Programs.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

The proposed regulations are not duplicative or more stringent than federal, state or local standards. The Packers and Stockyards Program (PSP) of the United States Department of Agriculture enforces the Packers and Stockyards Act, 1921, which requires that each stockyard owner, market, agency, dealer, packer or live poultry dealer who weighs livestock, live poultry, or feed for purchases of purchase, sale, acquisition, payment or settlement of livestock or live poultry, or who weighs livestock carcasses for the purpose of purchase on a carcass weight basis, or who furnished scales for such purposes, shall cause such scales to be tested by competent persons in accordance with the regulations in the act at least twice during each calendar year at intervals of approximately 6 months. An exception is granted if scales are used on a limited seasonal basis (during any continuous 8-month period) that the scales may be used during within an 8-month period following each test. The test performed by the Division of Consumer Equitability in association with the annual registration of a livestock scale serves to satisfy one test for those device owners subject to the PSP six-month inspection cycle and may, depending upon timing of the inspection within the 8-month period, entirely satisfy the PSP testing requirement for those scales used on a limited seasonal basis.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

While there will be an impact on small businesses as result of adoption of the proposed regulation, the agency concludes that the regulations are reasonable and necessary in order for the Division of

BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF AGRICULTURE

405 South 21st Street
Sparks, Nevada 89431-5557
Telephone (775) 353-3601 Fax (775) 353-3661
Website: <http://www.agri.nv.gov>

JERRI CONRAD
Interim Director

Las Vegas Office:
2300 E. St. Louis Ave.
Las Vegas NV 89104-4211
(702) 668-4590
Fax (702) 668-4567

Elko Office:
4780 E. Idaho Street
Elko NV 89801-4672
(775) 738-8076
Fax (775) 738-2639

Consumer Equitability to perform all of its statutorily mandated duties. Based upon the survey responses received, the agency believes the number of small businesses that will experience a strong financial impact as result of the proposed regulations is less than 10 percent.

I certify that to the best of my knowledge or belief a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in this statement is accurate.



Jerri Conrad
Interim Director
Nevada Department of Agriculture