

LCB File No. R162-03

**PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE**

**NOTICE OF WORKSHOP
(Las Vegas)**

A workshop will be held on proposed amendments to NAC 581 and NAC 582, pertaining to pertaining to the general provisions of weights and measures and to public weighmasters.

DATE: November 14, 2003

TIME: 11:00 A.M.

PLACE: Nevada Department of Agriculture
Division of Measurement Standards
2300 McLeod
Las Vegas, NV 89104

For clarification on the proposed amendments contact Steven Grabski at (775) 688-1166.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture, Division of Measurement Standards offices in Reno, Sparks, Elko, Winnemucca, and Las Vegas during the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Nevada Department of Agriculture Division of Measurement Standards 2150 Frazer Ave Sparks, NV 89431	Nevada Department of Agriculture 350 Capitol Hill Ave Reno, NV 89502
Nevada Department of Agriculture Division of Measurement Standards 1351 Elm St Elko, NV 89801	Nevada Department of Agriculture 1550 S. Wells Ave Reno, NV 89502
Nevada Department of Agriculture Division of Measurement Standards 2300 McLeod Las Vegas, NV 89104	Nevada Department of Agriculture 1200 E. Winnemucca Blvd Winnemucca, NV 89445

LCB File No. R162-03
PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE

NOTICE OF HEARING AND
NOTICE OF INTENT TO ADOPT REGULATIONS
(Las Vegas)

Proposed amendments to NAC 581 and NAC 582 pertaining to the general provisions of weights and measures and to public weighmasters.

Need and purpose of the proposed amendments:

The needs of the amendments are to make the NAC compatible to the newly revised NRS 581 and 582. The amendments will adopt measurement standards recommended by the National Institute of Standards and Technology, provide for the licensure of commercial devices and public weighmasters; provide for the establishment of certain fees; establish civil penalties for certain violations.

Economic effect of these proposed amendments on the businesses that it is to regulate:

None, test fee is replaced with license fee

Economic effects of the proposed amendments on the public:

None

Economic cost to the agency for enforcement of the proposed amendments:

None

Description of any regulations of any other state, local, or federal regulation that the proposed amendments overlap or duplicate:

None

Fees:

Remain the same

The date, time, place and manner in which interested parties may present their views on the proposed amendments:

DATE: November 14, 2003
TIME: 1:00 P.M.
PLACE: Nevada Department of Agriculture
Division of Measurement Standards
2300 McLeod
Las Vegas, NV 89104

MANNER: Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All verbal and written testimony will be in the record of the hearing.

Addresses at which the text of the proposed regulations may be inspected and copied:

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Nevada Department of Agriculture Division of Measurement Standards 2300 McLeod Las Vegas, NV 89104	Nevada Department of Agriculture 1200 E. Winnemucca Blvd Winnemucca, NV 89445

Note: We will make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements are necessary, call Steven Grabski at the Division of Measurement Standards (775) 688-1166 as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Council; agency’s reasons for adoption.

Upon adoption of any regulations, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principle reasons for or against adoption, and incorporate therein its reasons for overruling the consideration urged against adoption.

Don Henderson, Acting Director

Date

LCB File No. R162-03
PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE

NOTICE OF WORKSHOP
(Sparks)

A workshop will be held on proposed amendments to NAC 581 and NAC 582, pertaining to pertaining to the general provisions of weights and measures and to public weighmasters.

DATE: November 17, 2003

TIME: 9:00 A.M.

PLACE: Nevada Department of Agriculture
Division of Measurement Standards
2150 Frazer Ave
Sparks, NV 89431

For clarification on the proposed amendments contact Steven Grabski at (775) 688-1166.

Addresses at which the text of the proposed regulations may be inspected and copied:

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LCB File No. R162-03
PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE

NOTICE OF HEARING AND
NOTICE OF INTENT TO ADOPT REGULATIONS
(Sparks)

Proposed amendments to NAC 581 and NAC 582 pertaining to the general provisions of weights and measures and to public weighmasters.

Need and purpose of the proposed amendments:

The needs of the amendments are to make the NAC compatible to the newly revised NRS 581 and 582. The amendments will adopt measurement standards recommended by the National Institute of Standards and Technology, provide for the licensure of commercial devices and public weighmasters; provide for the establishment of certain fees; establish civil penalties for certain violations.

Economic effect of these proposed amendments on the businesses that it is to regulate:

None, test fee is replaced with license fee

Economic effects of the proposed amendments on the public:

None

Economic cost to the agency for enforcement of the proposed amendments:

None

Description of any regulations of any other state, local, or federal regulation that the proposed amendments overlap or duplicate:

None

Fees:

Remain the same

The date, time, place and manner in which interested parties may present their views on the proposed amendments:

DATE: November 17, 2003
TIME: 10:00 A.M.
PLACE: Nevada Department of Agriculture
Division of Measurement Standards
2150 Frazer Ave
Sparks, NV 89431

MANNER: Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All verbal and written testimony will be in the record of the hearing.

Addresses at which the text of the proposed regulations may be inspected and copied:

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NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Council; agency's reasons for adoption.

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Don Henderson, Acting Director

Date

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PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE

Revision for SB 485

CHAPTER 582 - PUBLIC WEIGHMASTERS

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NAC 582.010 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Commodity" means anything that may be weighed in a commercial transaction.
2. "Conveyance" means vehicle, truck, railroad car, wagon, container or anything in which or upon which a commodity is being transported.
3. "Gross weight" means the correct or actual combined weight of a commodity and its container or conveyance by which it is transported.
4. "Net weight" has the meaning ascribed to it in [NRS 582.010](#).
5. "Tare weight" means the correct or actual weight of any conveyance by which a commodity is transported and excludes the weight of a commodity.

NAC 582.020 Bonds. Requirements for a bond of a public weighmaster are as follows:

1. The bond must be a faithful performance bond in the amount of \$1,000 and must be issued by a surety company licensed to do business in this state.
2. The bond form will be supplied by the state sealer and the executed bond must be filed with his office.
3. The state sealer must be notified in writing by the surety 30 days prior to the cancellation of a bond.

NAC 582.025 Certificate for appointment as public weighmaster: Fee for issuance or renewal. ([NRS 561.105](#), [582.040](#)) The fee for:

1. The issuance of a certificate of appointment as a public weighmaster pursuant to [NRS 582.040](#) is \$120.
2. The annual renewal of a certificate of appointment as a public weighmaster issued pursuant to [NRS 582.040](#) is \$100.

NAC 582.030 Display of license. All licenses while in force must be kept conspicuously displayed where the weighing is performed by the party or parties to whom they have been issued.

NAC 582.040 Weighing procedures.

1. All weights recorded on a public weighmaster certificate by a public weighmaster or his deputy public weighmaster must be determined by weighing on the scale operated by the public weighmaster issuing the certificate.

2. For the purpose of the certification of any weight, the entire weight of the conveyance must rest upon the scale, *except where permitted by law.*

3. When weighing a combination of conveyances that will not rest on the scale platform at one time, the combination must be disconnected and weighed separately. The weights so taken may be combined for the purpose of issuing a single weight certificate.

NAC 582.050 Tare weights.

1. A vehicle or other conveyance shall be weighed by a public weighmaster or his deputy public weighmaster for each tare weight certification recorded except as provided for in subsection 2.

2. A single tare weight per hauling vehicle or other conveyance may be used in determining the net weight of several loads of commodities such as sand and gravel, when hauled to one customer; if the tare weight for each vehicle is determined prior to hauling the first load in the morning and again after 1 p.m. each day.

3. A tare weight is valid for a period of 48 hours when used to determine the net weight of a commodity on a single commercial transaction.

NAC 582.060 Public weighmaster certificates: Form; contents.

1. The form of a public weighmaster weight certificate must be submitted by a public weighmaster to the state sealer of weights and measures for approval prior to the printing of a supply of weight certificates.

2. A public weighmaster certificate must contain all information applicable to the transaction.

3. When issuing a public weighmaster certificate for gross weight only or tare weight only the words “gross only” shall be entered in the space provided for recording the tare weight or the words “tare only” shall be entered in the space provided for recording the gross weight or all unused spaces shall be deleted by drawing a line through the unused spaces.

4. All information recorded must be neat, clear and complete.

5. The weighmaster or deputy weighmaster shall sign the certificate with his complete name.

6. The vehicle license number must be recorded in the proper space on the form.

7. In the case of a vehicle weighed for licensing purposes, the words “for licensing” must be written in the space provided for license numbers.

8. In the case of a vehicle or other equipment that does not display a license plate, the vehicle or equipment must be identified by other means, such as equipment number or description.

NAC 582.070 Public weighmaster certificates: Drivers’ and loaders’ counts; voided certificates; retention of copies.

1. When a weighmaster records the number of units on a public weighmaster certificate and he has not actually determined or counted the units, he shall write the words “driver’s count” or “loader’s count” after the recorded number of units. The abbreviation “D.C.” or “L.C.” may be used in lieu of the complete words.

2. Weighmaster certificates upon which errors were made, or completed or partially completed certificates for which no claim has been made, shall be voided by writing the word

“VOID” across the face of the certificate. All voided weight certificates must be preserved intact as part of the records required.

3. Copies of certificates issued and all copies of certificates voided must be kept for 3 years.

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PROPOSED REGULATION OF THE STATE
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SMALL BUSINESS IMPACT DISCLOSURE PROCESS
PURSUANT TO 233B “Nevada Administrative Procedures Act”

The purpose of this Small Business Impact Form is to provide a framework pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting public workshops by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: Temporary amendments to NAC 581 and 582

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business? No

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

3. If **YES** to either of questions 1& 2, the following action must be taken:
 - a. Was a small business impact statement prepared and was it available at the public workshop?
 - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

Part 2

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects
 - b. Both direct and indirect effects

3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
 - a. Simplification of the proposed regulation.
 - b. Establishment of different standards of compliance for a small business.
 - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.

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

5. If this regulation provides for 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.

6. If the proposed regulation includes provisions that duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.