

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agro Consumer Services
Division of Weights and Measures**

Metrology Laboratory Fee Structure
(LAC 7:XXXV.125)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Agriculture and Forestry (“Department”), through the Office of Agro-Consumer Services, Division of Weights and Measures, intends to amend LAC 7:XXXV.125. This proposed amendment increases the fees which the metrology laboratory may charge for tolerance testing of weights up to and including 10 pounds and for weights over ten pounds and up to and including 100 pounds. It also institutes a fee of \$10 per weight for adjusting weights that are found to be out of tolerance.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 1. Weights and Measures

§125. Metrology Laboratory Fee Structure

A. Fees for the tolerance testing of weights shall be as follows.

	Class F	Class P
1. Weights up to and including 10 pounds or 5 kilograms	\$7	\$9
2. Weights over 10 pounds or 5 kilograms and including 100 pounds or 60 kilograms	\$10	\$15
3. Weights over 100 pounds or 60 kilograms and including 1000 pounds or 500 kilograms	\$25	\$50
4. Weights over 1000 pounds or 500 kilograms	\$50	\$75

B. Any tolerance adjustment will be charged an additional fee of \$10 per weight.

C. Fees for mass calibration with report of calibration stating corrections and uncertainties shall be as follows.

1. Weights up to and including 3 kilograms or 5 pounds	\$25
2. Weights over 3 kilograms or 5 pounds and including 30 kilograms or 50 pounds	\$50

D All tape certification, volumetric testing and calibration or special tests not listed in the fee schedule shall be performed at a rate of \$30 per hour.

E. Incurred costs for return shipment shall be assessed when applicable.

F. The registration fee for each location utilizing scanning devices shall be as follows.

Category	Number of Point-of-Sale Devices	Fee
A	1 to 10	\$50
B	11 to 25	\$100
C	Over 25	\$150

G. The annual fee for registration of taxi meters is \$50.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, 3:4622.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), amended LR 23:857 (July 1997), LR 30:1142 (June 2004); LR 42:

Family Impact Statement

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Statement

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Dr. Steven O. Sessums, Director of the Division of Weights and Measures, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 5000, Baton Rouge, LA 70806 and must be received no later than 4 p.m. on the 4th day of January 2016. No preamble is available.

Mike Strain, DVM
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Metrology Laboratory Fee Structure**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will have no fiscal impact to the state or local governmental units other than the cost of promulgation for FY 16.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed increase of \$5 for tolerance tests on weights of 100 lbs. or less will result in an increase of approximately \$23,095 collected by the department annually. LDAF collected \$21,813 from performing tolerance tests for weights 100 lbs. and under in FY 15. The proposed rule also adds a \$10 fee to perform tolerance adjustments of weights, which will result in increased annual revenue of approximately \$19,220. LDAF does not currently charge for weight tolerance adjustments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule increases costs for persons who use the services of the metrology lab such as commercial scale companies and fuel pump service companies. This rule increases the fees for tolerance testing of weights by \$5 in Classes F and P for weights up to 100 lbs. The proposed rule also charges \$10 per weight to make tolerance adjustments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of the proposed rule will have no effect on employment or competition.

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Staff Director
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