

NOTICE OF INTENT
Department of Agriculture and Forestry
Office of Agro-Consumer Services

Weights and Measures
(LAC 7:XXXV.125)

In accordance with the Administrative Procedure Act, R.S. 49:950, *et seq.*, and pursuant to the authority set forth in R.S. 3:4622(4), notice is hereby given that the Department of Agriculture and Forestry (“Department”) and the Weights and Measures Commission intends to adopt the rule change set forth below by amending LAC 7:XXXV.125. This amendment deletes the tiered fee structure for registration of mass flow meters, which was based on internal tube diameter, and replaces said schedule with a flat, per device fee. This change will result in an increased fee that is aligned with various factors including, but not limited to, the time it takes to conduct inspections, average employee salaries and benefits, as well as equipment variables such as fuel and maintenance.

Title 7
AGRICULTURE AND ANIMALS
Part XXXV. Agro-Consumer Services
Chapter 1. Weights and Measures

§125. Weights and Measures Fee Structure

A.-G. ...

H. The annual fee for registration of mass flow meters will be ~~based on the internal diameter of the meter tube~~ **\$250 per device.**

Class	Internal Tube Diameter	Fee
1	Less than 2 inches	\$80
2	2 inches or greater	\$185

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608 and 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 42:218 (February 2016), LR 42:1649 (October 2016). LR 47:

Family Impact Statement

The proposed Rule should 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 should 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 Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

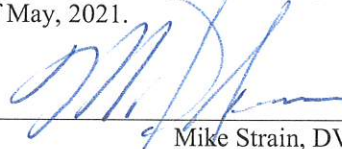
Provider Impact Statement

The proposed Rule should 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 Paul Floyd, Weights and Measures Program, Department of Agriculture and Forestry, 5825 Florida Boulevard, Suite 5000, Baton Rouge, Louisiana, 70806, and must be received by no later than 4:00 p.m. on the 10th day of May, 2021.



Mike Strain, DVM

Commissioner of Agriculture and Forestry

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

The proposed rule change increases costs from the Weights and Measures Fund by \$7,500 per year. The proposed rule change deletes the current tiered fee structure for mass flow meters registration and replaces it with a flat per device fee of \$250. Under the proposed rule change, the current annual registration fee for mass flow meters in Class 1 will increase by \$170 from \$80 to \$250 and Class 2 will increase by \$65 from \$185 to \$250. The current fees collected from the registration of mass flow meters do not cover the cost of testing and certifying mass flow meters incurred by the Weights and Measures Division within the Louisiana Department of Agriculture and Forestry (LDAF). The proposed rule change will help to recover the costs of testing and certifying these devices.

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

The proposed rule change is anticipated to result in increased annual collections of \$7,500 in the Weights and Measures Fund. There are approximately 100 of these commercial meters in Louisiana. The cost estimate for certifying a mass flow meter is \$252 (1 Inspector position in the Weights and Measures Division at an average salary of \$42/hour for 6 hours). Currently, the department collects a maximum fee of \$185 per meter, which is only 73% of the cost of the inspection. An increase to \$250 per meter will cover the cost of inspection; thereby increasing revenue collections by \$7,500 (\$65 increase from the maximum fee of \$185 to \$250 x 100 meters).

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

The proposed rule change is anticipated to increase annual registration costs by \$65 per commercial meter and \$185 per mass flow meter (typically chemical and petroleum industries), which is estimated to be an overall increase of \$7,500 annually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to effect competition or employment.