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SB 485 (BDR 51-565) NRS 581-582

Thank you Mr. Chairman and members of the committee for this opportunity to present SB485.

SB485 is the Weights and Measures bill that modernizes the language of NRS 581 and 582 to meet current national standards and other states law. This bill will allow the state sealer to stay current with test methods and procedures through NAC 581 and 582. The language allows interstate commerce to be uniform among the states and allows manufactures to manufacture and package products in a single uniform method. Currently Milk and bread are 2 examples where we have differences from California and other western states.

A significant change in the method of collecting fees is in the bill. Currently there is a test fee for each commercial device; it is proposed to change the test fee to a license fee. The fee values will remain the same, so there is not an impact on business, until the board of agriculture deems an increase is needed. The test fee creates cash flow problems at the end of each fiscal year. Late payers and timing causes the collection of the fees to arrive after the fiscal year closes causing the division to pay bills late and reimburse employees late. The license fee will allow us to collect the fee at the beginning of the year and establish our operating dollars for the year. Based on the executive audit 02-06 it has been recommended that the division test commercial devices on a statistical basis. This method will keep consumer confidence high and it will also allow the division to hire inspectors at a slower rate compared to growth demands.

Authorization for increased consumer protection is in this bill in the form of shelf pricing, dates coding, and other label requirements. Typically these requirements are already an industry practice and these requirements put all businesses on an even playing field.

There have been 3 amendments to this bill: one is for clarification by removing the word to; the second is for a technical correction, it corrects the NRS chapters the State sealer is responsible for; the third was a request from Senator Carlton to keep standard sizes for milk products. The Dairy Commission and Weights and Measures support the Senators amendment and feel it has minimal impact on the language of the bill and may be a positive for consumers.

There may be some concern with the special police powers in section 15 (2). This section authorizes the State Sealer to arrest without warrant any person who violates a provision of this Chapter. This language is a part of the National Institute of Standards and Technology Model Law (NIST). Weights and Measures has historically been authorized to enter commercial business, stop and inspect vehicles, issue stop-use and hold orders, and seize incorrect

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weighing and measuring devices. The special police power strengthens the ability of an inspector to perform these duties, having the authority and not using it helps to get compliance. 45 States have adopted the model law as the basis of there law. The Board of Agriculture stresses that compliance is the main objective of the Department and that our Statutes should be written in order to gain compliance. Unless there is an extreme case it would be negligent for the division to use the authority to arrest someone.

I would like to highlight section 67 of this bill. This section creates the Division of Measurement Standards, and that the Division shall administer Chapters 581, 582, 590. This was a section amended by the Senate to correct the chapter authority. The Division consists of the Bureau of Weights and Measures and the Bureau of Fuels Technology. Weights and measures (W&M) is an important consumer and business protection agency, many states have it elevated to a Department because of its importance. W&M acts as a referee or middleman to ensure that what you buy is full measure and at the same time protects the business from giving away product. As an example W&M tests gasoline pumps for accuracy and proper labeling, our seal assures the public that they are not being cheated at the pump at the same time the station owner is not giving away product. The devices W&M tests are the devices used by everyone when they buy groceries, or gasoline. Nearly all commodities are weighed, measured or counted; W&M makes sure that it's done fairly. The laws and regulations are designed to ensure equity in the marketplace. The Fuel Laboratory ensures that the quality and grade of your fuel is what you purchased, it also tests gasoline to make sure that it will not adversely impact air quality. Washoe and Clark Counties use the lab to test fuel for compliance to their requirements.

Mr. Chairman, I'm prepared to answer any questions you have.

Amendment 1: Section 57

17-25 **Sec. 57.** *The Director may~~[-to]~~ apply to a court of competent*
17-26 *jurisdiction for a restraining order, or a temporary or permanent*
17-27 *injunction, restraining a person from violating any provision of*
17-28 *this chapter or any regulation adopted pursuant thereto.*

Rational: Remove the word to in order to clean up the language.

Amendment 2: Section 67.2

21-30 **2.** *The Division of Measurement Standards shall administer*
21-31 *and enforce the provisions of chapters 581 and 582 of NRS and*
21-32 *NRS 590.010 to ~~[590.330]~~ 590.450, inclusive.*

Rational: Traditionally the state sealer is responsible for NRS 590.010 to NRS 590.450. An error was made in the draft and omitted some sections. NRS 590.400 states that the state sealer is responsible for NRS 590.010 to 590.450.

Amendment 3: Section 68

21-33 **Sec. 68.** NRS 581.004, 581.005, 581.055, 581.060, 581.070,
21-34 581.080, 581.090, 581.104, 581.105, 581.110, 581.120, 581.140,
21-35 581.150, 581.160, 581.170, 581.180, 581.190, 581.200, 581.210,
21-36 581.220, 581.230, 581.240, 581.250, 581.260, 581.270, 581.280,
21-37 581.290, 581.300, 581.303, 581.307, 581.310, ~~[581.320]~~, 581.330,
21-38 581.340, 581.350, 581.360, 581.370, 581.380, 581.390, 581.400,
21-39 581.405, 581.410, 581.420, 581.430, 581.440, 581.450, 581.460,
21-40 582.010, 582.050, 582.060, 582.080, 582.090, 582.100, 582.105,
21-41 582.110, 582.120, 582.130, 582.140, 582.150, 582.160, 582.170 and
21-42 582.180 are hereby repealed

22-18 **LEADLINES OF REPEALED SECTIONS**

23-37 ~~[581.320 Fluid dairy products: Packages for retail sale;~~
23-38 ~~marking of containers.]~~

Rational: Senator Carlton in order to protect consumers from confusing labeling on milk would like to retain NRS 581.320. This change will only affect milk and has no other impact on the bill.