

Minnesota Attorney General: Administrative Rules Proceedings

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SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: RAY BOHN, Director
Department of Public Service

DATE: 10-11-85

ATTN: LINDA CLOSE
Special Assistant Attorney General

FROM: J. MICHAEL MILES
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Repeal, Amendment and Adoption of Rules of the State Department of Public Service Governing Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices and Governing Inspection Fees

Adoption of Rules of the State Department of Public Safety Governing School Safety Patrol Procedures at Street Crossings

The above-referenced rule has been approved as to its legality by the Attorney General on October 9, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JMM:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

ST. PAUL 55155

ADDRESS REPLY TO:
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155
TELEPHONE: (612) 297-2040

September 19, 1985

M. Michael Miles, Esq.
Assistant Attorney General
Attorney General's Office
204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Re: Proposed Rules of the Minnesota Department of Public Service Governing Scale Standards and Inspection Fees

Dear Mr. Miles:

Enclosed for your review under Minn. Stat. § 14.26 (1984) are the following documents regarding the above-captioned rules:

- notice of intent to solicit outside opinion on the portion of the rule regarding pitless scales, together with material received by the department;
- the rules as adopted - four copies (no changes have been made to the rules as proposed);
- the order adopting the rules;
- the order for notice of intent to adopt without public hearing;
- the notice of intent to adopt without public hearing;
- the affidavit of mailing of notice;
- the mailing list certificate;
- the rules as proposed - a copy of the relevant pages of the State Register is provided;
- three statements of need and reasonableness; each statement regards one portion of this three - part rule;
- the comments on the rules received by the

agency; all comments are forwarded including those received after the comment period; indexes are provided for those received before and after the comment period;

- the certificate of compliance with rulemaking procedures.

The following documents are not included, for the reasons stated with each:

- a certificate of board's adopting resolution - no board is involved;

- a certificate of board's authorizing resolution - no board is involved;

- any findings of fact and conclusions supporting changes to the proposed rules - no changes were made to the proposed rules;

- a petition for adoption - no petition was received by the agency;

- an affidavit of mailing notice of submission to the Attorney General or the notice of submission - no requests for notification were received by the agency.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

Linda F. Close

LINDA F. CLOSE
Deputy Attorney General

Telephone: (612) 296-2731

LFC:bjg
Enclosure

cc: Mr. Michael Blacik
Regional Supervisor
Weights and Measures Division

Our File No. 1822

05-0009-0730

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-25
DATE FOR REVIEW 10-4
DATE DUE 10-9

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 10/9/85 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 10-11-85 Revisor approved 9/25/85
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 9.13.85. Date

✓ Notice of Intent to Solicit Outside Opinion SR. 2 4.85 + Comments

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency contains small biz statement

✓ Affidavit of Mailing Notice or rulemaking to created list
7.29.85 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
7.29.85 At least 30/20 days prior to hearing/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

Agency's Findings of Fact

LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statements of Need and Reasonableness (3 different ones)
include small biz statement + DOF approval of fees

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

AG copy

Department of Public Service
Weights and Measures Division

Adopted Rules Governing Scale Standards and Inspection Fees

Rules as Adopted

7600.6800 NBS HANDBOOK 44 INCORPORATED BY REFERENCE.

NBS Handbook 44 1985, Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices, as adopted by the 69th National Conference on Weights and Measures and published by the United States Department of Commerce, National Bureau of Standards, (Washington, D.C., Nov. 1984) is incorporated by reference subject to the following exceptions:

A. If NBS Handbook 44 1985 contains any provisions contrary to the laws of Minnesota or the rules of the Minnesota Department of Public Service, Minnesota law and department rule govern.

B. The final sentence of NBS Handbook 44 1985, section 2 (scale code), specification S.1.8.3., is deleted.

NBS Handbook 44 is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota and is not subject to frequent change.

7600.7200 ANIMAL AND LIVESTOCK SCALE.

Subpart 1. **Tolerances.** The basic maintenance tolerance is one pound per 1,000 pounds of test load (0.1 percent). The acceptance tolerance is one-half of the basic maintenance tolerance.

Subp. 2. **Shift test tolerance.** A shift test must be conducted on animal and livestock scales. The maximum test load is one-fourth of the scale capacity. A scale may be approved if the sum of the indicated errors for two load-bearing readings in the same section is within tolerance.

Subp. 3. **Section, defined.** "Section" means a pair of main load-bearing points arranged so that the vertical plane passing through the centers of both points is perpendicular to the

longitudinal axis of the scale platform.

7600.7210 SCALES, SENSITIVITY REQUIREMENT.

For a scale not equipped with a balance indicator, but with a minimum graduated interval less than ten pounds, the sensitivity requirement is three times the value of the minimum graduated interval or 15 pounds, whichever is less.

7600.7500 VEHICLE AND LIVESTOCK SCALE APPROACHES.

Subpart 1. **Before January 1, 1986.** A vehicle scale shall have at least 12 feet or a distance equal to one-third of the deck length, whichever is greater, of straight hard surface driveway on either end of the scale not over one-third inch per foot out of level of platform. The first six feet on both ends shall be constructed of reinforced concrete.

Subp. 2. **After December 31, 1985.** For vehicle and livestock scales installed after December 31, 1985, each end of the scale must have a straight, paved approach which meets the following requirements:

A. Approaches must be at least as wide as the scale platform and at least ten feet long or one-third of the scale platform length, whichever is greater.

B. The first ten feet of each approach must be a reinforced concrete approach panel, one end of which rests on an extension of the scale foundation end wall. The remaining length of each approach may be concrete or asphalt.

C. Approaches should be sloped down from the scale platform. Maximum slope allowed is one-third inch per foot. Approaches must not be sloped up from the scale platform.

D. For above-ground scales, the foundation end walls must have wing wall extensions or the sides of the approaches must be paved so that fill material cannot fall under the scale platform.

7600.7700 SUBMISSION OF PLANS.

Subpart 1. **Scales installed by buyer.** For scales needing assembly or foundation construction by the buyer, the manufacturer must provide to the buyer complete plans, drawings,

and instructions for assembling and installing the scale and for building the foundation. If potential rule violations are anticipated, the Weights and Measures Division may require the buyer to submit plans to the division before construction.

Subp. 2. **Above-ground vehicle and livestock scales.** The buyer of an above-ground vehicle or livestock scale must submit complete plans and drawings of the scale and foundation to the Weights and Measures Division before installation of the scale. The drawings must show the existing grade level at the scale site. The division shall approve scales for commercial use only if the plans comply with the requirements of this chapter or if a variance is issued under the requirements of part 7600.9800.

7600.7750 PROTECTION FROM ENVIRONMENT.

Subpart 1. **Outdoor scales.** The Weights and Measures Division shall require special environmental protection for an outdoor scale if the division finds that the scale is adversely affected by weather or other environmental factors. Environmental protection includes:

A. belting or other suitable material to cover the clearance around the scale platorm;

B. wind skirts, wind walls, or effective foundation heating for above-ground scales;

C. an improved drainage system or sump pump for pit-type scales;

D. special shielding or weatherproofing of the scale indicator;

E. a complete building to protect the scale from the weather;

F. modifications, shielding, and other special measures to protect electronic scales from radio frequency interference and electromagnetic interference.

Subp. 2. **Fertilizer scales.** Hopper, tank, and mixer scales used for weighing dry or liquid bulk fertilizer must be completely enclosed in a building.

7600.7900 SCALE PITS.

Subpart 1. **Generally.** Vehicle and livestock scales installed after December 31, 1985, must be installed on a reinforced, poured concrete foundation. Scales may be installed in a pit or on a slab above grade level. In either case, the foundation footings must extend below the local frost line. The foundation must be designed to support the weight of the scale and the anticipated maximum load on the scale without significant settling or cracking. Weighing element stands or bases must be securely bolted to the foundation. Space between a stand or base and the foundation must be filled with nonshrinking grout.

Subp. 2. **Pit-type scale foundation.** A pit-type vehicle or livestock scale foundation must meet the following requirements:

A. The walls, floors, footings, and weighing element support piers must be reinforced, poured concrete.

B. The clearance between the bottom of the weighbridge or other main structural member and the surface of the pit floor must be at least 48 inches.

C. For outdoor scales, the pit floor must have an effective drain system so that the pit floor remains reasonably dry and clean.

D. For outdoor scales, the tops of the pit walls must be above the existing grade level so that water will drain away from the scale.

Subp. 3. **Above-ground scale foundation.** An above-ground vehicle or livestock scale foundation must meet the following requirements:

A. The slab foundation must be poured integrally or interlocked with piers located directly below the scale load-bearing points.

B. The foundation must have end walls to prevent fill material from interfering with scale operation.

C. Where platform construction techniques allow, the surface of the foundation slab must be sloped down from the longitudinal centerline to each side to prevent dirt accumulation under the platform.

D. The clearance between the bottom of the weighbridge or other main structural member and the slab surface must be at least six inches for vehicle scales and at least 12 inches for livestock scales.

E. The scale platform, structural members, and foundation surfaces must be designed to allow access for cleaning under the scale platform and around all weighing elements.

F. For outdoor scales, the entire slab surface must be above the existing grade level so that water will drain away from the scale.

G. An effective heating system must be installed in the slab to prevent ice and snow accumulation under the platform and on the end walls.

H. An above-ground scale must be installed on a foundation slab above the existing grade level or in a pit which conforms to the requirements of subpart 2. Other methods of installation will not be approved.

7650.0100 INSPECTION FEES.

Subpart 1. **Generally.** The Weights and Measures Division of the Department of Public Service shall charge the following fees for all regular and special inspections as required by Minnesota Statutes, sections 239.10 and 239.52:

A. For scales classified by capacity;

(1) $11 for scales up to and including six pounds capacity;

(2) $12 for scales of seven pounds capacity up to and including 250 pounds capacity;

(3) $20 for scales of 251 pounds capacity up to and including 1,100 pounds capacity;

(4) $45 for scales of 1,101 pounds capacity up to and including 2,000 pounds capacity;

(5) $50 for scales of 2,001 pounds capacity up to and including 4,000 pounds capacity;

(6) $100 for scales of 4,001 pounds capacity up to and including 6,000 pounds capacity; and

(7) $115 for scales of 6,001 pounds capacity up to and including 10,000 pounds capacity.

B. For specific classes of scales;

(1) $130 for a two-section vehicle scale;

(2) $160 for a three-section vehicle scale;

(3) $175 for a four-section vehicle scale;

(4) $185 for a five-section vehicle scale;

(5) $275 for a railroad track scale;

(6) $200 for a heavy capacity hopper scale located at a terminal grain elevator;

(7) $115 for a fertilizer hopper scale;

(8) $125 for a livestock scale;

(9) $70 for a wheel load weigher used for law enforcement purposes; and

(10) $55 for a jeweler's, pharmaceutical, or analytical balance.

C. For liquid measuring devices;

(1) $45 for agricultural chemical meters and petroleum bulk meters used to measure petroleum products for which the petroleum inspection fee required by Minnesota Statutes, section 296.13 has not been paid; and

(2) $55 for a liquified petroleum gas meter or stationary dispenser of liquified petroleum gas.

D. For a linear measuring machine, $15.

E. For issuance or renewal of a placing-in-service permit, $50. This fee includes administrative costs, supplies to registered agents, and 20 minutes of equipment calibration time. When calibration costs exceed this limit, the regular laboratory calibration rate will be charged.

Subp. 2. **Other rates.** The fees in subpart 1 are based on the average amount of time required for an individual inspection and test. This average includes travel, equipment, and administrative costs. For a nonroutine inspection and test, or when a device is not specified in subpart 1, the inspector shall calculate the total charge based on the following hourly rates:

A. $50 for one inspector and appropriate test

equipment designated for light capacity scale and volumetric equipment testing;

B. $65 for one inspector and appropriate test equipment designated for heavy capacity scale testing; and

C. $75 for laboratory calibration time.

REPEALER. Minnesota Rules, part 7600.8000, is repealed.

EFFECTIVE DATE. Minnesota Rules, part 7600.6800, as amended by these rules, is effective January 1, 1986.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 1 1 1985
Joan Anderson Growe
Secretary of State

2:25PM

APPROVED AS TO FORM AND LEGALITY.

10/9 1985

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

Rules as Proposed

7600.6800 ~~PROMULGATION OF EXISTING CODE~~ NBS HANDBOOK 44 INCORPORATED BY REFERENCE.

~~Excepting the requirements of the final sentence in Scales, S.1.6.3. (Customer's Indications) and as set forth in parts 7600.6900 to 7600.7100, the specifications, tolerances, and other technical standards for commercial weighing and measuring devices as prescribed by the National Conference on Weights and Measures and published in the National Bureau of Standards~~ NBS Handbook 44 1985, ~~4th Edition, 1976, are adopted by reference as the standards of the state of Minnesota for such devices. However, if Handbook 44 contains provisions contrary to the laws of Minnesota or the rules of the Minnesota Public Utilities Commission, Minnesota law, or Public Utilities Commission rule shall govern.~~ Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices, as adopted by the 69th National Conference on Weights and Measures and published by the United States Department of Commerce, National Bureau of Standards, (Washington, D.C., Nov. 1984) is incorporated by reference subject to the following exceptions:

A. If NBS Handbook 44 1985 contains any provisions contrary to the laws of Minnesota or the rules of the Minnesota Department of Public Service, Minnesota law and department rule govern.

B. The final sentence of NBS Handbook 44 1985, section 2 (scale code), specification S.1.8.3., is deleted.

NBS Handbook 44 is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota and is not subject to frequent change.

7600.7200 ANIMAL AND LIVESTOCK SCALE.

Subpart 1. **Tolerances.** The basic maintenance tolerance ~~shall be~~ is one pound per 1,000 pounds of test load (0.1 percent). The acceptance tolerance ~~shall be~~ is one-half of the basic maintenance tolerance.

Subp. 2. **Shift test tolerance.** A shift test must be

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conducted on animal and livestock scales. The maximum test load is one-fourth of the scale capacity. A scale may be approved if the sum of the indicated errors for two load-bearing readings in the same section is within tolerance.

Subp. 3. **Section, defined.** "Section" means a pair of main load-bearing points arranged so that the vertical plane passing through the centers of both points is perpendicular to the longitudinal axis of the scale platform.

7600.7210 SCALES, SENSITIVITY REQUIREMENT.

For a scale not equipped with a balance indicator, but with a minimum graduated interval less than ten pounds, the sensitivity requirement is three times the value of the minimum graduated interval or 15 pounds, whichever is less.

7600.7500 VEHICLE AND LIVESTOCK SCALE APPROACHES.

Subpart 1. **Before January 1, 1986.** A vehicle scale shall have at least 12 feet or a distance equal to one-third of the deck length, whichever is greater, of straight hard surface driveway on either end of the scale not over one-third inch per foot out of level of platform. The first six feet on both ends shall be constructed of reinforced concrete.

Subp. 2. **After December 31, 1985.** For vehicle and livestock scales installed after December 31, 1985, each end of the scale must have a straight, paved approach which meets the following requirements:

A. Approaches must be at least as wide as the scale platform and at least ten feet long or one-third of the scale platform length, whichever is greater.

B. The first ten feet of each approach must be a reinforced concrete approach panel, one end of which rests on an extension of the scale foundation end wall. The remaining length of each approach may be concrete or asphalt.

C. Approaches should be sloped down from the scale platform. Maximum slope allowed is one-third inch per foot. Approaches must not be sloped up from the scale platform.

D. For above-ground scales, the foundation end walls

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must have wing wall extensions or the sides of the approaches must be paved so that fill material cannot fall under the scale platform.

7600.7700 SUBMISSION OF PLANS.

Subpart 1. **Scales installed by buyer.** For scales needing assembly or foundation construction by the buyer, the manufacturer ~~shall furnish to the purchaser plans of design showing detailed dimensions for all scale parts and the material of which they are to be fabricated; also assembly plans showing location of all field connections and all information necessary for the purchaser to erect the scale. If it is so deemed necessary by the Weights and Measures Division the purchaser may be required to submit to said department for approval the foregoing plans, together with his detailed plans for the construction and location of the scale to be installed, including the foundation thereof~~ must provide to the buyer complete plans, drawings, and instructions for assembling and installing the scale and for building the foundation. If potential rule violations are anticipated, the Weights and Measures Division may require the buyer to submit plans to the division before construction.

Subp. 2. **Above-ground vehicle and livestock scales.** The buyer of an above-ground vehicle or livestock scale must submit complete plans and drawings of the scale and foundation to the Weights and Measures Division before installation of the scale. The drawings must show the existing grade level at the scale site. The division shall approve scales for commercial use only if the plans comply with the requirements of this chapter or if a variance is issued under the requirements of part 7600.9800.

7600.7750 PROTECTION FROM ENVIRONMENT.

Subpart 1. **Outdoor scales.** The Weights and Measures Division shall require special environmental protection for an outdoor scale if the division finds that the scale is adversely affected by weather or other environmental factors. Environmental protection includes:

A. belting or other suitable material to cover the clearance around the scale platorm;

B. wind skirts, wind walls, or effective foundation heating for above-ground scales;

C. an improved drainage system or sump pump for pit-type scales;

D. special shielding or weatherproofing of the scale indicator;

E. a complete building to protect the scale from the weather;

F. modifications, shielding, and other special measures to protect electronic scales from radio frequency interference and electromagnetic interference.

Subp. 2. **Fertilizer scales.** Hopper, tank, and mixer scales used for weighing dry or liquid bulk fertilizer must be completely enclosed in a building.

7600.7900 SCALE PITS.

Subpart 1. **Generally.** ~~The scale pits on all motor~~ Vehicle and livestock scales ~~shall have 48 inch minimum distance between the weighbridge I beam and the floor of the pit~~ installed after December 31, 1985, must be installed on a reinforced, poured concrete foundation. Scales may be installed in a pit or on a slab above grade level. In either case, the foundation footings must extend below the local frost line. The foundation must be designed to support the weight of the scale and the anticipated maximum load on the scale without significant settling or cracking. Weighing element stands or bases must be securely bolted to the foundation. Space between a stand or base and the foundation must be filled with nonshrinking grout.

Subp. 2. **Pit-type scale foundation.** A pit-type vehicle or livestock scale foundation must meet the following requirements:

A. The walls, floors, footings, and weighing element support piers must be reinforced, poured concrete.

B. The clearance between the bottom of the weighbridge or other main structural member and the surface of the pit floor must be at least 48 inches.

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C. For outdoor scales, the pit floor must have an effective drain system so that the pit floor remains reasonably dry and clean.

D. For outdoor scales, the tops of the pit walls must be above the existing grade level so that water will drain away from the scale.

Subp. 3. **Above-ground scale foundation.** An above-ground vehicle or livestock scale foundation must meet the following requirements:

A. The slab foundation must be poured integrally or interlocked with piers located directly below the scale load-bearing points.

B. The foundation must have end walls to prevent fill material from interfering with scale operation.

C. Where platform construction techniques allow, the surface of the foundation slab must be sloped down from the longitudinal centerline to each side to prevent dirt accumulation under the platform.

D. The clearance between the bottom of the weighbridge or other main structural member and the slab surface must be at least six inches for vehicle scales and at least 12 inches for livestock scales.

E. The scale platform, structural members, and foundation surfaces must be designed to allow access for cleaning under the scale platform and around all weighing elements.

F. For outdoor scales, the entire slab surface must be above the existing grade level so that water will drain away from the scale.

G. An effective heating system must be installed in the slab to prevent ice and snow accumulation under the platform and on the end walls.

H. An above-ground scale must be installed on a foundation slab above the existing grade level or in a pit which conforms to the requirements of subpart 2. Other methods of installation will not be approved.

APPROVED BY THE REVISOR OF STATUTES

7650.0100 INSPECTION FEES.

Subpart 1. **Generally.** The Weights and Measures Division of the Department of Public Service shall charge the following fees for all regular and special inspections as required by Minnesota Statutes, sections 239.10 and 239.52:

A. For ~~small~~ scales classified by capacity;

(1) $11 for scales up to and including six pounds capacity;

(2) $12 for scales of seven pounds capacity up to and including 250 pounds capacity;

~~(2)~~ ~~$18~~ (3) $20 for scales of 251 pounds capacity up to and including ~~1,000~~ 1,100 pounds capacity; ~~and~~

~~(3)~~ ~~$45~~ (4) $45 for scales of ~~1,001~~ 1,101 pounds capacity up to and including ~~4,000~~ 2,000 pounds capacity;

(5) $50 for scales of 2,001 pounds capacity up to and including 4,000 pounds capacity;

(6) $100 for scales of 4,001 pounds capacity up to and including 6,000 pounds capacity; and

(7) $115 for scales of 6,001 pounds capacity up to and including 10,000 pounds capacity.

B. For specific classes of scales;

(1) ~~$120~~ $130 for a two-section vehicle scale;

(2) ~~$150~~ $160 for a three-section vehicle scale;

(3) ~~$165~~ $175 for a four-section vehicle scale;

(4) ~~$175~~ $185 for a five-section vehicle scale;

(5) ~~$250~~ $275 for a railroad track scale;

(6) ~~$180~~ $200 for a heavy capacity hopper scale located at a terminal grain elevator;

(7) ~~$100~~ $115 for a fertilizer~~, grain, or other~~ hopper scale;

(8) ~~$100~~ $125 for a livestock scale;

(9) $60 $70 for a wheel load weigher used for law enforcement purposes; and

(10) $50 $55 for a jeweler's, pharmaceutical, or analytical balance.

C. For liquid measuring devices;

(1) ~~$13 for a petroleum product pump~~ $45 for agricultural chemical meters and petroleum bulk meters used to measure petroleum products for which the petroleum inspection fee required by Minnesota Statutes, section 296.13 has not been paid; and

(2) ~~$40 for a vehicle tank meter or bulk meter;~~ and

~~(3)~~ ~~$50~~ $55 for a liquified petroleum gas meter or stationary dispenser of liquified petroleum gas.

D. For a linear measuring machine, $15.

E. For issuance or renewal of a placing-in-service permit, ~~$40~~ $50. This fee includes administrative costs, supplies to registered agents, and 20 minutes of equipment calibration time. ~~Where~~ When calibration costs exceed this limit, the regular laboratory calibration rate will be charged.

Subp. 2. **Other rates.** The fees in subpart 1 are based on the average amount of time required for an individual inspection and test. This average includes travel, equipment, and administrative costs. For a nonroutine inspection and test, or when a device is not specified in subpart 1, the inspector shall calculate the total charge based on the following hourly rates:

A. ~~$45~~ $50 for one inspector and appropriate test equipment designated for light capacity scale and volumetric equipment testing;

B. ~~$60~~ $65 for one inspector and appropriate test equipment designated for heavy capacity scale testing; and

C. $75 for laboratory calibration time.

REPEALER. Minnesota Rules, part 7600.8000, is repealed.

EFFECTIVE DATE. Minnesota Rules, part 7600.6800, as amended by these rules, is effective January 1, 1986.

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD809

Agency: Department of Public Service

Division: Weights and Measures Division

Agency Contact: Mike Blacik

Minnesota Rules: Parts 7600.6800; 7600.7200; 7600.7210; 7600.7500; 7600.7700; 7600.7750; 7600.7900; and 7650.0100

Title: Proposed Rules Governing Scale Standards and Inspection Fees

Type of Rules: Permanent

Incorporations by Reference:

Rule Number:	Material Incorporated:
7600.6800	NBS Handbook 44 1985

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945
Date: July 12, 1985

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed Adoption, Amendment and Repeal of Rules of the State Department of Public Service Governing Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices, and Governing Inspection Fees.

ORDER ADOPTING

RULES

Notice of the Department's intent to adopt the above entitled rules without a public hearing was published in the State Register on July 29, 1985. No persons have registered their names with the Department for the purpose of receiving notice of proposed rules pursuant to Minn. Stat. § 14.14, subd. 1a (1984 Supp.). In lieu thereof, notice was sent by United States mail to those associations, persons and businesses which are most likely to have an interest in the proposed rules on July 29, 1985

After affording interested persons an opportunity to submit comments for 30 days after notice, receiving fewer than 25 requests for public hearing within the 30-day period, reviewing and considering the comments received, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules of the State Department of Public Service Governing Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices, and Governing Inspection Fees, Minn. Rules parts 7600.6800, 7600.7200, 7600.7210, 7600.7500, 7600.7700, 7600.7750, 7600.7900, 7650.0100 (1985), are adopted, and Minn. Rules part 7600.8000 (1985) is repealed this 13th day of September, 1985 pursuant to authority vested in me by Minn Stat. § 239.06 and 239.10 (1984 Supp.).

STATE OF MINNESOTA

RAY BOHN, Director
MINNESOTA DEPARTMENT OF PUBLIC SERVICE

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed
Adoption, Amendment and Repeal
of Rules of the State
Department of Public Service
Governing Specifications,
Tolerances, and Other Technical
Requirements for Commercial
Weighing and Measuring Devices
and Governing Inspection Fees.

ORDER FOR NOTICE OF
INTENT TO ADOPT RULES
WITHOUT PUBLIC HEARING

IT IS ORDERED this 15th day of July, 1985, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Service, Weights and Measures Division for that purpose and be published in the State Register.

STATE OF MINNESOTA

RAY BOHN, Director of the
MINNESOTA DEPARTMENT OF
PUBLIC SERVICE

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed
Repeal, Amendment and Adoption
of Rules of the State
Department of Public Service
Governing Specifications, Tolerances
and Other Technical Requirements
for Commercial Weighing and
Measuring Devices, and
Governing Inspection Fees.

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Department of Public Service proposes to repeal, amend and adopt the above entitled rules without a public hearing. The Director of the Department has determined that the proposals will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21 to 14.28 (1984), except that pursuant to Minnesota Statutes, Section 16A.128, subd. 2(a) (1984), no public hearing will be held on the portion of these proposed rules pertaining to inspection fees.

This proposed rulemaking contains three distinct sections which relate to Weights and Measures and have been combined to reduce the cost and time involved in the rulemaking process. The three sections are:

1) Part 7600.6800 incorporates NBS Handbook 44, 1985 edition, into Department rules;
2) Parts 7600.7200 to 7600.8000 adopt new requirements to allow commercial use of above ground vehicle and livestock scales, to clarify existing authority for outdoor scales, and to provide some slightly less stringent requirements for old scales.
3) Part 7650.0100 adopts increased inspection fees for commercial weighing and measuring devices.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Comment is encouraged. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Persons submitting comments should identify the portion of the rule addressed, the reason for the comment, and any change proposed. If, during the 30 day period for comments, 25 or more persons submit a written request for public hearing of the proposed rules contained in sections 1 and 2 of this rulemaking, the Department shall proceed to a public hearing as required by Minnesota Statutes, Section 14.14 to 14.20. Because this proposed rulemaking contains three distinct sections, persons requesting a hearing should specify which section or sections they desire to have submitted for public hearing.

Persons who wish to submit comments should submit such comments to:

Michael Blacik
Department of Public Service
Weights and Measures Division
2277 Highway 36
St. Paul, Minnesota 55113
Telephone: 612/341-7200

Authority for the adoption of rules pertaining to the proposed incorporation by reference of NBS Handbook 44, and to the other proposed technical requirements for commercial scales is contained in Minnesota Statutes, Section 239.06 (1984). Authority for the adoption of rules pertaining to inspection fees is contained in Minnesota Statutes, Section 239.10 (1984). Additionally, three separate statements of need and reasonableness that describe the need for and reasonableness of each provision of the proposed rules and identify the data and information relied upon to support the rules have been prepared and are available from Mr. Blacik upon request.

The Department has prepared three Statements of Need and Reasonableness because there are three distinct sections in this proposed rulemaking. Each of the Statements addresses one of the sections listed above. Persons who wish to receive copies of one or more of the Statements of Need and Reasonableness should identify the section or sections of interest to them so that the appropriate Statement or Statements can be sent.

Small Business Considerations in Rulemaking

As required by Minnesota Statutes, Section 14.115, all affected parties are hereby notified that the proposals to repeal, amend and adopt rules will have an impact on small businesses which operate commercial weighing and measuring devices in Minnesota. Owners and operators of small businesses subject to inspection by the Weights and Measures Division should review the proposed rules, including the fees contained in Part 7650.0100, to determine the impact on them. Detailed descriptions of the Department's consideration of the impact of these proposed rules on small businesses are contained in the Statements of Need and Reasonableness which may be obtained by contacting Mr. Blacik.

The proposed incorporation of NBS Handbook 44 in Part 7600.6800 will impact small businesses. The impact is limited because the Department presently enforces an earlier version of the handbook. However, some substantial changes are proposed. The Statement of Need and Reasonableness prepared for this section contains a list of all proposed changes.

The proposed adoption of other technical requirements, in Parts 7600.7200 to 7600.8000, for commercial scales will impact small businesses. Some of the requirements are simple clarifications of existing authority while others provide significant relaxation of some stringent requirements for old scales. Additionally, the proposed requirements for above ground vehicle and livestock scales will provide useful options for small businesses which use such scales.

The proposed adoption of increased inspection fees in Part 7650.0100 will have an impact on all businesses which operate commercial weighing and measuring devices. Fees for inspection of light capacity scales will increase due to the increased costs of travel, fuel, equipment and salaries. Fees for inspection of some heavy capacity scales will increase only slightly because of improvements in productivity. However, livestock scale inspection fees will increase significantly due to increases in many cost factors. Fees for inspection of most petroleum measurement equipment have been eliminated as required by Minnesota Statutes, Sections 239.10 and 296.13. The cost of these inspections will be recovered through the Petroleum Inspection Fee paid to the Department of Revenue by licensed petroleum distributors.

More detailed information about the impact of the fees on small businesses is contained in the rule and in the Statement of Need and Reasonableness.

Adoption of Proposed Rule

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. The Attorney General will also determine whether the record demonstrates a rational basis for the need for and reasonableness of the rules. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Mr. Blacik.

A copy of the proposed rules is attached to this Notice.

The rules will not require the expenditure of monies by local public bodies.

Copies of this Notice and the proposed rules are available and may be obtained by contacting Mr. Blacik.

State of Minnesota

Ray Bohn, Director of the Minnesota
Department of Public Service

In the Matter of the Proposed Adoption, Amendment and Repeal of Rules of the State Department of Public Service Governing Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices, and Governing Inspection Fees.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) SS:
COUNTY OF RAMSEY)

MICHAEL BLACIK, being first duly sworn, deposes and says as follows:

1. That he is a Regional Supervisor of the Minnesota Department of Public Service, Division of Weights and Measures.

2. That he is responsible for the preparation of rules governing specifications, tolerances and other technical requirements for ccmmercial weighing and measuring devices and governing inspection fees.

3. That no persons or associations have registered their names with the Department for the purpose of receiving notice of the proposed adoption of rules by the Division of Weights and Measures.

4. That because no persons or associations have registered, it is impossible to send notice in that fashion.

5. That in order to provide effective notice, he has compiled a list of persons, businesses and associations which represent the businesses subject to the proposed rules, and has attached a copy of that list hereto.

6. That he believes the attached list of persons, businesses and associations fairly and adequately represents those groups most likely to have an interest in the proposed rules, and that the associations are able to communicate with and for affected businesses.

7. That on the 29th day of July, 1985, at the City of Roseville, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the United States mail at said City of Roseville, a copy thereof, postage prepaid, on all the persons on the attached list.

Michael T. Blacik
MICHAEL BLACIK

Subscribed and sworn to before me

this 29th day of July, 1985.

Elizabeth L. Woodhouse
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Mar. 1, 1987

Elizabeth L. Woodhouse
Notary Public

(seal)

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Adoption, Amendment and Repeal
of Rules of the State
Department of Public Service
Governing Specifications,
Tolerances, and Other Technical
Requirements for Commercial
Weighing and Measuring Devices,
and Governing Inspection Fees.

CERTIFICATE

I hereby certify that no persons, associations, or other interested groups have requested, pursuant to Minn. Stat. § 14.14, subd. 1a, that their names be placed on file and maintained by the State Department of Public Service for the purpose of receiving notice of the proposed adoption of rules by the Department, and that as a result, there is no such list of persons, associations, or other interested groups as of 8:00 A.M., this 29th day of July, 1985.

I further certify that I have compiled a list of persons, businesses, and associations which represent persons, associations, and other interested individuals, and that the list is accurate and complete to the best of my knowledge as of 8:00 A.M., this 29th day of July, 1985.

Michael F. Blacik

MICHAEL BLACIK

DEPARTMENT OF PUBLIC SERVICE
WEIGHTS AND MEASURES DIVISION

July 5, 1985

PROPOSED AMENDMENT OF
MCAR 7600.6800 to 7650.0100

SERVICE LIST

PETROLEUM PRODUCTS

Northwest Petroleum Association
2345 Rice Street
St. Paul, MN 55113

Minnesota Petroleum Council
1025 Northern Federal Building
St. Paul, MN 55102

Minnesota Service Station Association
2700 Rice Street
St. Paul, MN 55113

National LP Gas Association
7515 Wayzata Blvd.
Minneapolis, MN 55426

RETAIL

Minnesota Food Retailers Association
555 Wabasha N
St. Paul, MN 55102

Minnesota-Dakota Retail Hardware Assn.
3033 Excelsior Blvd.
Minneapolis, MN 55416

Minnesota Retail Merchants Association
Metro Square Building
St. Paul, MN 55101

AGRICULTURE

Minneapolis Grain Exchange
400 S 4th Street
Minneapolis, MN 55415
Attn: Horton Brooks

Minnesota Plant Food & Chemicals Assn.
1821 University Av.
St. Paul, MN 55104

Minnesota Association of Cooperatives
Hanover Building
480 Cedar Street
St. Paul, MN 55101

Farmers Elevator Association
400 S 4th Street
Minneapolis, MN 55415

Grain Elevator & Processing Society
400 S 4th Street
Minneapolis, MN 55415

Northwest Country Elevator Assn.
400 S 4th Street
Minneapolis, MN 55415

Northwest Terminal Elevator Association
400 S 4th Street
Minneapolis, MN 55415

Terminal Grain Merchants Association
400 S 4th Street
Minneapolis, MN 55415

Minnesota Poultry Industries Association
2950 Metro Drive
Minneapolis, MN 55420

Minnesota Turkey Growers Association
786 Transfer Road
St. Paul, MN 55114

(continued)

TRANSPORTATION

Minnesota Department of Transportation
Finance and Administration Division
Transportation Building
St. Paul, MN 55155

Minnesota Railroads Association
480 Cedar Av.
St. Paul, MN 55101

Department of Public Safety
State Patrol Division
Transportation Building
St. Paul, MN 55155

SCALE MANUFACTURERS ASSOCIATION

Allegany Technology Inc.
Mexico Farms Industrial Park
Cumberland, Maryland 21502

BLH Electronics
42 Fourth Avenue
Waltham, Massachusetts 02254

Cardinal Scale Manufacturing Co
PO Box 151
203 East Daugherty Street
Webb City, Missouri 64870

John Chatillon & Sons, Inc
83-80 Kew Gardens Road
Kew Gardens, New York 11415

The A. H. Emery Company
PO Box 608
70 Pine Street
New Canaan, Connecticut 06840

Fairbanks Weighing Division
Colt Industries
711 East St. Johnsbury Road
St. Johnsbury, Vermont 05819

General Electrodynamics Corp
8000 Calender Road
Arlington, Texas 76017

Hardy Instruments Inc
3565 Corporate Court
San Diego, California 92123

Hobart Corporation
World Headquarters Avenue
Troy, Ohio 45374

Hottinger Baldwin Measurements Inc
PO Box 1500
139 Newbury Street
Framingham, Massachusetts 01701

Interface, Inc.
7401 East Butherus
Scottsdale, Arizona 85260

Loadmaster Scale Manufacturing Div.
Holtgreven Scale & Electronics Corp
420 East Lincoln Street
Findlay, Ohio 45840

Mangood Corporation
676 North St. Clair
Chicago, Illinois 60611

Streeter Richardson
Mangood Corporation
680 Van Houten Avenue
Clifton, New Jersey 07015

Streeter Richardson
Mangood Corporation
155 Wicks Street
Grayslake, Illinois 60030

Masstron Scale, Inc
550 Schrock Road
Columbus, Ohio 43229

Measurement Systems International Inc
12622 Interurban Avenue South
Seattle, Washington 98168

Mettler Instrument Corporation
PO Box 71
Princeton-Highstown Road
Highstown, New Jersey 08520

National Controls Inc
2320 Airport Boulevard
PO Box 1501
Santa Rosa, California 95402

W. C. Dillon & Co
2320 Airport Blvd
PO Box 1501
Santa Rosa, California 95402

Ohaus Scale Corporation
29 Hanover Road
Florham Park, New Jersey 07932

Ormond Electronic Scales
12000 East Rivera Road
Santa Fe Springs, California 90670

Pitney Bowes Inc
380 Main Avenue
Norwalk, Connecticut 06852

Revere Corporation of America
PO Box 56
845 North Colony Road
Wallingford, Connecticut 06492

Sensortronics, Inc
838 East Edna Place
Covina, California 91723

Spinks Scale Company Inc
836 Stewart Avenue, SW
Atlanta, Georgia 30310

Systems Associates, Inc
205 Peterson Road
Libertyville, Illinois 60048

Thurman Scale Company
PO Box 2179
1939 Refugee Road
Columbus, Ohio 43216

Toledo Scale
Division of Reliance Electric Co
PO Box 1705
Columbus, Ohio 43216

Toroid Corporation
PO Box 1435
Huntsville, Alabama 35807

Transducers, Inc
14030 Bolsa Lane
Cerritos, California 90701

Weigh-Tronix, Inc
1000 Armstrong Drive
Industrial Park
Fairmont, Minnesota 56031

MINNESOTA
DEPARTMENT OF PUBLIC SERVICE
WEIGHTS AND MEASURES DIVISION
2277 HIGHWAY 36
SAINT PAUL, MINNESOTA 55113
612-341-7200

PLACING-IN-SERVICE COMPANIES AND AGENTS

July 15, 1985

AMOCO
5001 West 80th Street
Suite 890
Minneapolis, MN 55437

AMOCO
2288 West County Rd C
Roseville, MN 55113

AMOCO
Attn: James Gustafson
4640 West 77th Street
Minneapolis, MN 55426

AMOCO Terminal
Moorhead, MN 56560

AMOCO Terminal
Sauk Centre, MN 56378

AMOCO Terminal
Spring Valley, MN 55975

Dennis Crumb
Rural Rt 6, Box 404
Faribault, MN 55021

Loren Miller
4534 Butternut St. SE
Rochester, MN 55904

G. L. Wood
5869 Viking Boulevard
Wyoming, MN 44092

Danny Salin
209 West Terrace
Duluth, MN 55811

Accurate Scale Service
1859 Ames Avenue
St. Paul, MN 55119

Adams Oil Equipment
Rt. 1, Box 164
Little Falls, MN 56345

Norman Alberico
4432 - 2½ St. NE
Minneapolis, MN 55421

Allstate Cash Register Co.
321 North Front Street
Mankato, MN 56001

Anchor Data Systems
14120 - 23rd Ave North
Minneapolis, MN 55441

Anderson Industrial Scale
Box 249
Nisswau, MN 56468

Arrow Tank & Engineering
8950 Evergreen Blvd.
Coon Rapids, MN 55433

B & D Pump Service Co.
5212 Carson Rd., Rt. 2
Saginaw, MN 55779

B & H Equipment
230 South Victory Drive
Mankato, MN 56001

Badger State Scale Service
3610 Lexington Avenue
Madison, Wisconsin 53714

Gerald Bennett
Route 2
Sauk Rapids, MN 56379

Bennett Petroleum Service
20112 Hillside Drive
Rogers, MN 55374

Larry Bennett Petroleum Serv.
1816 Kim Drive
Sauk Rapids, MN 56379

Berne Scale Company
2206 Edgewood Ave South
St. Louis Park, MN 55426

Bowen Enterprises
2500 Pioneer Road
Red Wing, MN 55066

Broman Oil Company
P.O. Box 758
Willmar, MN 56201

Burlington Northern Rwy.
P.O. Box 64960
St. Paul, MN 55164

Burmeister Scale Company
Box 265
Fulda, MN 56131

C.M.&St.Paul Rwy Co.
640 Washington
Madison, WI 53701

C & V Scale Company
2500 North Cleveland
Suite B North
Roseville, MN 55113

Cash Register, Inc.
P.O. Box 581
West Fargo, No.Dak. 58078

Chicago & N W Rwy.
P.O. Box 201
Mason City, Iowa 50401
ATTN: Robert Mary

CENEX
1185 North Concord
South St. Paul, MN 55075

Chapman Oil Equipment
P.O. Box 942
Detroit Lakes, MN 56501

Henry Chinnock
Box 228, Rt. 3
Isanti, MN 55040

Clark Oil Co.
P.O. Box 597
Menomonee, WI 53224

Gerald Zimmerman
3117 West 85th Street
Bloomington, MN 55431

Robert Streyle
351 - 36th Avenue NW
Rochester, MN 55901

Larry Nemec
600 - 65th Avenue North
Brooklyn Park, MN 55439

Conoco, Inc.
P.O. Box 218
Wrenshall, MN 55795

Cross Country Repair
R.R. #1, Box 140
Cornell, WI 54732

Determans
1241 - 72nd Avenue NE
Minneapolis, MN 55432

Devney's Business Machines
832 North 2nd Street
Mankato, MN 56001

Devney's Business Machines
1741 S.W. 2nd Street
Rochester, MN 55901

Dick's Sales & Service
P.O. Box 428
Grand Rapids, MN 55744

Dockendorf Equipment Co.
830 East 15th Street
Sioux Falls, S.D. 57101

Dorrel-Torsch Sales, Inc.
7607 So. Washington Av
Edina, MN 55435

Duluth Petroleum Products
Box 207
Esko, MN 55733

Erickson Oil Products
509½ Second Street
Hudson, WI 54016

Fairbanks Scale Co.
414 West County Rd D
St. Paul, MN 55112

Fairbanks Scales
8901 "J" Street, #8
Omaha, Nebraska 68127

Favorite Scale Company
1840 Central Avenue NE
Minneapolis, MN 55418

Fleischhaker Scale Service
Box 116
Sisseton, So.Dak. 57262

Floyd's Northwest Oil Equip.
320-13th Street North
Moorhead, MN 56560

Gaffaney's of Fargo
619 First Avenue North
Fargo, North Dakota 58102

Gilbert Gibson
Route 1, Box 150
Luck, Wisconsin 55883

Keith Gosline Pump and
Meter Service
3404 Golf Coarse Road
Grand Rapids, MN 55744

Greenway Coop Service Co.
1740 - 3rd Avenue S.E.
Rochester, MN 55901

Griggs Contracting
2113 Cedar Avenue South
Minneapolis, MN 55404

The Hale Company
1450 West County Rd C
St. Paul, MN 55113

Hansen's Petroleum Service
3661 Morris Thomas Road
Duluth, MN 55810

Heinisch Scale Service
1413 - 2nd Avenue North
Moorhead, MN 56560

Hobart
13800 - 24th Avenue North
Suite 330
Minneapolis, MN 55441

Hobart
202 North Central Avenue
Duluth, MN 55807

Hobart
18 South 14th Street
Box 506
Fargo, No.Dak. 58102

Hobart
ATTN: LeRoy Kallies
2832 South First Street
St. Cloud, MN 56301

Hobart
10 N.W. 7th Street
Rochester, MN 55901

Hobbs, Inc.
2009 - 13th Ave. North
Grand Forks, N.D. 58201

Holiday Station Stores
4567 West 80th Street
Minneapolis, MN 55431

Holly Sales & Service
1815 E. 41st Street
Minneapolis, MN 55407

George A. Hormel Co.
ATTN: Duane Bartholmey
Scale Shop
Austin, MN 55912

Independent Petroleum
Rural Rt. 10, Box 483
Brainerd, MN 56401

International Petroleum
Route 7, Box 758
Int'l Falls, MN 56649

Kennedy Scales, Inc.
P.O. Box 32365
Fridley, MN 55432

Kerrigan Oil Equipment
1925 Hwy 14 East
Rochester, MN 55901

Jim Klamm Meter Repair
Route 2
Osakis, MN 56360

Kleespie Tank & Petrol. Service
Box 106
Morris, MN 56267

William F. Kunde
10941 Russell Ave North
Minneapolis, MN 55431

LaCrosse Scale Service
1303 South 7th Street
LaCrosse, WI 54601

Lange Tank & Maintenance
682 - 39th Ave. N.E.
Columbia Heights, MN 55421

Larry's Repair Service
2350 Gunn Road
Grand Rapids, MN 55744

Larson Repair Service
56 Circle Drive
Circle Pines, MN 55014

S. H. Ley
Petroleum Equipment Repair
P.O. Box 34
Clara City, MN 56222

James Louris Petrol.Equip.
403 Tiell Drive
St.James, MN 56081

Mandeville Company
2800 Washington Ave. No.
Minneapolis, MN 55411

Marco Business Products
P.O. Box 279
St. Cloud, MN 56304

Mason City Scale
P.O. Box 754
Mason City, Iowa 50401

Mesabi Office Equipment
2606 First Avenue
Hibbing, MN 55746

The Measuregraph Co.
4245 Forest Park Blvd.
St. Louis, MO 63108

Midwest Cash Register Co.
1306 Valley High Drive NW
Rochester, MN 55901

Midwest Meter, Inc.
713 First St. N.W.
Hampton, Iowa 50441

Miller & Holmes, Inc.
501 Lafayette Road
St. Paul, MN 55101

Miller Oil Company
1124 Ninth Street
Int'l Falls, MN 56649

Minnesota Petroleum Serv.
5335 University Av N.E.
Fridley, MN 55421

Minnesota-Ohio Oil Co.
14576-21st Avenue No.
Plymouth, MN 55441

NCR Corporation
3300 Fieshtner Drive
Fargo, No.Dak. 58103

NCR Corporation
2101 - 2nd Avenue West
Hibbing, MN 55746

NCR Corporation
2314 Library Circle
Grand Forks, N.D. 58201

NCR Corporation
Field Engineering Div.
2523 Wayzata Blvd.
Minneapolis, MN 55403

NCR Corporation
1302 - 7th St. N.W.
Rochester, MN 55901

NCR Corporation
1700 West Russell
Sioux Falls, So.Dak.

National Semiconductor
3131 Harbor Lane
Suite 102
Plymouth, MN 55441

Nielsen Store Equipment
524 North Snelling
St. Paul, MN 55104

Northcentral Scale
915 St. Clair
St. Paul, MN 55105

Northcountry Business Prod.
Box 306
Bemidji, MN 56601

Northcountry Business Prod.
3225 Miller Trunk Hwy
Duluth, MN 55811

Northcountry Business Prod.
1621 South University Ave.
Suite 211
Fargo, No.Dak. 58103

Northern Propane Gas Co.
P.O. Box 475
Columbus, Nebraska 68601

Northland Equipment
4210 West 2nd Street
Duluth, MN 55807

Northwest Service Station Equipment
2520 Nicollet Avenue
Minneapolis, MN 55404

Nyrah's, Inc.
106 Walnut Street South
LaCrescent, MN 55947

Pyramid Petroleum Corp.
OASIS
3500 West 69th Street
Minneapolis, MN 55435

O'Day Equipment
P.O. Box 2706
Fargo, N.D. 58108

O'Day Equipment
P.O. Box 888
Sioux Falls, S.D. 57101

O'Keefe Petroleum Equip.
Rt. 1, Box 275
Cold Spring, MN 56320

Ottumwa Scale Co.
R.R. 6
Ottumwa, Iowa 52501

PMS Company
P.O. Box 67
Merrifield, MN 56465

Paolo Oil Company
P.O. Box 508
Hibbing, MN 55746

Pester Oil Company
P.O. Box 10006
Des Moines, Iowa 55408

Petroleum Equipment Co.
P.O. Box 519
LaCrosse, WI 54601

Petroleum Equipment Co.
P.O. Box 758
Superior, WI 54880

Petroleum Maintenance
3172 Spruce Street
St. Paul, MN 55117

Petroleum Maintenance
131 Mary Lane
Mankato, MN 56001

Petroleum Service
Box 140, Rural Rt 1
Windom, MN 56101

Pump & Meter Service
1800 - 2nd St. South
Hopkins, MN 55343

R & R Petroleum
P.O. Box 5482
Fargo, No.Dak. 58105

R & V Scale Service
2709 Emiline
Bellevue, Nebraska 68005

Radermacher Equip. Co.
Box 229
Montevideo, MN 56265

Range Petroleum Equip.
Box 1314
Virginia, MN 55792

Rapp Scale Service
P.O. Box 401
Cannon Falls, MN 55009

Red River Scales, Inc.
P.O. Box 157
Sabin, MN 56580

Retail Data Systems
5614 West 36th Street
St. Louis Park, MN 55416

Ritchie Welding & Tank
Rt. 6, Box 245
Alexandria, MN 56308

Rochester Petrol. Equip.
3717 Hwy 63 South
Rochester, MN 55901

Rollies Welding & Tank
Hwy 27 West
Osakis, MN 56360

Rothfork's Truck Stop
Hwy 212 West
Norwood, MN 55368

St. Paul Union Stockyds
South St. Paul, MN 55075

Scale Center, Inc.
2900 West Russell
Sioux Falls, S.D. 57607

Service Oil, Inc.
Box 9
Fargo, N.D. 58107

Sinclair Marketing
6602 Portland Ave South
Minneapolis, MN 55423

Sioux Equipment Co.
1310 E. 39th St. No.
Sioux Falls, S.D. 57104

Siouxland Scale Service
1218 North Lewis Blvd.
Sioux City, Iowa 51105

Frederick H. Smith
3208 East 50th Street
Minneapolis, MN 55417

Solar Fuels & Invest. Co.
9565 Oliver Avenue North
Mpls., MN 55444

Southland Corporation
7841 - 62nd Avenue No.
New Hope, MN 55428

South Side Scale Co.
10650 Brunswick Road
Suite 314
Bloomington, MN 55438

Southern MN Oil Equipment
Route 2, Box 200
Stewartville, MN 55976

Roger Staudacher
311 Davis Street
Detroit Lakes, MN 56501

Stier Welding & Repair
213 South Broadway
Spring Valley, MN 55975

Streeter Richardson
9813 Valley View Road
Eden Prairie, MN 55344

Streeter Amet
155 Wicks Street
Grayslake, IL 60030

Superamerica
1240 West 98th Street
Bloomington, MN 55431

Sweda International
1801 E. 79th Street
Bloomington, MN 55420

T & T Maintenance
P.O. Box 606
St. Bonifacius, MN 55375

Texaco
1700 Stewart Avenue
St. Paul, MN 55102

Thomas & Johnson Scale
230 West Coleman
Rice Lake, WI 54868

Thompson Scale Co.
1308 Hawthorne
Albert Lea, MN 56007

Toledo Scale Company
Retail Division
7216 Boone Ave North
Suite 79
Brooklyn Park, MN 55428

Toledo Scale Company
Industrial Division
3800 Annapolis Lane
Plymouth, MN 55441

Toledo Scale Company
Box 2045
Mankato, MN 56001

Total Petroleum, Inc.
7645 Lyndale South
Richfield, MN 55423

Twin City Scale Co.
3011 East 42nd Street
Minneapolis, MN 55406

John Uhan Company
1319 West 2nd Street
Eveleth, MN 55734

Union Oil Company
747 Sheperd Road
St. Paul, MN 55102

Valley Electric &
Petroleum Equipment
P.O. Box 1355
Grand Forks, N.D. 58206

Valley Scale Service
7021 West Stewart Ave
Wausau, WI 54401

Valley Scale Service
709 Belknap Street
Superior, WI 54880

Vande Berg Scales
P.O. Box 8
Sioux Center, Iowa 51250

Viking Office Supply
614 Broadway
Alexandria, MN 56308

Wayne's Petroleum Service
Box 237
Thief River Falls, MN 56701

Webster Scale Sales & Serv.
Box 127
Webster, South Dak. 57274

Weigh-Rite Scale Company
P.O. Box 12
Baldwin, Wisconsin 54002

Westside Equipment Co.
902B Hwy 55
Medina, MN 55340

Williams Petroleum Service
Box 328, Rural Rt. 6
Bemidji, MN 56601

Williams Brothers Pipeline
2451 W. County Rd C
Roseville, MN 55113

Williams Brothers Pipeline
Alexandria, MN 56308

Williams Brothers Pipeline
Eyota, MN 55934

Williams Brothers Pipeline
Mankato, MN 56001

Williams Brothers Pipeline
Marshall, MN 56258

Willman Sales & Service
2607 Anderson Road
Duluth, MN 55811

Farmstead Foods
P.O. Box 1059
Albert Lea, MN 56007

Winona Pump Company
173 East 8th Street
Winona, MN 55987

Winona Typewriter, Inc.
128 West 2nd Street
Winona, MN 55987

Wisconsin Scale Company
P.O. Box 44
Eau Claire, Wisconsin 54701

Yocoms Food Processing
Box 399
Detroit Lakes, MN 56501

Zahl Equipment
3101 Spring St. N.E.
Minneapolis, MN 55413

Zahl Equipment
1832 North Front Street
Mankato, MN 56001

y 15, 1985

PERSONS AND COMPANIES RESPONDING
TO SOLICITATION OF OUTSIDE OPINION

Dick Bradley
Weightronix Company
1000 Armstrong Drive
Fairmont, MN 56031

AG Processing, Inc.
11235 Davenport Street, Suite 103
Omaha, NB 68145

J. Pidany
Winslow Scale Company
P.O. Box 1523
Terre Haute, IN 47808-1523

Gary B. Sauer
Barton Sand & Gravel
10633 89th Av N
Osseo, MN 55369

James J. Bury
Bury & Carlson, Inc.
6008 Wayzata Blvd.
Minneapolis, MN 55416

Don L. Vande Berg
Bande Berg Scales
770 7th Street NW
Sioux Center, IA 51250

Charles E. Burrill
Hardrives, Inc.
Maple Grove Executive Center
7200 Hemlock Lane N
Minneapolis, MN 55369

David R. Blanski
Midwest Asphalt Corporation
P.O. Box 338
Hopkins, MN 55343

Thomas E. Quirtenmont
Masstron
550 Schrock Road
Columbus, OH 43229

C.D. Bradley
A.H. Emery Company
P.O. Box 608
New Canaan, Connecticut 06840

Jack Johnston
Cargill Grain Research Laboratory
3444 Dight Av S
Minneapolis, MN 55406

Anthony E. Kieger
Total Asphalt
475 W Minnehaha Av
St. Paul, MN 55103

W.G. Miller
H & S Asphalt Company
700 Industry Av NW
Anoka, MN 55303

Blair Bury
Bury Construction
6350 Industrial Drive
Eden Prairie, MN 55344

John V. Hoene
Minnesota Asphalt Pavement Association
555 N Wabasha St
St. Paul, MN 55102

Wm. Terry James, P.E.
Cardinal Scale Manufacturing Company
P.O. Box 151
Webb City, MO 64870

Department of Public Service
Weights and Measures Division

Proposed Rules Governing Scale Standards and Inspection Fees

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Department of Public Service proposes to repeal, amend and adopt the above entitled rules without a public hearing. The Director of the Department has determined that the proposals will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21 to 14.28 (1984), except that pursuant to Minnesota Statutes, Section 16A.128, subd. 2(a) (1984), no public hearing will be held on the portion of these proposed rules pertaining to inspection fees.

This proposed rulemaking contains three distinct sections which relate to Weights and Measures and have been combined to reduce the cost and time involved in the rulemaking process. The three sections are:

1) Part 7600.6800 incorporates NBS Handbook 44, 1985 edition, into Department rules;

2) Parts 7600.7200 to 7600.8000 adopt new requirements to allow commercial use of above ground vehicle and livestock scales, to clarify existing authority for outdoor scales, and to provide some slightly less stringent requirements for old scales.

3) Part 7650.0100 adopts increased inspection fees for commercial weighing and measuring devices.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Comment is encouraged. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Persons submitting comments should identify the portion of the rule addressed, the reason for the comment, and any change proposed. If, during the 30 day period for comments, 25 or more persons submit a written request for public hearing of the proposed rules contained in sections 1 and 2 of this rulemaking, the Department shall proceed to a public hearing as required by Minnesota Statutes, Section 14.14 to 14.20. Because this proposed rulemaking contains three distinct sections, persons requesting a hearing should specify which section or sections they desire to have submitted for public hearing.

Persons who wish to submit comments should submit such comments to:

Michael Blacik
Department of Public Service
Weights and Measures Division
2277 Highway 36
St. Paul, Minnesota 55113
Telephone: 612/341-7200

Authority for the adoption of rules pertaining to the proposed incorporation by reference of NBS Handbook 44, and to the other proposed technical requirements for commercial scales is contained in Minnesota Statutes, Section 239.06 (1984). Authority for the adoption of rules pertaining to inspection fees is contained in Minnesota Statutes, Section 239.10 (1984). Additionally, three separate statements of need and reasonableness that describe the need for and reasonableness of each provision of the proposed rules and identify the data and information relied upon to support the rules have been prepared and are available from Mr. Blacik upon request.

The Department has prepared three Statements of Need and Reasonableness because there are three distinct sections in this proposed rulemaking. Each of the Statements addresses one of the sections listed above. Persons who wish to receive copies of one or more of the Statements of Need and Reasonableness should identify the section or sections of interest to them so that the appropriate Statement or Statements can be sent.

Small Business Considerations in Rulemaking

As required by Minnesota Statutes, Section 14.115, all affected parties are hereby notified that the proposals to repeal, amend and adopt rules will have an impact on small businesses which operate commercial weighing and measuring devices in Minnesota. Owners and operators of small businesses subject to inspection by the Weights and Measures Division should review the proposed

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rules, including the fees contained in Part 7650.0100, to determine the impact on them. Detailed descriptions of the Department's consideration of the impact of these proposed rules on small businesses are contained in the Statement of Need and Reasonableness which may be obtained by contacting Mr. Blacik.

The proposed incorporation of NBS Handbook 44 in Part 7600.6800 will impact small businesses. The impact is limited because the Department presently enforces an earlier version of the handbook. However, some substantial changes are proposed. The Statement of Need and Reasonableness prepared for this section contains a list of all proposed changes.

The proposed adoption of other technical requirements, in Parts 7600.7200 to 7600.8000, for commercial scales will impact small businesses. Some of the requirements are simple clarifications of existing authority while others provide significant relaxation of some stringent requirements for old scales. Additionally, the proposed requirements for above ground vehicle and livestock scales will provide useful options for small businesses which use such scales.

The proposed adoption of increased inspection fees in Part 7650.0100 will have an impact on all businesses which operate commercial weighing and measuring devices. Fees for inspection of light capacity scales will increase due to the increased costs of travel, fuel, equipment and salaries. Fees for inspection of some heavy capacity scales will increase only slightly because of improvements in productivity. However, livestock scale inspection fees will increase significantly due to increases in many cost factors. Fees for inspection of most petroleum measurement equipment have been eliminated as required by Minnesota Statutes, Sections 239.10 and 296.13. The cost of these inspections will be recovered through the Petroleum Inspection Fee paid to the Department of Revenue by licensed petroleum distributors.

More detailed information about the impact of the fees on small businesses is contained in the rule and in the Statement of Need and Reasonableness.

Adoption of Proposed Rule

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. The Attorney General will also determine whether the record demonstrates a rational basis for the need for and reasonableness of the rules. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Mr. Blacik.

A copy of the proposed rules is attached to this notice.

The rules will not require the expenditure of monies by local public bodies.

Copies of this notice and the proposed rules are available and may be obtained by contacting Mr. Blacik.

Ray Bohn, Director
Department of Public Service

Rules as Proposed

7600.6800 ~~PROMULGATION OF EXISTING CODE~~ NBS HANDBOOK 44 INCORPORATED BY REFERENCE.

~~Excepting the requirements of the final sentence in Scales, S.1.6.3. (Customer's Indications) and as set forth in parts 7600.6900 to 7600.7100, the specifications, tolerances, and other technical standards for commercial weighing and measuring devices as prescribed by the National Conference on Weights and Measures and published in the National Bureau of Standards~~ NBS Handbook 44 1985, ~~4th Edition, 1976, are adopted by reference as the standards of the state of Minnesota for such devices. However, if Handbook 44 contains provisions contrary to the laws of Minnesota or the rules of the Minnesota Public Utilities Commission, Minnesota law, or Public Utilities Commission rule shall govern.~~ Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices, as adopted by the 69th National Conference on Weights and Measures and published by the United States Department of Commerce, National Bureau of Standards, (Washington, D.C., Nov. 1984) is incorporated by reference subject to the following exceptions:

A. If NBS Handbook 44 1985 contains any provisions contrary to the laws of Minnesota or the rules of the Minnesota Department of Public Service, Minnesota law and department rule govern.

B. The final sentence of NBS Handbook 44 1985, section 2 (scale code), specification S.1.8.3., is deleted.

NBS Handbook 44 is located at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota and is not subject to frequent change.

7600.7200 ANIMAL AND LIVESTOCK SCALE.

Subpart 1. Tolerances. The basic maintenance tolerance ~~shall be~~ is one pound per 1,000 pounds of test load (0.1 percent). The acceptance tolerance ~~shall be~~ is one-half of the basic maintenance tolerance.

Subp. 2. Shift test tolerance. A shift test must be conducted on animal and livestock scales. The maximum test load is one-fourth of the scale capacity. A scale may be approved if the sum of the indicated errors for two load-bearing readings in the same section is within tolerance.

Subp. 3. Section, defined. "Section" means a pair of main load-bearing points arranged so that the vertical plane passing through the centers of both points is perpendicular to the longitudinal axis of the scale platform.

7600.7210 SCALES, SENSITIVITY REQUIREMENT.

For a scale not equipped with a balance indicator, but with a minimum graduated interval less than ten pounds, the sensitivity requirement is three times the value of the minimum graduated interval or 15 pounds, whichever is less.

7600.7500 VEHICLE AND LIVESTOCK SCALE APPROACHES.

Subpart 1. Before January 1, 1986. A vehicle scale shall have at least 12 feet or a distance equal to one-third of the deck length, whichever is greater, of straight hard surface driveway on either end of the scale not over one-third inch per foot out of level of platform. The first six feet on both ends shall be constructed of reinforced concrete.

Subp. 2. After December 31, 1985. For vehicle and livestock scales installed after December 31, 1985, each end of the scale must have a straight, paved approach which meets the following requirements:

A. Approaches must be at least as wide as the scale platform and at least ten feet long or one-third of the scale platform length, whichever is greater.

B. The first ten feet of each approach must be a reinforced concrete approach panel, one end of which rests on an extension of the scale foundation end wall. The remaining length of each approach may be concrete or asphalt.

C. Approaches should be sloped down from the scale platform. Maximum slope allowed is one-third inch per foot. Approaches must not be sloped up from the scale platform.

D. For above-ground scales, the foundation end walls must have wing wall extensions or the sides of the approaches must be paved so that fill material cannot fall under the scale platform.

7600.7700 SUBMISSION OF PLANS.

Subpart 1. Scales installed by buyer. For scales needing assembly or foundation construction by the buyer, the manufacturer ~~shall furnish to the purchaser plans of design showing detailed dimensions for all scale parts and the material of which they are to be fabricated; also assembly plans showing location of all field connections and all information necessary for the purchaser to erect the scale. If it is so deemed necessary by the Weights and Measures Division the purchaser may be required to submit to said department for approval the foregoing plans, together with his detailed plans for the construction and location of the scale to be installed, including the foundation thereof~~ must provide to the buyer complete plans, drawings, and instructions for assembling and installing the scale and for building the foundation. If potential rule violations are anticipated, the Weights and Measures Division may require the buyer to submit plans to the division before construction.

Subp. 2. Above-ground vehicle and livestock scales. The buyer of an above-ground vehicle or livestock scale must submit complete plans and drawings of the scale and foundation to the Weights and Measures Division before installation of the scale. The drawings must show the existing grade level at the scale site. The division shall approve scales for commercial use only if the plans comply with the requirements of this chapter or if a variance is issued under the requirements of part 7600.9800.

7600.7750 PROTECTION FROM ENVIRONMENT.

Subpart 1. Outdoor scales. The Weights and Measures Division shall require special environmental protection for an outdoor scale if the division finds that the scale is adversely affected by weather or other environmental factors. Environmental protection includes:

A. belting or other suitable material to cover the clearance around the scale platorm;

B. wind skirts, wind walls, or effective foundation heating for above-ground scales;

C. an improved drainage system or sump pump for pit-type scales;

D. special shielding or weatherproofing of the scale indicator;

E. a complete building to protect the scale from the weather;

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F. modifications, shielding, and other special measures to protect electronic scales from radio frequency interference and electromagnetic interference.

Subp. 2. Fertilizer scales. Hopper, tank, and mixer scales used for weighing dry or liquid bulk fertilizer must be completely enclosed in a building.

7600.7900 SCALE PITS.

Subpart 1. Generally. ~~The scale pits on all motor~~ Vehicle and livestock scales ~~shall have 48 inch minimum distance between the weighbridge I beam and the floor of the pit~~ installed after December 31, 1985, must be installed on a reinforced, poured concrete foundation. Scales may be installed in a pit or on a slab above grade level. In either case, the foundation footings must extend below the local frost line. The foundation must be designed to support the weight of the scale and the anticipated maximum load on the scale without significant settling or cracking. Weighing element stands or bases must be securely bolted to the foundation. Space between a stand or base and the foundation must be filled with nonshrinking grout.

Subp. 2. Pit-type scale foundation. A pit-type vehicle or livestock scale foundation must meet the following requirements:

A. The walls, floors, footings, and weighing element support piers must be reinforced, poured concrete.

B. The clearance between the bottom of the weighbridge or other main structural member and the surface of the pit floor must be at least 48 inches.

C. For outdoor scales, the pit floor must have an effective drain system so that the pit floor remains reasonably dry and clean.

D. For outdoor scales, the tops of the pit walls must be above the existing grade level so that water will drain away from the scale.

Subp. 3. Above-ground scale foundation. An above-ground vehicle or livestock scale foundation must meet the following requirements:

A. The slab foundation must be poured integrally or interlocked with piers located directly below the scale load-bearing points.

B. The foundation must have end walls to prevent fill material from interfering with scale operation.

C. Where platform construction techniques allow, the surface of the foundation slab must be sloped down from the longitudinal centerline to each side to prevent dirt accumulation under the platform.

D. The clearance between the bottom of the weighbridge or other main structural member and the slab surface must be at least six inches for vehicle scales and at least 12 inches for livestock scales.

E. The scale platform, structural members, and foundation surfaces must be designed to allow access for cleaning under the scale platform and around all weighing elements.

F. For outdoor scales, the entire slab surface must be above the existing grade level so that water will drain away from the scale.

G. An effective heating system must be installed in the slab to prevent ice and snow accumulation under the platform and on the end walls.

H. An above-ground scale must be installed on a foundation slab above the existing grade level or in a pit which conforms to the requirements of subpart 2. Other methods of installation will not be approved.

7650.0100 INSPECTION FEES.

Subpart 1. Generally. The Weights and Measures Division of the Department of Public Service shall charge the following fees for all regular and special inspections as required by Minnesota Statutes, sections 239.10 and 239.52:

A. For ~~small~~ scales classified by capacity;

(1) $11 for scales up to and including six pounds capacity;

(2) $12 for scales of seven pounds capacity up to and including 250 pounds capacity;

~~(2) $18~~ (3) $20 for scales of 251 pounds capacity up to and including ~~1,000~~ 1,100 pounds capacity; ~~and~~

~~(3) $45~~ (4) $45 for scales of ~~1,001~~ 1,101 pounds capacity up to and including ~~4,000~~ 2,000 pounds capacity;

(5) $50 for scales of 2,001 pounds capacity up to and including 4,000 pounds capacity;

(6) $100 for scales of 4,001 pounds capacity up to and including 6,000 pounds capacity; and

(7) $115 for scales of 6,001 pounds capacity up to and including 10,000 pounds capacity.

B. For specific classes of scales;

(1) ~~$120~~ $130 for a two-section vehicle scale;

(2) ~~$150~~ $160 for a three-section vehicle scale;

(3) ~~$165~~ $175 for a four-section vehicle scale;

(4) ~~$175~~ $185 for a five-section vehicle scale;

(5) ~~$250~~ $275 for a railroad track scale;

(6) ~~$180~~ $200 for a heavy capacity hopper scale located at a terminal grain elevator;

(7) ~~$100~~ $115 for a fertilizer~~, grain, or other~~ hopper scale;

(8) ~~$100~~ $125 for a livestock scale;

(9) ~~$60~~ $70 for a wheel load weigher used for law enforcement purposes; and

(10) ~~$50~~ $55 for a jeweler's, pharmaceutical, or analytical balance.

C. For liquid measuring devices;

(1) ~~$13 for a petroleum product pump~~ $45 for agricultural chemical meters and petroleum bulk meters used to measure petroleum products for which the petroleum inspection fee required by Minnesota Statutes, section 296.13 has not been paid; and

(2) ~~$40 for a vehicle tank meter or bulk meter; and~~

~~(3)~~ ~~$50~~ $55 for a liquified petroleum gas meter or stationary dispenser of liquified petroleum gas.

D. For a linear measuring machine, $15.

E. For issuance or renewal of a placing-in-service permit, ~~$40~~ $50. This fee includes administrative costs, supplies to registered agents, and 20 minutes of equipment calibration time. ~~Where~~ When calibration costs exceed this limit, the regular laboratory calibration rate will be charged.

Subp. 2. Other rates. The fees in subpart 1 are based on the average amount of time required for an individual inspection and test. This average includes travel, equipment, and administrative costs. For a nonroutine inspection and test, or when a device is not specified in subpart 1, the inspector shall calculate the total charge based on the following hourly rates:

A. ~~$45~~ $50 for one inspector and appropriate test equipment designated for light capacity scale and volumetric equipment testing;

B. ~~$60~~ $65 for one inspector and appropriate test equipment designated for heavy capacity scale testing; and

C. $75 for laboratory calibration time.

REPEALER. Minnesota Rules, part 7600.8000, is repealed.

EFFECTIVE DATE. Minnesota Rules, part 7600.6800, as amended by these rules, is effective January 1, 1986.

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STATEMENT OF MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed
Adoption, Amendment and Repeal
of Rules of the State Department
of Public Service Governing
Installation and Performance of
Commercial Vehicle, Livestock and
Other Scales.

STATEMENT OF
NEED AND REASONABLENESS

The Department of Public Service is required by Minnesota Statutes, Section 239.06, to "...prescribe and adopt such rules and regulations as it may deem necessary to carry out the provisions..." of the chapter. This requirement includes rules governing the installation, design, accuracy and use of commercial weighing and measuring devices. However, this authority is restricted by Minnesota Statutes, Section 239.08, to devices used in determining the measurement of "...quantities, things, produce, articles for distribution or consumption..." offered for sale. The authority does not extend to devices used to determine various service and shipping charges.

This section of the proposed rulemaking is designed to adopt, amend and repeal Public Service Department rules, Parts 7600.7200 to 7600.8000, which apply to commercial vehicle and livestock scales. There are three major purposes in this proposed rulemaking: 1) to adopt requirements to allow commercial use of above ground vehicle and livestock scales; 2) to provide some less stringent requirements for old scales; and, 3) to clarify existing authority and requirements. Each of these three areas will be explained separately.

1) ABOVE GROUND VEHICLE AND LIVESTOCK SCALES

The Department proposes to adopt, amend and repeal rules for the specific purpose of allowing permanent, year-round commercial use of above ground vehicle and livestock scales. This is a major change. Since 1966, the Department has required all vehicle and livestock scales to be installed in scale pits. Above ground, portable-type scales were restricted to temporary use only.

The Department solicited outside opinion about the practicality and desirability of allowing commercial use of above ground scales in Minnesota. Responses came from scale manufacturers, installers, purchasers and users. All of the responses were favorable. Based on the large number of favorable responses, the Department is following the noncontroversial rules procedure contained in Minnesota Statutes, Sections 14.22 to 14.28. The proposed requirements to allow commercial use of above ground vehicle and livestock scales are contained in several proposed rules:

7600.7500 APPROACHES.

Above ground scales must comply with the same approach requirements applied to pit type scales, except that special provisions must be made to prevent loose fill material from falling under the scale platform. Aside from this addition, the requirements are substantially similar to existing requirements. They conform to National Scale Manufacturers Association (NSMA) recommendations and they are slightly less stringent than the requirements contained in National Bureau of Standards Handbook 44.

7600.7700 SUBMISSION OF PLANS.

Purchasers of above ground scales will be required to submit plans to the Weights and Measures Division prior to installation. The Department intends to use this requirement to prevent improper installations and to improve the potential for long term accuracy by providing information about proper installation techniques.

7600.7900 SCALE PITS.

Subpart 3 contains foundation requirements for above ground scales. The requirements are very simple because the Department does not want to restrict freedom of design. Foundations meeting these requirements will provide permanence, ease of maintenance and potential for long term accuracy. The requirements are based on recommendations from the NSMA and several manufacturers.

7600.7750 PROTECTION FROM ENVIRONMENT.

Portions of this proposed rule apply to above ground scales only to the extent that they apply to all outdoor scales. This rule is a clarification of existing authority and does not create any increased regulatory burden.

2) LESS STRINGENT REQUIREMENTS FOR OLD SCALES.

The Department proposes to adopt and amend rules to provide some less stringent requirements for old scales. There are many old scales in use in Minnesota which were not designed to meet the current requirements in NBS Handbook 44. Some old scales require frequent and expensive maintenance to meet current requirements. The proposals are designed to reduce excessive maintenance without adversely affecting scale accuracy. The less stringent requirements are contained in the following two proposed rules:

7600.7200 ANIMAL AND LIVESTOCK SCALE.

Subpart 2 contains a shift test tolerance for livestock scales. The Department recognizes that it is impractical to require an accuracy level of ±0.1% for individual load bearing tests on a livestock scale. It is impractical because the test does not simulate actual conditions of use. In every day use it is impossible to center a load of livestock, equal to one-fourth of the scale capacity, directly over a load bearing. Many old livestock scales were not designed to operate accurately under off-center loading. The proposal relaxes the shift test accuracy requirement by

allowing two "out of tolerance" readings to be added together to reflect the true accuracy of a scale section ("section" is defined in the rule). The proposal should reduce maintenance costs by limiting the number of rejections, and subsequent repairs, due to shift test inaccuracy.

7600.7210 SCALES, SENSITIVITY REQUIREMENT.

The proposed rule, while it will affect many types of mechanical scales, is directed at old vehicle scales still in use in Minnesota. Many old vehicle scales were designed and built with 5 pound scale divisions while newer scales of the same capacity will have 20 pound divisions. The old and new scales have the same basic design and construction and are subject to the same accuracy requirements. However, NBS Handbook 44 specifies a sensitivity requirement of ±10 pounds for the old scale and ±40 pounds for the new scale. Failure to meet this requirement tends to force scale owners to replace equipment that could have provided many years of accurate service. This inequity will be corrected by the proposed exception to Handbook 44 requirements.

3) CLARIFICATION OF EXISTING AUTHORITY.

7600.7750 OUTDOOR SCALES

This proposed rule does not adopt any new or more stringent requirements. It simply restates and clarifies authority contained in National Bureau of Standards Handbook 44, General Code, Paragraph G-UR.1.2. and Scale Code, Paragraph UR.2.3. Both paragraphs pertain to protection from the environment. Clarifying language is necessary to assist Weights and Measures Division field personnel by reducing the need to explain enforcement decisions regarding environmental protection.

SMALL BUSINESS CONSIDERATIONS

As required by Minnesota Statutes, Section 14.115, the Department has considered the probable impact of these proposed rules on small businesses. The proposed rules will affect many small businesses that operate heavy capacity scales. The Department is required to consider five methods of reducing the impact of the rules. The consideration of each method follows:

A) ESTABLISHMENT OF LESS STRINGENT COMPLIANCE OR REPORTING REQUIREMENTS:

Some of the provisions contained in this section of the proposed rulemaking are designed specifically to establish less stringent compliance requirements for all businesses operating heavy capacity scales. The requirements apply equally to all businesses, but some tend to benefit a larger proportion of small businesses. The Department has included two such requirements in this proposed rulemaking. Parts 7600.7200 and 7600.7210 will help to increase the useful life of many older vehicle and livestock scales. This will benefit many small businesses which operate these types of scales. Additionally, the proposed requirements to allow commercial use of above ground vehicle and livestock scales will provide useful options to small and large businesses that may intend to purchase such a scale. Businesses will be able to evaluate and select from the full range of available modern weighing equipment.

B) ESTABLISHMENT OF LESS STRINGENT SCHEDULES OR DEADLINES FOR COMPLIANCE:

This section of the proposed rules does not contain any schedules or deadlines for compliance.

C) CONSOLIDATION OR SIMPLIFICATION OF COMPLIANCE OR REPORTING REQUIREMENTS:

This section of the proposed rulemaking contains technical requirements for commercial scales. In some cases, the requirements are complicated but the system of compliance is very simple. All of the requirements are interpreted and applied by Department personnel during official inspections and during review of plans prior to installation of new scales. Usually, devices are installed and repaired by persons registered with and approved by the Weights and Measures Division. Registered persons are capable of interpreting and applying the technical requirements. This type of inspection, installation and repair system is necessary because it would not be cost effective for owners and operators of scales to purchase and maintain expensive test equipment to perform occasional tests and repairs. Compliance is simple because owners and operators are never required to understand or apply the technical requirements or understand how to install or repair complicated equipment.

D) ESTABLISHMENT OF PERFORMANCE STANDARDS TO REPLACE DESIGN OR OPERATIONAL STANDARDS:

This method of reducing the impact of the proposed rules is not applicable. The proposals contain performance and design standards. The design standards are very general so that freedom of design is not restricted. The design standards are also essential in maintaining the performance of heavy capacity scales. If the design standards are removed, the potential for long term reliability and accuracy will be impaired.

E) EXEMPTION OF SMALL BUSINESSES FROM ANY OR ALL REQUIREMENTS:

The basic purpose of weights and measures regulation is to promote uniformity in measurement. Exempting a specific class of businesses from the proposed technical requirements would severely limit measurement uniformity in Minnesota. Since some of the proposed rules are designed to benefit small businesses, exemption would have a negative effect.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed
Amendment of Rules of the
State Department of Public
Service Governing
Incorporation by Reference of
National Bureau of Standards
Handbook 44.

STATEMENT OF
NEED AND REASONABLENESS

The Department of Public Service is required by Minnesota Statutes, Section 239.06, to "...prescribe and adopt such rules and regulations as it may deem necessary to carry out the provisions..." of the chapter. This requirement includes rules governing the installation, design, accuracy and use of commercial weighing and measuring devices. However, this authority is restricted by Minnesota Statutes, Section 239.08, to devices used in determining the measurement of "...quantities, things, produce, articles for distribution or consumption..." offered for sale. The authority does not extend to devices used to determine various service and shipping charges.

This section of the proposed rulemaking is designed to amend Public Service Department rules, Part 7600.6800, by incorporating the most recent version of National Bureau of Standards Handbook 44. The handbook has been incorporated in Department Rules since 1966. The Department currently enforces the 1976 version of the handbook which was incorporated into the rules in 1977.

Handbook 44 is published by the National Bureau of Standards. It is developed, written and annually revised by the National Conference on Weights and Measures, a voluntary organization sponsored and assisted by the National Bureau of Standards and made up of weights and measures officials from all fifty states. The conference also accepts associate memberships from manufacturers and users of weighing and measuring equipment, from commercial producers and packagers of weighed and measured commodities and from many other interested persons in industry and commerce.

All proposed revisions, amendments and additions to the handbook are prepared by the Conference Committee on Specifications and Tolerances, a standing committee consisting of five conference members. Proposals are discussed by the committee and, if approved, presented to the full conference for discussion. Eventually, the conference may vote to approve or reject proposed changes to the handbook. All changes are incorporated into the handbook the year following approval by the conference. State officials are the only members allowed to vote.

Minnesota is represented at the National Conference by Edward Skluzacek, Director of the Weights and Measures Division of the Department of Public Service. He has attended the conference annually since 1977 and chairs the Conference Committee on Laws and Regulations.

The Department proposes to incorporate the 1985 version of Handbook 44 because the National Conference has made several significant changes. It is important to incorporate these changes in an effort to keep Minnesota abreast of the development of uniform national regulations. Incorporating and enforcing current national standards helps minimize the burden on interstate commerce by allowing manufacturers of weighing and measuring devices to produce and market standardized equipment for nationwide use. Manufacturers can maintain lower prices for equipment if they are not required to meet unique and conflicting local codes. This directly benefits Minnesota businesses by allowing them to purchase a wide variety of equipment at competitive prices.

The Department has not made an effort to incorporate every annual revision of Handbook 44 because the changes have often been insignificant. However, the 1985 version of the handbook contains a completely revised scale code and a stricter accuracy requirement for retail liquid measuring devices (gasoline pumps). These changes are significant and must be incorporated into Department rules.

The new scale code contains entirely new concepts of tolerances, accuracy classes, scale division requirements, marking requirements and selection requirements. The intent of most of the changes is to provide simplified requirements for use by officials. For example, the new tolerances are written in terms of scale divisions rather than as a percent of test load. While the tolerances look very different, the actual values as applied will be effectively the same. Additionally, the new marking and selection requirements will provide direct public benefits. The new requirements contain clear and understandable statements specifying the types of scales that will be acceptable for specific types of commercial use. This benefits sellers and purchasers of commercial scales by eliminating most of the uncertainty involved in the process of selecting an appropriate type of scale.

Another major change is the stricter gasoline pump tolerance contained in the 1985 version of the handbook. The National Conference adopted a stricter tolerance in an effort to reduce the increasing cost of "allowable" errors without creating an undue maintenance hardship for gasoline pump operators. The Department presently enforces a maintenance tolerance of ±7 cubic inches for a normal five gallon test draft. The proposed tolerance is ±6 cubic inches.

On an annual basis, only 5% of the 25,000 gasoline pumps in Minnesota are found to be inaccurate. However, an additional 2% are at or near the tolerance limit and will probably be rejected during the first year after the stricter tolerance becomes effective. If it is assumed that these pumps dispense 2% of the 2.72 billion gallons of motor fuel sold annually in Minnesota, then the 0.09% improvement in accuracy required by the stricter tolerance would create a saving of 48,929 gallons or $61,161 at a conservative price estimate of $1.25 per gallon. The saving more than offsets the cost of repairing the additional 500 rejected pumps. After the first year of applying the new tolerance the rejection rate will probably return to nearly the 5% level.

Most of the other revisions included in the 1985 version of Handbook 44 are simple clarifications and format changes. A detailed list of all of the changes is attached to this Statement. Further information or copies of specific sections of the handbook can be obtained by contacting:

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SMALL BUSINESS CONSIDERATIONS

As required by Minnesota Statutes, Section 14.115, the Department has considered the probable impact of these proposed rules on small businesses. The proposed rules will affect any small business that operates a commercial weighing or measuring device. The Department is required to consider five methods of reducing the impact of the rules. The consideration of each method follows:

A) ESTABLISHMENT OF LESS STRINGENT COMPLIANCE OR REPORTING REQUIREMENTS:

The basic purpose of adopting a uniform set of national standards, such as those contained in National Bureau of Standards Handbook 44, is to promote uniformity of accuracy and use for commercial weighing and measuring devices. Frequently, less stringent requirements lead to increased costs due to inaccuracy. Special or less stringent requirements for small businesses would violate the intent of Minnesota Statutes, Chapter 239, and would probably increase losses for many small businesses.

B) ESTABLISHMENT OF LESS STRINGENT SCHEDULES OR DEADLINES FOR COMPLIANCE:

The Department inspects and tests commercial weighing and measuring equipment on an annual basis. Noncomplying devices are rejected. Repairs must be completed within thirty days following the inspection. The Department extends this deadline in some cases where repairs cannot be completed immediately, but errors are relatively small and the device is not being used to defraud customers.

C) CONSOLIDATION OR SIMPLIFICATION OF COMPLIANCE OR REPORTING REQUIREMENTS:

Handbook 44 contains complicated technical requirements for commercial weighing and measuring equipment. Even though the requirements are complicated, the system of compliance is very simple. The requirements are interpreted and applied by Department personnel during official inspections. Noncomplying devices are usually repaired by persons registered with and approved by the Weights and Measures Division. They also understand how to interpret and apply the technical requirements. This type of inspection and repair system is necessary

because it would not be cost effective for owners and operators of weighing and measuring equipment to purchase and maintain expensive test equipment to perform occasional repairs. Compliance is simple because owners and operators are never required to understand or apply the technical requirements or understand how to repair complicated equipment.

D) ESTABLISHMENT OF PERFORMANCE STANDARDS TO REPLACE DESIGN OR OPERATIONAL STANDARDS:

This method of reducing the impact of the proposed rules is not applicable. Handbook 44 contains performance, design and operational standards for weighing and measuring equipment. The requirements are cohesive and carefully interconnected. Elimination of any part of the rules would effectively negate the remaining requirements.

E) EXEMPTION OF SMALL BUSINESSES FROM ANY OR ALL REQUIREMENTS:

The basic purpose of weights and measures regulation is to promote uniformity in measurement. Exempting a specific class of businesses from the proposed technical requirements would severely limit measurement uniformity in Minnesota. In many cases, exemption from the proposed rules would have a negative effect. That is, businesses operating exempt weighing or measuring devices would experience increasing losses due to inaccurate measurement.

GENERAL CODE

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
G-S.1.	IDENTIFICATION.	New requirement is slightly more lenient and more practical. Requires that identification plate must be visible only in conventional installations.
G-S.5.3.1.	DUAL INDICATIONS.	Gives comparable graduation sizes for equipment that reads in U.S. customary and metric units. Minor clarification - reference to cm^3 is changed to ml.
G-S.5.6.1.	RECORDED REPRESENTATIONS OF METRIC UNITS.	New section defines allowable printed symbols for metric units.
G-S.6.	MARKING, OPERATIONAL CONTROLS, INDICATIONS AND FEATURES.	Existing requirement which was made nonretroactive in 1978.
G-UR.2.1.1.	VISIBILITY OF IDENTIFICATION.	New section. Requires the user of a device to install the device in conformance with G-S.1.
G-UR.3.4.	RESPONSIBILITY - MONEY OPERATED DEVICES.	One sentence added to existing code. Requires posting of name, address and telephone number of person responsible for money operated device.

SCALE CODE

A.1.	APPLICATION, GENERAL.	Added language exempts automatic bulk grain weighers from the scale code. These devices are now given a separate code.
S.1.	DESIGN OF INDICATING AND RECORDING ELEMENTS AND OF RECORDED REPRESENTATIONS.	Existing section expanded and clarified to recognize new developments. Old code only addressed zero balance indication. New code recognizes auxiliary "center of zero" indicators and "no-load reference values" for special types of scales.
S.1.2.	VALUE OF SCALE DIVISION UNITS.	New section specifies the units of weight that can be indicated by a scale. Allows indications in units of 1,2 or 5; decimal multiples or submultiples of 1,2 or 5; or binary submultiples of a specific unit. This new section is one of the basic new concepts in the scale code.

SCALE CODE (continued)

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
S.1.3. to S.1.9.	GRADUATIONS, INDICATORS, WEIGHBEAMS, POISES, CAPACITY INDICATION, COMPUTING SCALES, PREPACKAGING SCALES.	These sections have been renumbered and clarified with the following minor changes: a) S.1.7. (formerly S.1.4.1.) now provides some practical exceptions for older types of scales that cannot meet the requirement for limiting indication to 105% of scale platform capacity. b) S.1.8.3. (formerly S.1.6.3.) is deleted in the Public Service Department rules proposal because it conflicts with other agency rules.
S.1.10.	PROVISION FOR SEALING ADJUSTABLE COMPONENTS ON ELECTRONIC DEVICES.	This new section clarifies authority granted by section G-UR.4.5. It requires that adjustable electronic components must be sealed to prevent inadvertent or fraudulent adjustment.
S.2.	DESIGN OF BALANCE, TARE, LEVEL, DAMPING, AND ARRESTING MECHANISMS	The section has been completely rewritten and reorganized to improve clarity. The new code includes the following two significant changes: a) S.2.3. (formerly S.2.1.5.) contains important changes recognizing advances in electronic weighing. For computing scales designed to automatically clear tare weights, this section requires that a transaction must be completed before the tare can be cleared. This is a very important protection for the consumer. b) S.2.3.1. This new section provides special tare requirements for monorail scales. The section matches the existing zero balance requirements for monorail scales. It does not add any extra burden to scale owners.
S.4.	DESIGN OF WEIGHING ELEMENTS	The section has received minor changes to improve clarity. Subsection S.4.3. (MULTIPLE LOAD RECEIVING ELEMENTS) has been made retroactive.

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
S.5.	DESIGN OF WEIGHING DEVICES, ACCURACY CLASSES	The old requirements contained in Section S.5. have been consolidated into other sections. The new section contains another of the major concept changes for the scale code. The section establishes the following accuracy classes for scales manufactured and installed after January 1, 1986: CLASS I — Analytical balances CLASS II — Laboratory-type balances for precious commodities weighing CLASS III — Commercial scales CLASS IIIL — Scales for vehicle, livestock and railway weighing CLASS IV — Wheel load weighing (non-commercial only) Through a unique and simple method, this section provides capacity and scale division requirements that are easily understood by manufacturers, users and regulators of scales.
S.6.	MARKING REQUIREMENTS	This section has been completely revised to provide marking, or identification, requirements for scales manufactured under the new accuracy class requirements.
N.1.	TEST PROCEDURES	Some of the test procedures have been rewritten to coordinate with the new accuracy class and tolerance requirements. Subsection S.1.2.3. has been added. It requires a zero-load balance change test for all scales. The Department has always performed such tests so the change is not significant. Subsection N.1.7. has also been added. It requires a materials test for all customer operated bulk weighing systems for buy-back of recycling materials.
N.2.	VERIFICATION (TESTING) STANDARDS	Requires the use of testing standards which comply with National Bureau of Standards Handbook 105-1 requirements. All standards used by the Department and by registered repair agencies have always been in compliance with NBS Handbook 105-1.

SCALE CODE (continued)

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
N.3.	RECOMMENDED MINIMUM TEST WEIGHTS AND TEST LOADS	Combined requirements of previous Subsections N.2. and N.3. A table has been added to simplify the minimum test requirements. Department test methods already exceed these minimum requirements.
N.4.	NOMINAL CAPACITY OF PRESCRIPTION SCALES	Renumbered (formerly N.3.)
T.	TOLERANCES, APPLICABLE TO DEVICES NOT MARKED CLASS I, II, III, IIIL, or IIII	This section applies a new concept of tolerances to scales installed prior to January 1, 1986. These scales will not be identified by the new marking requirements and it is necessary to have a special set of tolerances. The sensitivity requirements are contained in the tolerance section (a separate SR section has been deleted). See Section T.N. for further explanation of the tolerances.
T.N.	TOLERANCES, APPLICABLE TO DEVICES MARKED I, II, III, IIIL, or IIII	New tolerance requirements for devices manufactured and installed after January 1, 1986. Formerly, the code contained a complicated set of tolerances based on a percent of test load and modified with minimum tolerances and additional tolerances. The new code greatly simplifies the requirements. The tolerances are now expressed as a number of scale divisions (1,2,3 or 5) of allowable error throughout a specified range of scale divisions. For example, a class III scale is allowed a tolerance of 1 division for test loads between 0 and 500 divisions, and 2 divisions between 501 and 2,000 divisions. This change is significant from the standpoint of the enforcement or repair agent because the tolerances are easier to understand and apply. However, the change will have little affect on regulated devices because the actual percentages of allowable error have not changed. The sensitivity requirements are basically unchanged except that they are now included in the section on tolerances. Section T.N.8. provides "influence factors" requirements that are only applicable to prototype examinations. This does not directly affect commercial scales.

SCALE CODE (continued)

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
UR.1.	SELECTION REQUIREMENTS	The new code contains simplified selection requirements, including a table, which clearly state the capacity and minimum division appropriate for many types of weighing. This is a major change. The code provides clear and easily understood information for both the inspector and the scale user.
UR.2.	INSTALLATION REQUIREMENTS	The approach requirements for vehicle scales are superseded by Public Service Department rules.
UR.3.	USE REQUIREMENTS	New minimum load requirements have been added to help ensure that the correct type of scale is chosen by the user. This prevents the use of a heavy capacity scale for weighing light loads. It is a clarification of existing authority. Also, a requirement for single draft vehicle weighing has been moved to this section from UR.4, MAINTENANCE REQUIREMENTS.

BELT-CONVEYOR SCALE CODE

T.3.	TOLERANCE VALUES-SIMULATED TESTS-REPEATABILITY TESTS	This addition to the code requires that all values obtained during a simulated test must be within ±0.125% of the values obtained during the first simulated test. This is a repeatability requirement. It has no effect in Minnesota because there are no commercial belt conveyor scales in the state.
UR.2.2.	CONVEYOR INSTALLATION	Two minor requirements have been added.
UR.2.3.	MATERIAL TEST	New requirement that a conveyor scale must be installed so that a material test can be conveniently conducted.

AUTOMATIC BULK WEIGHING SYSTEMS FOR GRAIN

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
A.	APPLICATION.	This is an entirely new code that applies only to automatic bulk weighing systems for grain.
S.	SPECIFICATIONS.	The new specifications contained in this section are parallel to the requirements in the Scale Code. Bulk weighers have been given a separate section because there are many special circumstances which must be addressed. Examples are the specified weighing and recording sequences, automatic interlocking of inlet and outlet gates and zero setting requirements. In general, this new code recognizes the advances in electronic and automatic weighing systems and sets out new specifications to allow use of advanced automatic devices.
N.	NOTES.	The testing requirements are parallel to the Scale Code and to Federal Grain Inspection Service requirements.
T.	TOLERANCES.	Tolerance values have not been changed.
UR.	USER REQUIREMENTS.	Selection requirements are parallel to the Scale Code, except that the sizes of the scale divisions are appropriate for grain weighing. Other user requirements are very similar to Scale Code requirements.

WEIGHTS CODE

N.1.	TESTING PROCEDURES	The code has been modernized. It formerly referred to NBS Class B tolerances for calibration standards. The code was changed because Class B no longer exists.

LIQUID-MEASURING DEVICE CODE

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
S.1.1.2.	UNITS	Subsection S.1.1.2.1. has been added to require that retail motor fuel devices must be equipped to indicate deliveries in terms of gallons or liters. This requirement is already contained in Minnesota Statutes and Public Service Department rules.
S.1.1.3.	VALUE OF THE SMALLEST UNIT	Manually operated devices have been given an exception from this requirement.
S.1.4.1.	INDICATION OF DELIVERY	An important change in this section of the code allows "zero suppression" for liquid measuring device indicators. That is, indication is allowed to remain blank through the first 0.009 gallon of delivery.
S.1.4.1.1.	POWER LOSS	This subsection has been added to require memory capabilities for electronic measuring devices so that a transaction can be completed in the event of power loss during the transaction.
S.1.4.4.	MONEY-VALUE COMPUTATIONS	This section has been extensively modified to allow larger computed price errors for mechanical analog price computers on retail petroleum pumps. The allowable errors match the larger money-value graduations allowed in Subsection S.1.4.4.1.
S.1.4.4.1.	MONEY-VALUE DIVISIONS, ANALOG	New subsection - applies only to analog mechanical price computers on retail petroleum product pumps. The subsection requires the customary 1 cent money graduations for price computations up to $1.00/gallon. However, it allows 2 cent graduations for prices above $1.00 but less than $3.00, and 5 cent graduations for prices over $3.00. The intent is to allow continued use of inexpensive mechanical price computers if motor fuel prices increase beyond the range of the current computers.
S.1.4.4.2.	MONEY-VALUE DIVISIONS, DIGITAL	New subsection - requires money value computations must be based on digital quantity indications where the smallest quantity graduation is no larger than 0.01 gallon.

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
S.1.4.4.3.	MONEY-VALUE DIVISIONS, AUXILIARY INDICATIONS	This new subsection requires identical money value graduations for all indicators in a system. For example, if gasoline pump indicates in 1 cent units, the operator's console must also indicate in 1 cent units.
S.2.4.	STOP MECHANISM	Rewritten to clarify meaning. No substantial changes.
S.2.5.	FOR RETAIL DEVICES ONLY, ZERO-SET-BACK INTERLOCK	One portion of this section had been nonretroactive in the existing code. That portion has been made retroactive in the new code. It requires that the starting lever on a retail petroleum pump be returned to the off position before the nozzle can be placed on its hanger. Also, a requirement has been added to prohibit delivery of product from an individual dispenser that has not been activated. This applies only to systems where one pump supplies several dispensers.
S.2.6.	DESIGN OF MEASURING ELEMENTS/FOR WHOLESALE DEVICES/TEMPERATURE DETERMINATION	This is a new requirement for wholesale meters. It requires a thermometer well or temperature sensor in the meter chamber or in the inlet or discharge line immediately adjacent to the meter. The requirement is nonretroactive and will affect only new metering systems.
S.2.7.	FOR WHOLESALE DEVICES EQUIPPED WITH AUTOMATIC TEMPERATURE COMPENSATORS	Section has been renumbered. Formerly S.2.6. Subsections S.2.7.1. through S.2.7.4. have also been renumbered. There are no other changes.
S.2.8.	FOR LUBRICANT DEVCICES ONLY	Section has been renumbered. Formerly S.2.7. No other changes have been made.
S.3.1.	DIVERSION OF MEASURED LIQUID	Extensive revision of this section allows use of two discharge lines from any liquid measuring device. Formerly, the use of two lines was restricted to truck fueling only. The code contains restrictions and safeguards to prevent fraudulent or improper use of dual discharge metering equipment.
S.4.4.	FOR RETAIL DEVICES ONLY	This is a new section. It requires marking of the maximum and minimum discharge rates on retail devices designed with a maximum discharge rate of more than 25 gallons/minute. Nonretroactive requirement. Applies only to new equipment.

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
N.3.4.	TEST DRAFTS, FOR OTHER RETAIL DEVICES	This subsection has been completely revised to clearly describe the appropriate test drafts to be taken during official tests of retail measuring devices.
N.4.2.3.	TESTING PROCEDURES, FOR RETAIL MOTOR-FUEL DEVICES....	No substantial changes. The subsection has been rewritten to match the marking requirements contained in S.4.4.
N.4.2.4.	TESTING PROCEDURES, FOR OTHER RETAIL DEVICES	Renumbered. Formerly N.4.2.3. No other changes have been made.
N.4.2.5.	TESTING PROCEDURES, FOR WHOLESALE DEVICES	Renumbered. Formerly N.4.2.4. No other changes have been made.
N.4.4.	MONEY VALUE COMPUTATION TESTS	This is a new section with the following additional requirements: a) N.4.4.1. contains design evaluation tests to be conducted in a laboratory. This does not apply to any tests performed by the Weights and Measures Division. b) N.4.4.2. states that in all field tests of money value computation, the allowable errors shall not exceed the amounts contained in S.1.4.4.
T.2.	TOLERANCE VALUES ON RETAIL DEVICES	Table 1, containing tolerance values for retail measurement equipment has been eliminated. It is replaced by the following two sections: a) T.2.1.1. contains stricter tolerance limits for retail liquid measuring devices. The tolerances for a normal 5 gallon test of a gasoline pump were 7 cubic inches (maintenance) and 3½ cubic inches (accpetance). The new tolerances will be 6 and 3 cubic inches. b) T.2.1.2. establishes tolerances for devices indicating in metric units. These tolerances are equivalent to the tolerances in Subsection T.2.1.1.

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
UR.1.1.1.	SELECTION REQUIREMENTS FOR MARINAS AND AIRPORTS	Maximum length of discharge hose that can be left outdoors without protection from the weather has been increased to 26 feet. Requirement was 18 feet.
UR.2.4.	DIVERSION OF LIQUID FLOW	This section has been rewritten to match the requirements contained in S.3.1.
UR.3.2.	UNIT PRICE AND PRODUCT IDENTITY	The requirement for displaying the identity of the product sold is modified by the addition of the words, "in the most descriptive terms commercially practicable."

VEHICLE-TANK METER CODE

S.1.4.3.	MONEY-VALUE COMPUTATIONS	Language has been added to regulate price computation for electronic, digital indicators. Price computation must be based on volume indications no larger than 0.1 gallon. This is comparable to existing requirements for mechanical indicators.
N.4.2.	SPECIAL TESTS (EXCEPT MILK-MEASURING SYSTEMS)	Paragraph has been rewritten for clarity. No other changes have been made.

CODE FOR LIQUIFIED PETROLEUM GAS LIQUID-MEASURING DEVICES

S.1.1.5.	MONEY VALUES - MATHEMATICAL AGREEMENT	One sentence, with a reference to similar General Code requirements, has been added. The added language, stating that devices dispensing motor fuel must have one-cent money value agreement, is for clarity only.
S.1.1.6.	PRINTED TICKET	New requirement for devices that issue printed delivery tickets. Ticket must show the total price, total volume and price per unit of volume. This is a duplication of requirements in the General Code.

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
S.1.4.4.	MONEY-VALUE COMPUTATIONS	This section has been extensively modified to allow larger computed price errors for mechanical analog price computers on retail LPG pumps. The allowable errors match the larger money-value graduations allowed in Subsection S.1.4.4.1.
S.1.4.4.1.	MONEY-VALUE DIVISIONS, ANALOG	New subsection - applies only to analog mechanical price computers on retail LPG pumps. The subsection requires the customary 1 cent money graduations for price computations up to $1.00/gallon. However, it allws 2 cent graduations for prices above $1.00 but less than $3.00, and 5 cent graduations for prices over $3.00. The intent is to allow continued use of inexpensive mechanical price computers if motor fuel prices increase beyond the range of the current computers.
S.1.4.4.2.	MONEY-VALUE DIVISIONS, DIGITAL	New subsection - requires money value computations to be based on digital quantity indications where the smallest quantity graduation is no larger than 0.01 gallon.
S.1.4.4.3.	MONEY-VALUE DIVISIONS, AUXILLIARY INDICATIONS	This new subsection requires identical money value graduations for all indicators in a system. For example, if an LPG pump indicates in 1 cent units, the operator's console must also indicate in 1 cent units.
S.2.3.	DIRECTIONAL FLOW VALVES	Added language requires that directional flow valves must be installed in or adjacent to the measuring element to prevent reversal of flow. This is a clarification of existing requirements.
N.3.	TEST DRAFTS	Some limiting language has been removed to prevent excessively stringent test procedures from being applied.
N.4.4.	MONEY VALUE COMPUTATION TESTS	This is a new section with the following additional requirements: a) N.4.4.1. contains design evaluation tests to be conducted in a laboratory. This does not apply to any tests performed by the Weights and Measures Division.

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
N.4.4.	MONEY VALUE COMPUTATION TESTS (continued)	b) N.4.4.2. states that in all field tests of money value computation, the allowable errors shall not exceed the amounts contained in Table 1 of S.1.4.4.
UR.2.4.2.	TEMPERATURE COMPENSATED SALE	New section - requires that all temperature compensated sales must be compensated to a standard, 231 cubic inch, U.S. gallon at 60°F. This is a clarification.
UR.2.4.3.	INVOICES	Formerly UR.2.4.2. Language has been added to require compensation to 60°F for sales by weight converted to volume. This extends standard temperature compensation practices beyond meters to require the same 60°F standard for other types of sales.
UR.2.5.	PRINTED TICKET	This section has been removed from the 1985 version of the handbook. The same requirement is contained S.1.1.6.
UR.2.5.	TICKET IN PRINTING DEVICE	Formerly UR.2.6. This section has been renumbered. No other changes have been made.

LIQUEFIED PETROLEUM GAS VAPOR-MEASURING DEVICES

A.1.	APPLICATION	Reference to "low pressure" device has been removed. Section is now not restricted to low pressure devices.
S.2.1.	DESIGN OF MEASURING ELEMENTS - PRESSURE REGULATION	The first part of the section has been rewritten to improve clarity. A paragraph has been added to extend the code to high pressure LPG vapor measuring devices. The same basic provisions apply to both low pressure and high pressure devices.
N.4.2.3.	PRESSURE REGULATION TEST	New section - requires that a pressure regulation test be performed on all high pressure devices. Tests may include a recording of pressure over 24 hours.
T.1.	TOLERANCE VALUES ON NORMAL TESTS AND ON SPECIAL TESTS OTHER THAN LOW FLAME TESTS	Former sections T.1.1. and T.1.2. have been merged into this new section. Both contained the same tolerances and there has been no substantial change by merging them.

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
UR.2.2.	INVOICES	Section has been completely rewritten to require an invoice to the customer at the end of each billing period. New invoice requirements include documentation of altitude correction factor, temperature compensation information, total quantity metered, total charge, last meter reading, date of last reading, rate schedule number. Restriction to cubic foot and cubic meter measurement units is removed. Other units may be used.

CODE FOR CRYOGENIC LIQUID-MEASURING DEVICES

A.1.	APPLICATION	New language restricts the application of the code. Formerly, the code applied to measurement of other liquids if the requirements were appropriate. New code applies only to oxygen, argon and nitrogen.
S.1.1.2.	UNITS	Abbreviations for "normal boiling point" and "normal temperature and pressure" have been replaced by nonabbreviated terms.
S.1.4.2.	MONEY-VALUE COMPUTATIONS	A sentence has been added to require price computation based on the smallest indicated unit as required in S.1.1.3.
S.2.2.	DIRECTIONAL FLOW VALVES	Added language requires that directional flow valves must be installed in, or adjacent to the meter.
S.2.4.	AUTOMATIC TEMPERATURE OR DENSITY COMPENSATION	Allows use of compensation to standards of 70°F and 14.696 psi in addition to former requirement to compensate to normal boiling point for liquid being measured.
S.4.3.	MARKING REQUIREMENTS - TEMPERATURE OR DENSITY COMPENSATION	New language refers to conditions specified in paragraph S.2.4. Device must be marked to show type of temperature or density compensation.
N.1.	TEST LIQUID	Refers to use of liquid nitrogen for type evaluation tests only.

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
N.7.	TESTING PROCEDURES - AUTOMATIC TEMPERATURE OR DENSITY COMPENSATION	New section - requires that a test of a compensator must be performed if a device is equipped with a compensator.
T.1.	TOLERANCE VALUES - APPLICATION	Section has been rewritten to be compatible with new tolerance requirements listed below.
T.2.	TOLERANCE VALUES	Formerly T.1.1. and T.1.2. Tolerances for overregistration and underregistration have been made the same. Overregistration tolerances have decreased by 1½% and underregistration tolerances have increased by ½%. New tolerances reflect improved accuracy of cryogenic measuring equipment.
UR.2.2.	USE REQUIREMENTS - CONDITION OF DISCHARGE SYSTEM.	Explanatory language has been removed. There is no substantial change in the paragraph.
UR.2.5.	CONVERSION FACTORS	Paragraph has been rewritten to clarify. No substantial changes have been made.
UR.2.6.2.	TICKETS OR INVOICES	Added language requires a quantity statement on any delivery ticket or invoice where the delivered quantity has been corrected to an equivalent volume of gas at normal temperature and pressure.

MILK METER CODE

A.	APPLICATION	This a new code. It applies only to meters used to measure incoming bulk milk at dairies, processing plants, cheese factories, etc.
S.	SPECIFICATIONS	The specifications are very similar to those for other liquid measuring devices. They were formerly contained in the "Vehicle Tank Meter Code" as small exceptions and additions to the code. There are no substantial changes.
N.	NOTES	Test procedures are substantially similar to those for other liquid measuring devices.

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
T.	TOLERANCES	Tolerances have been converted from the cubic inch requirements in the "Vehicle Tank Meter Code" to decimal fractions of a gallon. The new tolerances are slightly less strict than the old tolerances.
UR.	USE REQUIREMENTS	The use requirements remain substantially similar to the requirements contained as exceptions and additions in the "Vehicle Tank Meter Code."

WATER METER CODE

A.	APPLICATION	The code was a tentative code from 1975 to 1979. It was adopted by the National Conference in 1979 and incorporated into the handbook. The code applies only to utilities meters and to batching meters installed in batching systems used to produce concrete and other products. Neither of these operations is under the statutorily mandated authority of the Department. The code will not be enforced by the Department.

VEHICLE TANKS USED AS MEASURES

A.	APPLICATION	No changes have been made to this code.

LIQUID MEASURES CODE

A.	APPLICATION	No changes have been made to this code.

CODE FOR LUBRICATING OIL BOTTLES

A.	APPLICATION	No changes have been made to this code.

CODE FOR
FARM MILK TANKS

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
S.2.2.1	DESIGN OF TANK - ON A STATIONARY TANK	Nonretroactive portions of this requirement have been made retroactive.
S.2.4.	DESIGN OF TANK - CAPACITY	This is a new nonretroactive requirement that all farm milk tanks must have a clear capacity marking on the tank.
S.3.5.	EXTERNAL GAUGE ASSEMBLIES	This new section contains specifications for external (glass tube type) gauges. This type of measuring system had not been allowed under the old version of the code.
S.3.6.3.	VALUE OF GRADUATED INTERVAL	Metric values have been added to this section. Tanks can now be graduated in U.S. Customary units or Metric units.
S.3.7.	DESIGN OF INDICATING MEANS ON TANKS WITH A CAPACITY GREATER THAN 2,000 GALLONS OR 8,000 LITERS	This nonretroactive requirement was added to require external gauge assemblies for large capacity tanks.
S.4.	DESIGN OF VOLUME CHART	Metric values have been added to this section.
N.6.	READING THE MENISCUS	New section defines the method of reading the meniscus on a gauge. This is the generally accepted method used for reading any meniscus.
T.2.	MINIMUM TOLERANCE VALUES	Metric values have been added to this section.
UR.3.	WEIGHT CHART	Clarifying language has been added with this new section. It allows use of a weight conversion chart.
UR.$.	USE	New section states that a farm milk tank shall not be used to measure quantities greater than the amount that can be agitated without overflowing.

CODE FOR MILK BOTTLES

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
S.4.	MARKING REQUIREMENTS	Nonretroactive marking requirements were made retroactive.

CODE FOR MEASURE-CONTAINERS

S.1.	UNITS	This section has been completely rewritten for simplicity and clarity. There are no substantial changes.
N.2.2.	PREPARATION FOR TEST - RESTRAINING FORM FOR TEST	Metric values have been added to the container sizes referenced in this section. There are no substantial changes.
T.1.	TOLERANCES ON AN INDIVIDUAL MEASURE	Metric values have been added to the tolerance tables. Tables apply only to individual measures.
T.2.	TOLERANCE ON AVERAGE CAPACITY	New section - allows an average capacity of 10 random samples from a lot of 25 or more to meet the tolerance requirements.
UR.1.	LIMITATION OF USE	Metric values have been added to this section. No substantial changes have been made.

CODE FOR GRADUATES

S.5.1.	ON A CIRCULAR CONICAL GRADUATE	The word "circular" has been added to the title and to the text. This is not a substantial change.
S.7.1.	DESIGN OF GRADUATIONS - GENERAL	New language requires that graduations must be "clearly visible, permanent and indelible" rather than "etched or engraved" as required by the old code. Graduations are no longer required to extend more than one-fourth of the circumference of the graduate.
T.1.	TOLERANCES	Confusing references to drams and minims have been removed from one part of the tolerance chart. This is not a substantial change.

CODE FOR DRY MEASURES

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
S.6.	MARKING REQUIREMENTS	This section specifies the sizes of lettering for marking various sizes of dry measures. The requirements have been made slightly less restrictive.

CODE FOR BERRY BASKETS AND BOXES

T.2.	TOLERANCES ON AVERAGE CAPACITY	New section - allows an average capacity of 10 random samples from a lot of 25 or more to meet the tolerance requirements.

CODE FOR FABRIC-MEASURING DEVICES

S.1.	UNITS	New language allows digital indicators to indicate in decimal fraction units.
UR.2.2.	USE REQUIREMENTS RETURN OF INDICATING ELEMENTS TO ZERO	New section - requires the user to return the indicator to zero before each measurement is started. This is a clarification of General Code requirements.

CODE FOR WIRE AND CORDAGE-MEASURING DEVICES

S.3.	DESIGN OF MEASURING ELEMENTS - ACCESSIBILITY	This section has been made retroactive. It requires that measuring elements be visible and accessible without disassembly of the device.

LINEAR MEASURES CODE

S.5.2	GRADUATIONS - WIDTH	New language allows wider graduations - not to exceed ½ the width of the interval between graduations, rather than the former requirement of ¼ the width.

ODOMETERS CODE

CODE NUMBER	CODE NAME	DESCRIPTION OF CHANGE
A.	APPLICATION	This code applies to odometers used to determine charges for rent or hire of vehicles. This type of measurement is not under the statutorily mandated authority of the Department. The code will not be enforced by the Department.

TAXIMETERS CODE

A.	APPLICATION	This code applies to taximeters used to determine a charge for hire of a vehicle. This type of measurement is not under the statutorily mandated authority of the Department. The code will not be enforced by the Department.

TIMING DEVICES CODE

A.	APPLICATION	This code applies to timing devices used in laundries, car washes and for vehicle parking. This type of measurement is not under the statutorily mandated authority of the Department. The code will not be enforced by the Department.

GRAIN MOISTURE METERS CODE

A.	APPLICATION	This code applies to devices used to directly or indirectly determine the moisture content of grain and oil seeds. Devices used for this type of measurement are under the authority of the Department of Agriculture. The code will not be enforce by the Department of Public Servic

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed
Amendment of Rules of the State
Department of Public Service
Governing Inspection Fees

STATEMENT OF
NEED AND REASONABLENESS

The Department of Public Service is required by Minnesota Statutes, Sections 239.10 and 239.52, to recover the full direct and indirect costs of all weights and measures related inspection and testing operations except: petroleum quality testing, checkweighing, certain complaint investigations and court appearances on behalf of other government agencies. The cost of inspecting retail gasoline pumps and bulk fuel delivery meters is recovered indirectly by the Department of Revenue under the requirements of Minnesota Statutes, Sections 239.10 and 296.13. The rule amendments proposed in this rulemaking are designed to comply with the requirements of Minnesota Statutes.

The Department proposes to amend the rules so that the fees more closely reflect the projected fiscal year 1986 costs of weighing and measuring device inspection. The system used by the Department relies on flat rate fees rather than straight hourly rates. This avoids many potential problems of miscalculation and misapplication. Each flat rate is based on the actual average cost of performing an individual inspection and test. The fees include the direct cost of the inspection plus a proportional amount of administrative, equipment and travel costs, and a proportion of the cost of monitoring the repair of weighing and measuring devices. The fees do not include any of the costs specifically excluded by statute. The total amount to be recovered in fiscal year 1986, including the costs recovered by the Department of Revenue, will not exceed the actual cost of providing inspection and testing services. The fees have been approved by the Commissioner of Finance. A copy of that approval is attached.

The proposed amendments include some important changes in the fee rule beyond simple increases in the fees. In Subpart 1, Item A, there are three new fees designed to limit the increases for intermediate capacity scales and set flat rates for higher capacity scales which were formerly assessed hourly fees. In Item C, the fees for petroleum measurement equipment have been eliminated as required by Minnesota Statutes. Also in Item C, new language has been added to continue to provide a fee for meters not covered by the Petroleum Inspection Fee.

As required by Minnesota Statutes, Section 14.115, the Department has considered the impact of these proposed fees on small businesses. There are several changes in the fees which will affect small businesses operating weighing and measuring devices. The consideration of each of the required methods of reducing the impact of the proposed rules follows:

A. ESTABLISHMENT OF LESS STRINGENT REPORTING OR COMPLIANCE REQUIREMENTS:

Generally, a flat rate fee system favors small businesses because the indirect cost of an inspection is proportionally higher for a location with very few devices to be inspected. The flat rate system averages the indirect cost of the inspections and allows small businesses to pay fees that are actually below cost. The proposed amendment also establishes less stringent requirements by substituting the favorable flat rate fee system for the existing hourly fee system for scales of 2,001 lbs. capacity up to 10,000 lbs. capacity. Other less stringent compliance requirements which benefit both small and large businesses are:

1. Most inspection fees for petroleum measurement equipment have been eliminated.

2. Most of the heavy capacity scale inspection fees have increased only slightly because of improvements in productivity.

B. ESTABLISHMENT OF LESS STRINGENT SCHEDULES OR DEADLINES FOR COMPLIANCE OR REPORTING REQUIREMENTS:

All fees are payable in thirty days. However, the department does not charge interest or assess penalties for late payment of fees. This benefits small businesses because payment can be delayed without increasing costs.

C. CONSOLIDATION OR SIMPLIFICATION OF COMPLIANCE OR REPORTING REQUIREMENTS:

The greatest burden caused by any regulatory fee system is the cost of the fees to all of the regulated persons or businesses. This burden is statutorily mandated and cannot be avoided or reduced. The department, however, has made an effort to simplify all other aspects of the fee system. Invoicing and payment requirements are very direct and can be easily understood. Department field personnel are trained to respond openly and honestly to all questions and concerns about the fee system.

D. ESTABLISHMENT OF PERFORMANCE STANDARDS TO REPLACE DESIGN OR OPERATIONAL STANDARDS REQUIRED IN THE RULE:

This method is not applicable.

E. EXEMPTION OF SMALL BUSINESSES FROM ANY OR ALL REQUIREMENTS OF THE RULE:

Minnesota Statutes, Section 239.10, does not provide for any exemptions from the fees. Fees are not paid directly for inspection of petroleum measurement equipment but the cost of these inspections is recovered indirectly through the Petroleum Inspection Fee collected by the Department of Revenue.

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Public Service
Weights and Measures Division

TO: Allen A. Yozamp

DATE: July 11, 1985

FROM: Michael Blacik MFB

PHONE: 341-7200

SUBJECT: APPROVAL OF FEES

This memorandum is a request for approval by the Commissioner of Finance of a new schedule of fees to be adopted by the Weights and Measures Division of the Department of Public Service.

The FY 86 fee schedule was submitted for your approval on June 11th. We are asking for approval again because we have decided to reduce the levels of some of the fees, particularly the fees for small capacity scales.

A copy of our June 11th memorandum is attached. A copy of the new proposed fee schedule is also attached.

Approved: Allen A. Yozamp
Allen A. Yozamp, Director
Budget Operations & Support

7-16-85
Date

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Public Service
Weights and Measures Division

TO: Allen A. Yozamp
Josie Ashton

DATE: June 11, 1985

FROM: Michael Blacik MTB

PHONE: 341-7200

SUBJECT: APPROVAL OF FEES

This memorandum is a request for approval by the Commissioner of Finance of a new schedule of fees to be adopted by the Weights and Measures Division of the Department of Public Service.

The fees are to be adopted by rule under the requirements of Minnesota Statutes, Section 16A.128. Approval by the Commissioner is required for these fees and will be included in the Statement of Need and Reasonableness.

It is necessary to increase the Weights and Measures Division fees for FY 86 because the Division's billable costs have increased. Billable costs, as defined by Minnesota Statutes, Section 239.52, are projected at $846,700. The current, or FY 85 level, fees are projected to provide an income of only $731,980. Income from the proposed FY 86 fees will be approximately $853,000.

The fees should be increased on July 1, 1985. However, due to the delay in obtaining a final budget figure and the forthcoming delays in the noncontroversial rules process, we expect to have the fees in effect on September 1st.

The following documents are enclosed:

1) A proposed fee schedule which contains the FY 85 level fees, the proposed FY 86 level fees and the percent of change. The schedule is dated June 7, 1985;

2) A first draft of the rule to adopt the fees. It is identified as a first draft and is dated June 10, 1985. The rule language may be changed slightly prior to publication but the amounts of the individual fees will not change; and

3) A copy of the Department of Finance Fee Review sheet and an accompanying fee review detail.

Approved: Allen A. Yozamp
Allen A. Yozamp, Director
Budget Operations & Support

6-17-85
Date

DEPARTMENT OF PUBLIC SERVICE
WEIGHTS AND MEASURES DIVISION

June 7, 1985

PROPOSED FEE SCHEDULE

DEVICE CATEGORY	CURRENT FEE	PROPOSED FEE	PERCENT CHANGE
SCALES (general)			
0 - 6 lbs	$11.00	$11.00	0%
7 - 250 lbs	11.00	12.50	+ 14%
251 - 1,100 lbs	18.00	21.00	+ 17%
1,101 - 2,000 lbs	45.00	50.00	+ 11%
2,001 - 4,000 lbs	45.00	55.00	+ 22%
4,001 - 6,000 lbs	hourly	100.00	+ 11% est.
6,001 - 10,000 lbs	hourly	125.00	+ 19% est.
SCALES (specific)			
Vehicle - 2 section	120.00	130.00	+ 8%
3 section	150.00	160.00	+ 7%
4 section	165.00	175.00	+ 6%
5 section	175.00	185.00	+ 6%
Railroad Track	250.00	275.00	+ 10%
Hopper - terminals	180.00	200.00	+ 11%
fertilizer	100.00	125.00	+ 25%
Grain & other	100.00	-----	
Livestock	100.00	125.00	+ 25%
Wheel Load Weigher	60.00	70.00	+ 17%
Jewel, Pharm, Etc.	50.00	55.00	+ 10%
LIQUID MEASURING DEVICES			
Petroleum Pumps	13.00	-----	
Vehicle Tank Meters	40.00	-----	
Dock Meters	40.00	48.00	+ 20%
Ag Chemical Meters	40.00	48.00	+ 20%
LPG Meters	50.00	55.00	+ 10%
LINEAR MEASURING DEVICES	15.00	15.00	0%
PLACING IN SERVICE PERMIT	40.00	50.00	+ 25%
LABORATORY CALIBRATION	75.00/hr	75.00/hr	0%
HOURLY RATES			
Light Duty	45.00/hr	50.00/hr	+ 11%
Heavy Duty	60.00/hr	65.00/hr	+ 8%
Laboratory	75.00/hr	75.00/hr	0%

Rule as Proposed

7650.0100 INSPECTION FEES.

Subpart 1. Generally. The Weights and Measures Division of the Department of Public Service shall charge the following fees for all regular and special inspections as required by Minnesota Statutes, sections 239.10 and 239.52:

A. For ~~small~~ scales classified by capacity;

(1) $11 for scales up to and including 6 pounds capacity;

~~(1)~~ (2) ~~$11~~ $12.50 for scales of 7 pounds capacity up to and including 250 pounds capacity;

~~(2)~~ (3) ~~$18~~ $21 for scales of 251 pounds capacity up to and including ~~1,000~~ 1,100 pounds capacity; ~~and~~

~~(3)~~ (4) ~~$45~~ $50 for scales of ~~1,001~~ 1,101 pounds capacity up to and including ~~4,000~~ 2,000 pounds capacity;

(5) $55 for scales of 2,001 pounds capacity up to and including 4,000 pounds capacity;

(6) $100 for scales of 4,001 pounds capacity up to and including 6,000 pounds capacity; and

(7) $125 for scales of 6,001 pounds capacity up to and including 10,000 pounds capacity.

B. For specific classes of scales;

(1) ~~$120~~ $130 for a two section vehicle scale;

(2) ~~$150~~ $160 for a three section vehicle scale;

(3) ~~$165~~ $175 for a four section vehicle scale;

(4) ~~$175~~ $185 for a five section vehicle scale;

(5) ~~$250~~ $275 for a railroad track scale;

(6) ~~$180~~ $200 for a heavy capacity hopper scale located at a terminal elevator;

(7) ~~$100~~ $125 for a fertilizer~~, grain, or other~~ hopper scale;

(8) ~~$100~~ $125 for a livestock scale;

(9) ~~$60~~ $70 for a wheel load weigher used for law enforcement purposes; and

(10) ~~$50~~ $55 for a jeweler's, pharmaceutical, or analytical balance.

C. For liquid measuring devices;

~~(1) $13 for a petroleum product pump;~~

~~(2) $40 for a vehicle tank meter or bulk meter;~~

~~and~~

(1) $48 for agricultural chemical meters and petroleum bulk meters used to measure petroleum products for which the petroleum inspection fee required by Minnesota Statutes, section 296.13 has not been paid; and

~~(3)~~ (2) ~~$50~~ $55 for a liquified petroleum gas meter or stationary dispenser of liquified petroleum gas.

D. For a linear measuring machine, $15.

E. For issuance or renewal of a placing-in-service permit, ~~$40~~ $50. This fee includes administrative costs, supplies to registered agents, and 20 minutes of equipment calibration time. Where calibration costs exceed this limit, the regular laboratory calibration rate will be charged.

Subp. 2. Other rates. The fees in subpart 1 are based on the average amount of time required for an individual inspection and test. This average includes travel, equipment, and administrative costs. For a nonroutine inspection and test, or when a device is not specified in subpart 1, the inspector shall calculate the total charge based on the following hourly rates:

A. ~~$45~~ $50 for one inspector and appropriate test equipment designated for light capacity scale and volumetric equipment testing;

B. ~~$60~~ $65 for one inspector and appropriate test equipment designated for heavy capacity scale testing; and

C. $75 for laboratory calibration time.

FI-00194-03

Department of Finance

Fee Review

Department/Agency:	Budget Activity:
Public Service	Weights & Measures

Fee Name: Weights & Measures Inspection Fees

Legal Citation:	Fee Set By:
MS 239.10, 12, 52	☐ Law ☒ Agency

Purpose of Fee: To recover costs of inspection of weighing and measuring devices.

☐ Dedicated ☒ Non-Dedicated	Revenue Code: 302

APID:	Accumulated Difference Thru 1982	Dollars in Thousands (137,522 = 137.5)
21300:99-10	(22.8)	

Fiscal Year	Actual F.Y. 83	Actual F.Y. 84	Estimated F.Y. 85	Requested F.Y. 86	Requested F.Y. 87
Actual/Anticipated Receipts	1,179.2	1,100.0	1,343.0	846.7	884.8
Less Actual/ Anticipated Costs	1,095.1	1,195.0	1,343.0	846.7	884.8
Current Difference	84.1	(95.0)	-0-	-0-	-0-
Accumulated Difference	61.3	(33.7)	-0-	-0-	-0-
Number Paying Fee	16,200	16,200	16,200	16,200	16,200
Present Fee	SEE ATTACHED SCHEDULE				
Date Fee Last Changed	7/1/81	7/1/81	7/1/81		

Remarks:

Approximately 85% of all costs are recovered by MS 239.52 and MS 296.13 which provide for recovering all operating costs except for the cost of check weighing prepackaged goods, complaint inspections where the device is found to be correct and court appearances in behalf of other governmental agencies.

	FY85	FY86	FY87
Amount Collected by Weights & Measures	1,343.0	846.7	884.8
Amount Collected by Revenue MS 296.13	166.0	761.8	795.1
Total Amount Recovered	1,509.0	1,608.5	1,679.9

Finance Department Recommendation:

Department Authorized Signature:

Agency Controller Signature:

Weights & Measures Fee Review Detail

	FY83	FY84
Total Expenditures	1,460.1	1,593.4
Less Exclusions	(365.0)	(398.4)
Billable Costs	1,095.1	1,195.0
Costs Recovered	1,179.2	1,100.0
Net	84.1	(95.0)

	FY85	FY86	FY87
Estimated Expenditures	1,788.9	1,709.0	1,744.3
Plus Salary Supplement		46.3	87.4
Central Service & PSD Indirect Cost	39.8	42.0	44.3
Rent Amortization (Laws of 84, Chapter 654, Art. 3, Sec. 6)		6.0	6.0
Less Relocation Expense (Laws of 84, Chapter 645, Art. 3, Sec. 6)	(50.0)		
Amortization of Rent (Laws of 84, Chapter 645, Art. 3, Sec. 6)	(24.0)		
Subtotal	1,754.7	1,803.3	1,882.0
Exclusions MS 239.52*	(245.7)	194.8	202.1
Billable Costs	1,509.0	1,608.5	1,679.9
Amount Collected by Weights & Measures	1,343.0	846.7	884.8
Amount Collected by Revenue MS 296.13**	166.0	761.8	795.1
Total Amount Recovered	1,509.0	1,608.5	1,679.9

* MS 239.52 provides for the recovery of all operating costs other than the cost of check weighing prepackaged goods, complaint inspections where device is found to be correct, and court appearances in behalf of other governmental agencies.

** In FY86 a change in the law transferred petroleum device testing costs from the Weights and Measures fee system to the Revenue Department petroleum inspection fee system.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed Repeal, Amendment and Adoption of Rules of the State Department of Public Service Governing Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices and Governing Inspection Fees

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, LINDA F. CLOSE, do hereby declare that I have examined the rules and all related documents and that, based upon my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Dated: Sept. 19, 1985

Linda F. Close

LINDA F. CLOSE
Deputy Attorney General