

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Jolene Julian  
Department of Transportation and Public Facilities

**FROM:** Scott Meriwether, Office of the Lieutenant Governor 465.4081 

**DATE:** April 6, 2018

**RE:** Filed Permanent Regulations: Department of Transportation and Public Facilities

Department of Transportation and Public Facilities update to measurement standards regulations (17 AAC 90.047(a)(4); 17 AAC 90.615 - 17 AAC 90.617; 17 AAC 90.635; 17 AAC 90.740(a); 17 AAC 90.910(a); 17 AAC 90.920; 17 AAC 90.990)

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Attorney General File:	JU2017200669
Regulation Filed:	4/5/2018
Effective Date:	5/5/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION & PUBLIC  
FACILITIES

The attached seven pages of regulations, dealing with measurement standards, are adopted and certified to be a correct copy of the regulation changes that the Department of Transportation & Public Facility adopts under the authority of AS 45.75.040, 45.75.050, 45.75.070, and 45.75.080 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Transportation & Public Facility paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 14 March 2018  
Juneau, Alaska

  
\_\_\_\_\_  
Marc Luiken, Commissioner  
Department of Transportation and  
Public Facilities

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on April 5, 2018, at 3:10 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
\_\_\_\_\_  
Byron Mallott, Lieutenant Governor

Effective: May 5, 2018.

Register: 226, July 2018.

Register 226, July 2018 TRANS. AND PUBLIC FACILITIES

17 AAC 90.047(a)(4) is amended to read:

(4) Handbook 105-4: *Specifications and Tolerances for Liquefied Petroleum Gas and Anhydrous Ammonia Liquid Volumetric Provers* (2016 [FEBRUARY 2010] Edition); (Eff. 1/18/2002, Register 161; am 4/9/2009, Register 190; am 9/20/2015, Register 215; am 5 / 5 / 2018, Register 226)

<b>Authority:</b>	AS 45.75.040	AS 45.75.070	AS 45.75.080
	AS 45.75.050		

17 AAC 90.615 is amended to read:

**17 AAC 90.615. Checking the net contents of packaged goods.** All prepackaged commodity testing shall be conducted in accordance with the provisions contained in the NIST Handbook 133, *Checking the Net Contents of Packaged Goods*, 2018 [2015] Edition, dated November 2017 [2014], adopted by reference. (Eff. 1/18/2002, Register 161; am 12/31/2006, Register 180; am 9/20/2015, Register 215; am 5 / 5 / 2018, Register 226)

<b>Authority:</b>	AS 45.75.040	AS 45.75.110	AS 45.75.210
	AS 45.75.050	AS 45.75.120	AS 45.75.220
	AS 45.75.070	AS 45.75.190	AS 45.75.230
	AS 45.75.080	AS 45.75.200	AS 45.75.240

17 AAC 90.616 is amended to read:

**17 AAC 90.616. Method of sale; commodities.** Commodities kept, offered, or exposed for sale must conform to the *Uniform Laws and Regulations, Uniform Regulation for the Method*

Register 226, July 2018 TRANS. AND PUBLIC FACILITIES

*of Sale of Commodities*, as published in NIST Handbook 130, **2018** [2015] Edition, dated

November **2017** [2014], adopted by reference except as otherwise provided in this chapter. (Eff.

4/9/2009, Register 190; am 9/20/2015, Register 215; am 5 / 5 / 2018, Register 226)

<b>Authority:</b>	AS 45.75.040	AS 45.75.190	AS 45.75.240
	AS 45.75.050	AS 45.75.200	AS 45.75.282
	<b><u>AS 45.75.070</u></b>	AS 45.75.220	AS 45.75.290
	AS 45.75.080	AS 45.75.225	AS 45.75.300
	AS 45.75.100		

17 AAC 90.617 is amended to read:

**17 AAC 90.617. Uniform packaging and labeling.** Commodities kept, offered, or exposed for sale must conform to *Uniform Laws and Regulations, Uniform Packaging and*

*Labeling Regulation*, as published in NIST Handbook 130, **2018** [2015] Edition, dated

November **2017** [2014], adopted by reference except as otherwise provided in this chapter. (Eff.

4/9/2009, Register 190; am 9/20/2015, Register 215; am 5 / 5 / 2018, Register 226)

<b>Authority:</b>	AS 45.75.040	AS 45.75.190	AS 45.75.240
	AS 45.75.050	AS 45.75.200	AS 45.75.282
	<b><u>AS 45.75.070</u></b>	AS 45.75.220	AS 45.75.290
	AS 45.75.080	AS 45.75.225	AS 45.75.300
	AS 45.75.100		

Register 226, July 2018 TRANS. AND PUBLIC FACILITIES

The heading for 17 AAC 90, Article 5 is changed to read:

**Article 5. Price Verification [REGISTERED SERVICE PROVIDERS].**

17 AAC 90 is amended by adding a new section to Article 5 to read:

**17 AAC 90.635. Examination procedures for price verification.** All price verification shall be conducted in accordance with *Examination Procedures for Price Verification*, as published in NIST Handbook 130, 2018 Edition, dated November 2017, adopted by reference.

(Eff. 5 / 5 / 2018, Register 226)

<b>Authority:</b>	AS 45.75.040	AS 45.75.190	AS 45.75.282
	AS 45.75.050	AS 45.75.200	AS 45.75.290
	AS 45.75.070	AS 45.75.220	AS 45.75.300
	AS 45.75.080	AS 45.75.225	AS 45.75.380
	AS 45.75.100	AS 45.75.240	

17 AAC 90.740(a) is amended to read:

(a) The director shall accept a certificate of conformance issued by the NIST or the National Conference of Weights and Measures under the National Type Evaluation Program described in the NIST Handbook 130, **2018** [2015] Edition, dated November **2017** [2014], *Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality*, adopted by reference, as proof of compliance with the specifications and tolerances for weighing and measuring devices as prescribed in the NIST Handbook 44, adopted by reference in AS 45.75.050(d) and 17 AAC 90.049.



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(Eff. 1/18/2002, Register 161; am 12/31/2006, Register 180; am 9/20/2015, Register 215; am 5/5/2018, Register 226)

**Authority:** AS 45.75.040 AS 45.75.070 AS 45.75.080  
AS 45.75.050

17 AAC 90.910(a)(2) is amended by adding a new subparagraph to read:

(E) for liquid propane gas (LPG) provers up to and including 100 gallons,  
\$400 per prover;

17 AAC 90.910(a)(5) is amended by adding a new subparagraph to read:

(C) for thermometry: \$85 per hour;

(Eff. 7/9/2000, Register 155; am 1/18/2002, Register 161; am 4/9/2016, Register 218; am 5/5/2018, Register 226)

**Authority:** AS 45.75.040 AS 45.75.070 AS 45.75.080  
AS 45.75.050

17 AAC 90.920(1) is amended to read:

(1) for a liquid measuring device

(A) other than a device listed in ~~(B) - (E)~~ [(B) - (D)] of this paragraph,  
and with a maximum flow rate, as specified by the manufacturer, of

(i) no more than 20 [25] gpm: \$25;

(ii) greater than 20 [25] gpm and no more than 100 [150] gpm:

\$45; and

(iii) greater than 100 [150] gpm: \$85;

(B) with a retail remote control, indicating, or recording unit: \$70;

(C) with a key-lock or card-reader system, and with a maximum flow rate, as specified by the manufacturer, of

(i) no more than 20 [25] gpm: \$25;

(ii) greater than 20 [25] gpm and no more than 100 [150] gpm:

\$45; or

(iii) greater than 100 [150] gpm: \$85; [OR]

(D) with a bulk plant remote indicating or recording unit: \$70; or

(E) for liquid propane gas (LPG), and with a maximum flow rate, as specified by the manufacturer, of

(i) no more than 25 gpm: \$75;

(ii) greater than 25 gpm: \$150;

17 AAC 90.920(2) is amended by adding new subparagraphs to read:

(E) that is for marijuana: \$35; or

(F) that is for gold: \$35;

17 AAC 90.920(3) is amended to read:

(3) for a check-out register

(A) before July 1, 2018 [SCANNER SYSTEM]: \$70;

Register 226, July 2018 TRANS. AND PUBLIC FACILITIES

**(B) on or after July 1, 2018, for**

**(i) no more than two check-out registers: \$35;**

**(ii) more than two but no more than 10 check-out registers:**

**\$70;**

**(iii) more than 10 check-out registers: \$150;**

(Eff. 7/9/2000, Register 155; am 1/18/2002, Register 161; am 4/9/2016, Register 218; am

5/5/2018, Register 226)

**Authority:** AS 45.75.040 AS 45.75.050

17 AAC 90.990 is amended by adding a new paragraph to read:

(24) "check-out register"

(A) means any device that is commercially used in a price verification system at a check-out register;

(B) includes

(i) a device that uses a universal product code (UPC) scanner;

(ii) a device that uses an electronic product code (EPC) reader;

(iii) a device that uses manual entries;

(iv) any current or future use of a device that could be used at the

final point of sale as a means for pricing commercial sales. (Eff. 7/9/2000,

Register 155; am 1/18/2002, Register 161; am 9/20/2015, Register 215; am

5/5/2018, Register 226)

**Authority:** AS 45.75.040 AS 45.75.070 AS 45.75.380



Register 226, July 2018 TRANS. AND PUBLIC FACILITIES

AS 45.75.050

AS 45.75.080

# MEMORANDUM


## State of Alaska Department of Law

**To:** Hon. Byron Mallott  
Lieutenant Governor

**Date:** April 5, 2018

**File No.:** JU2017200669

**Tel. No.:** 465-3600

**From:** Steven C. Weaver   
Sr. Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

**Re:** Department of Transportation and  
Public Facilities update to  
measurement standards regulations  
(17 AAC 90.047(a)(4); 17 AAC  
90.615 - 17 AAC 90.617; 17 AAC  
90.635; 17 AAC 90.740(a); 17 AAC  
90.910(a); 17 AAC 90.920; 17 AAC  
90.990)

We have reviewed the attached regulations from the Department of Transportation and Public Facilities against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated April 5, 2018 from the Regulations Attorney. The regulations update measurement standards, including related fees and adopted-by-reference material.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

Hon. Byron Mallott, Lieutenant Governor  
Our file: JU2017200669

April 5, 2018  
Page 2

The December 19, 2017 public notice and the March 14, 2018 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: (via email)

Hon. Marc Luiken, Commissioner  
Department of Transportation and Public Facilities

Jolene Julian, Regulations Contact  
Department of Transportation and Public Facilities

Donald Brewer  
Division of Measurement Standards and Commercial Vehicle Enforcement  
Department of Transportation and Public Facilities

Katherine Hensley  
Division of Measurement Standards and Commercial Vehicle Enforcement  
Department of Transportation and Public Facilities

Eugene F. Hickey, Assistant Attorney General  
Transportation Section

# MEMORANDUM


## State of Alaska Department of Law

**TO:** Hon. Byron Mallott  
Lieutenant Governor

**DATE:** April 5, 2018

**FILE NO.:** JU2017200669

**TELEPHONE NO.:** (907) 465-3600

**FROM:** Susan R. Pollard   
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation/Regulations Section

**SUBJECT:** Specific delegation of authority  
regarding regulations review on  
Department of Transportation and  
Public Facilities update to  
measurement standards  
regulations (17 AAC  
90.047(a)(4); 17 AAC 90.615 -  
17 AAC 90.617; 17 AAC 90.635;  
17 AAC 90.740(a); 17 AAC  
90.910(a); 17 AAC 90.920;  
17 AAC 90.990)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator  
Office of the Lieutenant Governor

Steven C. Weaver  
Sr. Assistant Attorney General and  
Assistant Regulations Attorney  
Legislation/Regulations Section

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF  
TRANSPORTATION AND PUBLIC FACILITIES

BRIEF DESCRIPTION

The Department of Transportation and Public Facilities proposes to change **regulations** relating the adoption of updated National Institute of Standards and Technology handbooks and to add and update fees charged for the Metrology Laboratory, annual device registration fees, and other weighing and measuring fees.

The Alaska Department of Transportation and Public Facilities proposes to amend regulations in Title 17 of the Alaska Administrative Code, dealing with Measurement Standards, including the following:

- (1) Article 1, Testing Equipment, is proposed to be changed as follows:
  - 17 AAC 90.047, Annual Verification. Proposed update to newest edition.
- (2) Article 4, Commodities, is proposed to be changed as follows:
  - 17 AAC 90.615, Checking the Net Contents of Packaged Goods. Proposed update to newest edition.
  - 17 AAC 90.616, Method of sale; Commodities. Proposed update to newest edition.
  - 17 AAC 90.617, Uniform Packaging and Labeling. Proposed update to newest edition.
- (3) Article 5, Price Verification, is repealed and readopted in full.
- (4) Article 6, National Type Evaluation Program (NTEP), is proposed to be changed as follows:
  - 17 AAC 90.740, Certificate of Conformance. Proposed update to newest edition.
- (5) Article 8, Metrology Laboratory Fee for Service, is proposed to be changed as follows:
  - 17 AAC 90.910 fees associated with National Type Evaluation Program (NTEP) Class II or III, Liquid Propane Gas (LPG), and thermometry are proposed.
- (6) Article 9, Weighing and Measure Device Registration and Fees, is proposed to be changed as follows:
  - 17 AAC 90.920 fees associated with LPG, gold, and marijuana are proposed. Scanner system is replaced with check-out register and updated from one fee to three separate fees. Updated flow rates for liquid measuring devices and key-lock or card-reader systems. Will adopt on July 1, 2018.
- (7) Article 10, Definitions, is proposed to be changed as follows:



17 AAC 90.990 proposed update to definition: Check-out register.

**Written Comments:** You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alaska Department of Transportation & Public Facilities, attention Donald Brewer at 12050 Industry Way, Building O, Suite 6, Anchorage, Alaska 99515. Additionally, the Department of Transportation and Public Facilities will accept comments by facsimile at (907) 345-7818 and by electronic mail at [chapter90regs@alaska.gov](mailto:chapter90regs@alaska.gov). The comments must be received no later than 5:00 p.m. on January 19, 2017.

**Hearing:** Oral or written comments also may be submitted at a hearing to be held on Thursday, January 11, 2017, in the Conference Room, 11900 Industry Way, Building M, Suite 2, Anchorage, Alaska 99515. The hearing will be held from 2:00 p.m. to 4:00 p.m.

**Written Questions:** You may submit written questions relevant to the proposed action to the Department of Transportation & Public Facilities, attention Donald Brewer at 12050 Industry Way, Building O, Suite 6, Anchorage, Alaska 99515, or [chapter90regs@alaska.gov](mailto:chapter90regs@alaska.gov). Questions must be received at least 10 days before the end of the public comment period. The Department of Transportation and Public Facilities will aggregate its responses to substantially similar questions and make the questions and response available on <http://dot.alaska.gov/msevc/>. The Department of Transportation and Public Facilities may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

**Special Accommodations:** If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Donald Brewer at (907) 365-1210 no later than January 9, 2017 to ensure that any necessary accommodations can be provided.

**Comments Public Information:** All written comments received by DOT&PF regarding the proposed regulation changes are public records and are subject to public inspection.

**Proposed Regulations:** A copy of the proposed regulation changes is available on the Alaska Online Public Notice System (and/or through the electronic link to the complete text on the Alaska Online Public Notice System) or by contacting the Department of Transportation & Public Facilities, attention Donald Brewer at 12050 Industry Way, Building O, Suite 6, Anchorage, Alaska 99515 or by electronic mail at [chapter90regs@alaska.gov](mailto:chapter90regs@alaska.gov).

**Action:** After the public comment period ends, the Department of Transportation and Public Facilities will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

**Statutory Authority:** AS 45.75.010; AS 45.75.020; AS 45.75.040; AS 45.75.050; AS 45.75.070; AS 45.75.080; AS 45.75.120

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 45.75.040; AS 45.75.050; AS 45.75.070; AS 45.75.080; AS 45.75.100; AS 45.75.110; AS 45.75.120; AS 45.75.190; AS 45.75.200; AS 45.75.210; AS 45.75.220; AS 45.75.225; AS 45.75.230; AS 45.75.240; AS 45.75.282; AS 45.75.290; AS 45.75.300

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 12/11/2017  
December 11, 2017

  
\_\_\_\_\_  
Daniel V. Smith, Director  
DOT&PF / MSCVE

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF  
TRANSPORTATION AND PUBLIC FACILITIES

The Department of Transportation and Public Facilities proposes to amend and repeal regulations in Title 17 of the Alaska Administrative Code, dealing with measurement standards, including the following:

**17 AAC 90.047** Article 1, Testing Equipment, proposed update to newest edition.

**17 AAC 90.615** Article 4, Commodities, proposed update to newest edition.

**17 AAC 90.616** Article 4, Commodities, proposed update to newest edition.

**17 AAC 90.617** Article 4, Commodities, proposed update to newest edition.

**17 AAC 90.630** Article 5, Price Verification, repealed and readopted in full.

**17 AAC 90.740** Article 6, National Type Evaluation Program (NTEP), proposed to be update to the newest edition.

**17 AAC 90.910** Article 8, Metrology Laboratory Fee for Service, fees associated with National Type Evaluation Program (NTEP) Class II or III, Liquid Propane Gas (LPG), and thermometry are proposed.

**17 AAC 90.920** Article 9, Weighing and Measure Device Registration and Fees, fees associated with LPG, gold, and marijuana are proposed. Scanner system is replaced with check-out register and updated from one fee to three separate fees. Updated flow rates for liquid measuring devices and key-lock or card-reader systems. Will adopt on July 1, 2018.

**17 AAC 90.990** Article 10, Definitions, proposed update to definition: Check-out register.

**Written Comments:** You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alaska Department of Transportation & Public Facilities, attention Donald Brewer at 12050 Industry Way, Building O, Suite 6, Anchorage, Alaska 99515. Additionally, the Department of Transportation and Public Facilities will accept comments by facsimile at (907) 345-7818 and by electronic mail at [chapter90regs@alaska.gov](mailto:chapter90regs@alaska.gov). The comments must be received no later than 5:00 p.m. on January 19, 2017.

**Hearing:** Oral or written comments also may be submitted at a hearing to be held on Thursday, January 11, 2017, in the Conference Room, 11900 Industry Way, Building M, Suite 2, Anchorage, Alaska 99515. The hearing will be held from 2:00 p.m. to 4:00 p.m.

**Written Questions:** You may submit written questions relevant to the proposed action to the Department of Transportation & Public Facilities, attention Donald Brewer at 12050 Industry Way, Building O, Suite 6, Anchorage, Alaska 99515, or [chapter90regs@alaska.gov](mailto:chapter90regs@alaska.gov). Questions must be received at least 10 days before the end of the public comment period. The Department of Transportation and Public Facilities will aggregate its responses to substantially similar questions and make the questions and response available on <http://dot.alaska.gov/mscvc/>. The Department of Transportation and Public Facilities may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

**Special Accommodations:** If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Donald Brewer at (907) 365-1210 no later than January 9, 2017 to ensure that any necessary accommodations can be provided.

**Comments Public Information:** All written comments received by DOT&PF regarding the proposed regulation changes are public records and are subject to public inspection.

**Proposed Regulations:** A copy of the proposed regulation changes is available on the Alaska Online Public Notice System (and/or through the electronic link to the complete text on the Alaska Online Public Notice System) or by contacting the Department of Transportation & Public Facilities, attention Donald Brewer at 12050 Industry Way, Building O, Suite 6, Anchorage, Alaska 99515 or by electronic mail at [chapter90regs@alaska.gov](mailto:chapter90regs@alaska.gov).


**Action:** After the public comment period ends, the Department of Transportation and Public Facilities will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

**Statutory Authority:** AS 45.75.010; AS 45.75.020; AS 45.75.040; AS 45.75.050; AS 45.75.070; AS 45.75.080; AS 45.75.120

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 45.75.040; AS 45.75.050; AS 45.75.070; AS 45.75.080; AS 45.75.100; AS 45.75.110; AS 45.75.120; AS 45.75.190; AS 45.75.200; AS 45.75.210; AS 45.75.220; AS 45.75.225; AS 45.75.230; AS 45.75.240; AS 45.75.282; AS 45.75.290; AS 45.75.300

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 12/11/2017  
December 11, 2017

  
\_\_\_\_\_  
Daniel V. Smith, Director  
DOT&PF / MSCVE



ADDITIONAL REGULATIONS NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Measurement Standards
2. General subject of regulation: Updating editions, fees, devices, and definitions.
3. Citation of regulation (may be grouped): 17 AAC 90.047, 17 AAC 90.615-617, 17 AAC 90.630, 17 AAC 90.740, 17 AAC 90.910, 17 AAC 90.920, 17 AAC 90.990
4. Department of Law file number, if any: \_\_\_\_\_
5. Reason for the proposed action:
  - ( ) Compliance with federal law or action (identify): \_\_\_\_\_
  - ( ) Compliance with new or changed state statute
  - ( ) Compliance with Federal or state court decision (identify) \_\_\_\_\_
  - ( ) Development of program standards
  - (X) Other (identify): update editions of items adopted by reference and add devices and fees.
6. Appropriation/Allocation: \_\_\_\_\_
7. Estimated annual costs in the aggregate to comply with the proposed action to:
  - Private Persons: \$85-\$400 per and approximately \$2,160 total
  - Other State Agencies: \_\_\_\_\_
  - Municipalities: \_\_\_\_\_
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY _____	Subsequent Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
1037 General fund/ mental health	\$ _____	\$ _____
Other	\$ _____	\$ _____

9. The name of the contact person for the regulations:
  - Name: Donald Brewer
  - Title: Chief of Weights & Measures
  - Address: 12050 Industry Way, Building O, Suite 6  
Anchorage, Alaska 99515



Telephone: 907-365-1210

E-mail address chapter90regs@alaska.gov

10. The origin of the proposed action:

- ☒ Staff of state agency  
☐ Federal government  
☐ General public  
☐ Petition for regulation change  
☐ Other (identify) \_\_\_\_\_

11. Date: 12/11/14

Prepared by: Katherine Hensley

Name (printed): Katherine Hensley

Title (printed): Program Coordinator II

Telephone: 907-365-1215

\_\_\_\_ JUDICIAL DISTRICT

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS  
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Katherine Hensley, Program Coordinator II, of the Department of Transportation and Public Facilities, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to Chapter 90, Measurement Standards has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Transportation Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 01-25-2018  
Anchorage

Katherine Hensley  
Katherine Hensley, Program Coordinator II

SUBSCRIBED AND SWORN TO before me this 25<sup>th</sup> day of January, 2018.



*[Signature]*  
Notary Public in and for the  
State of Alaska  
My commission expires: *with office*

\_\_\_\_ JUDICIAL DISTRICT )

## AFFIDAVIT OF ORAL HEARING

I, Katherine Hensley, Program Coordinator II of the Department of Transportation & Public Facilities, being sworn, state the following:


On January 11, 2018, from 2:00pm to 4:00 pm, in the Conference Room at 11900 Industry Way, Building M, Suite 2, Anchorage, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to Title 17, Chapter 90, measurement standards regulations.

DATE: 01-28-2018  
Anchorage

  
Katherine Hensley, Program Coordinator II

SUBSCRIBED AND SWORN TO before me this 25<sup>th</sup> day of January, 2018.




  
Notary Public in and for the  
State of Alaska  
My commission expires: with office

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT


I, Donald Brewer, Chief of Weights and Measures for the Department of Transportation and Public Facilities, being duly sworn, state the following:

The Department of Transportation and Public Facilities did not receive any factual or other substantive information that was submitted in writing or orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Transportation and Public Facilities regulations on measurement standards under 17 AAC 90.

Date: 03-09-18  
Anchorage, Alaska

  
Donald Brewer, Chief of Weights and Measures  
Department of Transportation and Public Facilities

Subscribed and sworn to before me at 8:50 AM on  
March 9, 2018.

  
Notary Public in and for the State of Alaska





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# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

December 19, 2017

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

*Joleesa Stepetin*

Subscribed and sworn to before me  
this 19th day of December, 2017

*Britney Thompson*

Notary Public in and for  
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

*2/23/2019*

Notary Public  
BRITNEY L. THOMPSON  
State of Alaska  
My Commission Expires Feb 23, 2019

## NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The Department of Transportation and Public Facilities proposes to amend and repeal regulations in Title 17 of the Alaska Administrative Code, dealing with measurement standards, including the following:

**17 AAC 90.047** Article 1, Testing Equipment, proposed update to newest edition.

**17 AAC 90.615** Article 4, Commodities, proposed update to newest edition.

**17 AAC 90.616** Article 4, Commodities, proposed update to newest edition.

**17 AAC 90.617** Article 4, Commodities, proposed update to newest edition.

**17 AAC 90.630** Article 5, Price Verification, repealed and readopted in full.

**17 AAC 90.740** Article 6, National Type Evaluation Program (NTEP), proposed to be update to the newest edition.

**17 AAC 90.910** Article 8, Metrology Laboratory Fee for Service, fees associated with National Type Evaluation Program (NTEP) Class II or III, Liquid Propane Gas (LPG), and thermometry are proposed.

**17 AAC 90.920** Article 9, Weighing and Measure Device Registration and Fees, fees associated with LPG, gold, and marijuana are proposed. Scanner system is replaced with check-out register and updated from one fee to three separate fees. Updated flow rates for liquid measuring devices and key-lock or card-reader systems. Will adopt on July 1, 2018.

**17 AAC 90.990** Article 10, Definitions, proposed update to definition: Check-out register.

**Written Comments:** You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alaska Department of Transportation & Public Facilities, attention Donald Brewer at 12050 Industry Way, Building O, Suite 6, Anchorage, Alaska 99515. Additionally, the Department of Transportation and Public Facilities will accept comments by facsimile at (907) 345-7818 and by electronic mail at [chapter90regs@alaska.gov](mailto:chapter90regs@alaska.gov). The comments must be received no later than 5:00 p.m. on January 24, 2018.

**Hearing:** Oral or written comments also may be submitted at a hearing to be held on Thursday, January 11, 2018, in the Conference Room, 11900 Industry Way, Building M, Suite 2, Anchorage, Alaska 99515. The hearing will be held from 2:00 p.m. to 4:00 p.m.

**Written Questions:** You may submit written questions relevant to the proposed action to the Department of Transportation & Public Facilities, attention Donald Brewer at 12050 Industry Way, Building O, Suite 6, Anchorage, Alaska 99515, or [chapter90regs@alaska.gov](mailto:chapter90regs@alaska.gov). Questions must be received at least 10 days before the end of the public comment period. The Department of Transportation and Public Facilities will aggregate its responses to substantially similar questions and make the questions and response available on <http://dot.alaska.gov/mscve/>. The Department of Transportation and Public Facilities may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

**Special Accommodations:** If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Donald Brewer at (907) 365-1210 no later than January 9, 2018 to ensure that any necessary accommodations can be provided.

**Comments Public Information:** All written comments received by DOT&PF regarding the proposed regulation changes are public records and are subject to public inspection.

**Proposed Regulations:** A copy of the proposed regulation changes is available on the Alaska Online Public Notice System (and/or through the electronic link to the complete text on the Alaska Online Public Notice System) or by contacting the Department of Transportation & Public Facilities, attention Donald Brewer at 12050 Industry Way, Building O, Suite 6, Anchorage, Alaska 99515 or by electronic mail at [chapter90regs@alaska.gov](mailto:chapter90regs@alaska.gov).

**Action:** After the public comment period ends, the Department of Transportation and Public Facilities will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

**Statutory Authority:** AS 45.75.010; AS 45.75.020; AS 45.75.040; AS 45.75.050; AS 45.75.070; AS 45.75.080; AS 45.75.120

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 45.75.040; AS 45.75.050; AS 45.75.070; AS 45.75.080; AS 45.75.100; AS 45.75.110; AS 45.75.120; AS 45.75.190; AS 45.75.200; AS 45.75.210; AS 45.75.220; AS 45.75.225; AS 45.75.230; AS 45.75.240; AS 45.75.282; AS 45.75.290; AS 45.75.300