

**ADOPTED REGULATION OF THE
STATE DAIRY COMMISSION**

LCB File No. R017-07

Effective October 31, 2007

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-3, NRS 584.067, 584.400 and 584.550.

A REGULATION relating to dairy products; consolidating the Western Nevada Marketing Area and the Eastern Nevada Marketing Area into a new marketing area designated as the Northern Nevada Marketing Area; and providing other matters properly relating thereto.

Section 1. NAC 584.5762 is hereby amended to read as follows:

584.5762 The stabilization and marketing plan set forth in NAC 584.5551 to 584.6712, inclusive, is the stabilization and marketing plan for the ~~[Eastern]~~ *Northern* Nevada Marketing Area ~~[.]~~ *and* the Southern Nevada Marketing Area ~~[and the Western Nevada Marketing Area]~~ as those areas are described in NAC 584.6542.

Sec. 2. NAC 584.6482 is hereby amended to read as follows:

584.6482 1. Except as otherwise provided in this subsection, the minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the ~~[Western]~~ *Northern* Nevada Marketing Area is the minimum price established for fluid milk and fluid cream set each month by the State of California Department of Food and Agriculture for the Northern California Marketing Area. If the minimum price for fluid milk and fluid cream established for the Northern California Marketing Area is revised, the Commission will review the revised price to determine whether it is acceptable. Unless the Commission, within 5 days after the price for the Northern California Marketing Area is revised, determines that the revised price is unacceptable, the

revised price for the Northern California Marketing Area shall be deemed the minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the ~~[Western]~~ *Northern* Nevada Marketing Area. The minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the ~~[Western]~~ *Northern* Nevada Marketing Area may be obtained at no cost:

(a) By mail, from the State Dairy Commission, 4600 Kietzke Lane, Building A, Suite 107, Reno, Nevada 89502;

(b) By telephone, at 775.688.1211;

(c) By electronic mail, at dairycom@dairy.state.nv.us; or

(d) On the Internet, at <http://dairy.state.nv.us>.

2. ~~[Except as otherwise provided in this subsection, the minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the Eastern Nevada Marketing Area is the minimum price for fluid milk and fluid cream set each month in the Federal Milk Marketing Orders. If the minimum price for fluid milk and fluid cream established in the Federal Milk Marketing Orders for the Eastern Nevada Marketing Area is revised, the Commission will review the revised price to determine whether it is acceptable. Unless the Commission, within 5 days after the price established in the Federal Milk Marketing Orders is revised, determines that the revised price is unacceptable, the revised price set forth in the Federal Milk Marketing Orders shall be deemed the minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the Eastern Nevada Marketing Area. A copy of the Market Administrator Price Announcements under the Federal Milk Marketing Orders may be obtained at no cost:—(a) By mail, from the State Dairy Commission, 4600 Kietzke Lane, Building A, Suite 107, Reno, Nevada 89502;~~

~~—(b) By telephone, at 775.688.1211; or~~

~~—(c) By electronic mail, at dairycom@dairy.state.nv.us.~~

~~—3.]~~ Except as otherwise provided in this subsection, the minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the Southern Nevada Marketing Area is the advanced pricing factors or the component prices set each month by the United States Department of Agriculture, as applicable, plus the class differential set by the Commission. The minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the Southern Nevada Marketing Area may be obtained at no cost:

(a) By mail, from the State Dairy Commission, 1840 East Sahara Avenue, Suite ~~[111,]~~ *112*, Las Vegas, Nevada 89104;

(b) By telephone, at 702.486.8212;

(c) By electronic mail, at dairycom@dairy.state.nv.us; or

(d) On the Internet, at <http://dairy.state.nv.us>.

Sec. 3. NAC 584.6542 is hereby amended to read as follows:

584.6542 1. The ~~[Eastern]~~ *Northern* Nevada Marketing Area consists of *Carson City and Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe* and White Pine Counties and that part of Nye County north of the 38th parallel .

~~[and east of the 117th meridian.]~~

2. The Southern Nevada Marketing Area consists of Clark and Lincoln Counties and that part of Nye County south of the 38th parallel.

~~[3.—The Western Nevada Marketing Area consists of Carson City and Churchill, Douglas, Esmeralda, Humboldt, Lander, Lyon, Mineral, Pershing, Storey and Washoe Counties and that part of Nye County north of the 38th parallel and west of the 117th meridian.]~~

NOTICE OF ADOPTION OF REGULATION
LCB File No. R017-07

The Dairy Commission adopted regulations assigned LCB File No. R017-07 which pertain to chapter 584 of the Nevada Administrative Code on August 15, 2007.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, an explanation how other interested persons may obtain a copy of the summary.

This amendment to the Nevada Administrative Code appeared as an action item on three Nevada Dairy Commission meetings. On January 17, 2007, in Reno, Nevada, for the public workshop, on July 18, 2007, in Elko, Nevada, for the first public hearing, and on August 15, 2007, in Reno, Nevada, for the final public hearing. Public response was positive to the amendment of the regulations. A copy of written comments may be obtained by calling the Nevada Dairy Commission at (775) 688-1211 or by writing to the Commission at 4600 Kietzke Lane, Suite A-107, Reno, NV 89506.

2. The number of persons who:

- (a) **Attended each hearing:** 1/17/2007 – 5, 7/18/2007 – 0, 8/15/2007 - 7
- (b) **Testified at each hearing:** 1/17/2007 – 1, 7/18/2007 – 0, 8/15/2007 – 0
- (c) **Submitted to the agency written comments:** Comments were submitted by Southwest Traders, Inc., Costco Wholesale, Meadow Gold Dairies, Starbucks Coffee Company, Model Dairy, SYSCO Intermountain Food Services, Inc., Cream O’Weber, U. S. Foodservice, Smith’s Food & Drug Stores, Albertson’s, and Associated Food Stores, Inc. All comments were in support of the amended regulations.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected business by a direct mail-out to all licensees of the Nevada Dairy Commission and by the posting of required notices for the above meetings. All comments, both verbal and written, were in support of the change to the regulations. A copy of written comments may be obtained by calling the Nevada Dairy Commission at (775) 688-1211 or by writing to the Commission at 4600 Kietzke Lane, Suite A-107, Reno, NV 89506.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The amended regulations were adopted at the Nevada Dairy Commission Hearing on August 15, 2007, without change from the proposed amendment. No change was made since all response from the dairy industry were positive.

- 5. The estimated economic effect of the amended regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**
- (a) Both adverse and beneficial effects; and**
 - (b) Both immediate and long term effects.**

- a. There is expected to be no adverse economic effect or impact on any dairy business or the public. The change will benefit dairy licensees by not requiring them to report dispositions of dairy products in separate marketing areas. With the elimination of the need for a Commission meeting in the Eastern Nevada Area, the economic burden on the licensees will be reduced by not requiring attendance at that meeting.
- b. The immediate and long-term effect of these regulations will be the elimination of the need for a Commission meeting in Eastern Nevada, and the elimination of the requirement to report the disposition of dairy products in two areas.

- 6. The estimated cost to the agency for enforcement of the amended regulation.**

Since this amendment is an administrative change, there will be no cost for enforcement.

- 7. A description of any regulations of other state of government agencies that the proposed regulation overlaps or duplicated, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicated a federal regulation, the name of the regulating federal agency.**

There are no other state or governmental agency regulations that the proposed amendment duplicates.

- 8. If the regulation included provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

Not applicable to this regulation amendment.

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

These regulations do not provide or involve a new fee, and hence since no fee is involved, there is no total amount expected to be collected or used.