

**ADOPTED REGULATION OF
THE STATE DAIRY COMMISSION**

LCB File No. R003-11

Effective October 26, 2011

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

AUTHORITY: §1, NRS 584.067 and 584.547.

A REGULATION relating to distribution of dairy products; revising provisions relating to the appearance of an applicant for a distributor's license or the amendment of a distributor's license at a public meeting of the State Dairy Commission; and providing other matters properly relating thereto.

Section 1. NAC 584.6161 is hereby amended to read as follows:

584.6161 Each application for the original issuance of a distributor's license or for the amendment of a distributor's license will be considered at a public meeting of the Commission .

~~[held within the marketing area in which the applicant wishes to distribute dairy products. An applicant for an original distributor's license must appear at the meeting and present any matters relevant to the pending application. An applicant for an amendment of a distributor's license may be required to appear at the meeting to provide additional information relevant to the application.]~~ *An applicant is not required to appear at the meeting unless requested by the Executive Director or a member of the Commission but may appear to provide additional information relevant to the application.*

**LEGISLATIVE REVIEW OF AMENDED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURED ACT, NRS 233B.066
LCB FILE R-003-11**

The following informational statement is submitted for amendments to Nevada Administrative Code (NAC) 584.6161.

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.

The conversion of the temporary regulation amendment to a permanent regulation was discussed at the regular meeting of the Nevada Dairy Commission on May 18, 2011. Notices were sent out to all Dairy Commission Licensees indicating the dates of the workshop and hearing and soliciting any written comments. A workshop was held on August 2, 2011, in Reno, NV, with teleconferencing to Las Vegas, NV. On August 24, 2011, a public hearing was held in Reno, NV, with teleconferencing to Las Vegas, NV. Public response was positive to the amendment of the regulation and the regulation amendment was adopted as permanent by the Dairy Commission on August 24, 2011. A copy of the transcripts for the workshop and hearing may be viewed, and copies made available, at the Nevada Dairy Commission at 4600 Kietzke Lane, Suite A-107, Reno, NV 89502, (775)-688-1211, or on our website at dairy.nv.gov.

2. The number of persons who:

- (a) **Attended each hearing:** 8/2/2011 –1, 8/24/2011 – 0
- (b) **Testified at each hearing:** 8/2/2011 –0, 8/24/2011 - 0
- (c) **Submitted to the agency written comments:** No written comments were submitted.

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 as well as posting to our website. A transcript of the workshop & hearing may be viewed at the Nevada Dairy Commission, 4600 Kietzke Lane, Suite A-107, Reno, NV 89502, phone (775) 688-1211, or on our website at dairy.nv.gov.

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 24, 2011, with minor changes to the wording from the original temporary amendment. The changes were made at the suggestion of the Legislative Counsel Bureau as per their review and letter dated July 8, 2011.

- 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 appear at a public meeting of the Dairy Commission unless requested by the Executive Director or a Dairy Commissioner. This will save time and money for the licensees.
- b. The immediate and long-term effect of these regulations will be the elimination of the need for an appearance of the licensee at the Commission meeting which will save the licensee time and money for travel.

- 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.