PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE

LCB File No. R023-16

DIVISION OF FOOD & NUTRITION

NOTICE OF INTENT TO ACT UPON A REGULATION
And
NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS

The Nevada Department of Agriculture will hold a public hearing on April 21st, 2016 at 12:00 PM, at the University of Nevada Cooperative Extension – Churchill County, 111 Sheckler Road, Fallon, NV 89406; Phone: (775) 353-3601. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 584 of the Nevada Administrative Code. The proposal has been designated as File No. R023-16 by the Nevada Legislative Counsel Bureau.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The purpose is to solicit public comments from interested persons on the following proposed regulations: NAC 584.0361 to 584.6457; *a regulation relating to Dairy Products and Substitutes; and providing other matters properly relating thereto*.

The Nevada Dairy Commission is seeking to amend, repeal, and adopt regulations under Nevada Administrative Code (NAC) 584. The purpose of these changes is to clarify existing regulations, remove outdated language, update references, eliminate outdated regulations and make the regulations more business friendly.

1. The purpose of the proposed amendments to NAC 584.0361 to NAC 584.6457 is to benefit the people of the State of Nevada, including Nevada Department of Agriculture staff and small businesses by making the regulations more business friendly.
2. The purpose of these changes is to clarify existing regulations, remove outdated language, update references, eliminate outdated regulations and make the regulations more business friendly.
3. (a) There is expected to be no adverse economic impact on any regulated dairy business or the public. The change will benefit dairy licensees by clarifying and removing outdated regulations.
   (b) The immediate and long-term effect of these regulation changes will be to provide dairy businesses and licensee's regulations that are up-to-date and easier to understand and work with.
4. Since this amendment is an administrative change, there will be no cost for enforcement.
5. The proposed regulation will not overlap or duplicate any regulations set by federal, state or local government agencies.
6. The proposed regulation is not required by federal law.
7. The proposed regulation does not include any provisions more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not increase or establish any new fees.

A concerted effort was made to determine the impact of the proposed regulation on small businesses. Dairy Commission staff met with industry to discuss the revisions and has determined that there is no negative affect on the industry.

The LCB approved revision can be found on the Nevada Department of Agriculture website at www.agri.nv.gov.

Persons wishing to comment upon the proposed action of the Nevada Department of Agriculture may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the address below.

Nevada Department of Agriculture
405 S. 21st Street
Sparks, NV 89431
ATTN: Anna Vickrey
(775) 353-3605
avickrey@agri.nv.gov

Written submissions must be received by the Nevada Department of Agriculture on or before April 18th, 2016. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Agriculture may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at:

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431

Nevada Department of Agriculture
2300 East St. Louis Avenue
Las Vegas, NV 89104

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89445

And in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://www.leg.state.nv.us. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

NRS 233B.064(2) provides: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Sparks, Las Vegas or Elko during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.

Clark County Library, 833 Las Vegas Boulevard North, Las Vegas, NV 89101
Douglas County Library, 1625 Library Lane, Minden, NV 89423
Elko County Library, 720 Court Street, Elko, NV 89801
Esmeralda County Library, Corner of Crook & 4th Streets, Goldfield, NV 89013
Eureka Branch Library, 10190 Monroe Street, P.O. Box 293, Eureka, NV 89316
Humboldt County Library, 85 East 5th Street, Winnemucca, NV 89445
Lander County Library, 625 South Broad Street, Battle Mountain, NV 89820
Lincoln County Library, 63 Main Street, Pioche, NV 89043
Lyon County Library, 20 Nevin Way, Yerington, NV 89447
Mineral County Public Library, 110 1st Street, Hawthorne, NV 89415
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419
Storey County Public Library, 95 South R Street, Virginia City, NV 89440
Tonopah Public Library, 167 Central Street, Tonopah, NV 89049
Washoe County Library, 301 South Center Street, Reno, NV 89501
White Pine County Library, 950 Campton Street, Ely, NV 89301
Nevada State Legislature Website: www.leg.state.nv.us

BRIAN SANDOVAL
Governor

Las Vegas Office:
2300 McLeod Street
Las Vegas NV 89104-4314
(702) 668-4590
Fax (702) 668-456

STATE OF NEVADA

JAMES R. BARBEE
Director

Elko Office:
4780 E. Idaho Street
Elko NV 89801-4672
(775) 738-8076
Fax (775) 738-2639

MEMORANDUM

TO: Nevada Department of Agriculture Offices
State Capitol Building
State Library and Archives
Dennis Belcourt – AG's Office

FROM: Nevada Department of Agriculture
Food & Nutrition Division
Donnell Barton, Administrator
775-353-3625
dbarton@agri.nv.gov Fax Number 775-353-3749

SUBJECT: Posting of Agenda for Hearing on Notice of Intent to Act Upon a Regulation Scheduled for Thursday, April 21, 2016 at 12:00 PM

DATE: March 17, 2016

I have attached a copy of the agenda for the Nevada Department of Agriculture Hearing for Notice of Intent to Act Upon a Regulation that will be held on April 21, 2016.

Please post the agenda before 9:00am on March 18, 2016, per *open meeting law* and return this memo to my attention, signed with the date of posting, as I need this for our files.

We appreciate your assistance in this posting.

Thank you.

Distribution: State Capitol Building
State Library and Archives
Dennis Belcourt – AG's Office
Sparks Office – Nevada Department of Agriculture
Las Vegas Office – Nevada Department of Agriculture
Elko Office – Nevada Department of Agriculture
Consumer Equitability – Department of Agriculture

OFFICE: _____

SIGNATURE: _____

DATE & TIME OF POST: _____

MEETING NOTICE AND AGENDA
Public Hearing
Notice of Intent to Act Upon a Regulation

LOCATION:	University of Nevada Cooperative Extension – Churchill County 111 Sheckler Road Fallon, NV 89406 Phone: 775-423-5121
Video-conference to:	Nevada Department of Agriculture 2300 East St. Louis Avenue Las Vegas, NV 89104 Phone: 702-668-4590

DATE AND TIME: April 21st, 2016 at 12:00 PM

Public comment will be taken on the intent to adopt a regulation. The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 584.0361 to 584.6457; *a regulation relating to Dairy Products and Substitutes; and providing other matters properly relating thereto*.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify The Dept. of Agriculture in writing at 405 S. 21st Street, Sparks, NV 89431 or contact Jerri Conrad at 775-353-3619.

Copies of both the State of Nevada Board of Agriculture Agenda with supporting documentation and Open Meeting Minutes are available, at no charge, for inspection at the Dept. of Agriculture 405 S. 21st Street, Sparks, NV, 89431 or Dept. of Agriculture website at www.agri.state.nv.us. For additional information contact Jerri Conrad at 775-353-3619.

Notice of this meeting was posted on or before 9:00 a.m. on the third working day before the meeting at the following locations: Nevada Department of Agriculture, 405 S. 21st Street, Sparks, NV 89431, Nevada Department of Agriculture, 2150 Frazer Ave., Sparks, NV 89431, Nevada Department of Agriculture, 4780 E. Idaho Street, Elko, NV 89801, Nevada Department of Agriculture, 2300 McLeod Street, Las Vegas, NV 89104, State of Nevada Capital Building, Carson City NV, State Library and Archives, Carson City.