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 File Date: 1/7/16

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Agriculture
Division:	Consumer & Industry Services
Contact Person:	Jay Miller
Address:	Post Office Box 40627, Nashville, Tennessee 37204
Phone:	(615) 837-5341
Email:	jay.miller@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Liz Sneed
Address:	Post Office Box 40627, Nashville, Tennessee 37204
Phone:	(615) 837-5116
Email:	liz.sneed@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Tennessee Department of Agriculture, Porter Building		
Address 2:	436 Hogan Road		
City:	Nashville, Tennessee		
Zip:	37220		
Hearing Date :	February 29, 2016		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

This rule is intended to create a new fee and licensing structure for the Dairy program pursuant to amendment of Tenn. Code Ann. §§ 43-1-703; 53-3-105; and 53-3-106.

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0080-03-08	Dairy Licensure
Rule Number	Rule Title
0080-03-08-.01	Dairy Manufacturers
0080-03-08-.02	Frozen Dessert Manufacturers

0080-03-08-.03	Distributors
0080-03-08-.04	Samplers and Testers

New

Chapter 0080-03-08
Dairy Licensure

0080-03-08-.01 Dairy Manufacturers

Dairy products plants and trade products plants under T.C.A. §53-3-106 shall pay an annual license fee based on the amount of fluid milk purchased by the plant during the previous calendar year.

- (1) The license fee for seasonal micro plants, operating less than six months of the previous calendar year and purchasing no more than 10,000 pounds of milk during that year, shall be a Tier 5 annual fee under T.C.A. §43-1-703.
- (2) The license fee for micro plants, operating six months or more of the previous calendar year but purchasing no more than 10,000 pounds of milk during that year, shall be a Tier 9 annual fee under T.C.A. §43-1-703.
- (3) The license fee for small plants purchasing between 10,001 and 1,000,000 pounds of milk during the previous calendar year shall be a Tier 10 annual fee under T.C.A. §43-1-703.
- (4) The license fee for medium plants purchasing between 1,000,001 and 35,000,000 pounds of milk during the previous calendar year shall be a Tier 11 annual fee under T.C.A. §43-1-703.
- (5) The license fee for large plants purchasing over 35,000,000 pounds of milk during the previous calendar year shall be a Tier 12 annual fee under T.C.A. §43-1-703 for every 35,000,000 pounds of milk, or portion of 35,000,000 pounds of milk, purchased during that year.

Authority: T.C.A. §§ 4-3-203; 43-1-703, and 53-3-106.

0080-03-08-.02 Frozen Dessert Manufacturers

Frozen dessert manufacturers under T.C.A. §53-3-106 shall pay an annual license fee based on the number of gallons of mix used by the manufacturer during the previous calendar year.

- (1) The license fee for seasonal micro plants, operating less than six months of the previous calendar year and using no more than 5,000 gallons of mix during that year, shall be a Tier 5 annual fee under T.C.A. §43-1-703.
- (2) The license fee for micro plants, operating six months or more of the previous calendar year but using no more than 5,000 gallons of mix during that year, shall be a Tier 9 annual fee under T.C.A. §43-1-703.
- (3) The license fee for small plants using between 5,001 and 100,000 gallons of mix during the previous calendar year shall be a Tier 10 annual fee under T.C.A. §43-1-703.
- (4) The license fee for medium plants using between 100,001 and 3,000,000 gallons of mix during the previous calendar year shall be a Tier 11 annual fee under T.C.A. §43-1-703.
- (5) The license fee for large plants using over 3,000,000 gallons of mix during the previous calendar year shall be a Tier 12 annual fee under T.C.A. §43-1-703 for every 3,000,000 gallons of mix, or portion of 3,000,000 gallons of mix, used during that year.

Authority: T.C.A. §§ 4-3-203; 43-1-703, and 53-3-106.

0080-03-08-.03 Distributors

Distributors under T.C.A. §53-3-106 shall pay a Tier 1 annual license fee under T.C.A. §43-1-703 for each truck the distributor uses or intends to use during the licensure year in the distribution of dairy products, trade products, or frozen desserts.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 53-3-106.

0080-03-08-.04 Samplers and Testers

- (1) The annual license fee for a samplers license is a Tier 1 fee under T.C.A. §43-1-703. However, no annual license fee shall be required for the license of a sampler employed exclusively by a licensed dairy products plant, trade products plant, or frozen dessert manufacturer.
- (2) The annual license fee for a milk testers license is a Tier 2 fee under T.C.A. §43-1-703. However, no annual license fee shall be required for the license of a tester employed exclusively by a licensed dairy products plant, trade products plant, or frozen dessert manufacturer.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 53-3-105.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 1/7/16

Signature: K. David Waddell

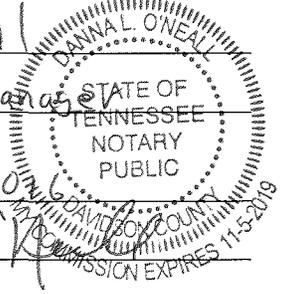
Name of Officer: K. David Waddell

Title of Officer: Administrative Manager

Subscribed and sworn to before me on: January 7, 2016

Notary Public Signature: Danna L. O'Neal

My commission expires on: 11-05-19



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Filed with the Department of State on: 1/7/16

Tre Hargett
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Secretary of State

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