

Assembly

MINUTES OF MEETING OF COMMITTEE ON AGRICULTURE, HELD IN ROOM 32,
CHAIRMAN VIRGIL GETTO-55th NEVADA ASSEMBLY SESSION-January 28, 1969.

Present: Getto, Close, Howard, Dini, Young, Hafen and Brookman.

Absent: None.

Chairman Getto introduced Mr. L. M. Burge, Executive Director, Nevada State Department of Agriculture; Harry Gallaway, Director, Division of Plant Industry, Department of Agriculture, and Mr. Ray Knisely, rancher.

Six new bills were introduced to the committee, with special explanation being given by Messrs. Burge and Gallaway.

BDR 50-279* - Prescribes manner of collecting fees for services rendered by State Department of Agriculture.

Mr. Burge explained that the seed certificate law is silent in this case, and that they have set up a policy of billing every 30 days.

Regarding Sec. 2., NRS 565.070 - brand inspection fees. Mr. Burge said it used to be that all fees were collected and turned in to the Department of Agriculture, and they in turn reimbursed; now they turn the money in to their district inspectors who in turn disburse the fees to the Department; it just legalizes what is presently being done.

Mr. Young asked how much money these fellows collect, and if they are bonded. Mr. Burge replied they were not bonded, but regulated by the Department of Agriculture.

BDR 51-283** - Revises law relating to labeling, sale and transportation of seeds.

Mr. Burge stated this would include tree seeds, and provides for standards for germination which were not included in the old Act. It provides for new definitions which are applicable to things presently being done. He called the committee's attention to:

Page 5, Sec. 2(b) "Establishing a list of prohibited and restricted noxious weeds and prescribing the maximum rate of occurrence per pound of restricted noxious weed seeds which may be associated with any seeds", and,

Page 7, sub-sec. 3 re: sending of telegrams as official and legal notification of a stop-sale order. Mr. Gallaway stated a telegram is favored as an official method of notification over a certified or registered letter as it is often imperative to notify the shipper quickly. Mr. Close asked if telegrams can be addressed to an individual shipper and Mr. Burge said yes, they could, and be marked "Personal".

* A.B. 122

** A.B. 121

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Mr. Burge said that one reason for a stop-sale order being issued would be if the seed had been treated with any noxious chemical and that information did not appear on the label for the information of the purchaser.

Sec. 54, Page 18--regarding processing of grain or seed.."all screenings or cleanings from such grain or seed shall be removed from the premises only under a permit issued by the executive director". Mr. Burge stated that the screenings or cleanings from the grain or seed should be devitalized at the screening operation and not at the plant. He said a certificate would have to be issued in order to move the seed or grain, stating that it had been devitalized, and that no seed or grain would be transported without first obtaining a permit from the Department of Agriculture.

Mr. Getto then asked if the seed or grain would have to be ground before leaving the plant, or would they have the authority to move it to another plant and devitalize it at its destination. Mr. Howard said he thought it would have to be processed before transporting it.

Mr. Gallaway explained that the law now reads that no seed containing noxious weed can be moved without first devitalizing. He said it is the responsibility of the Department to see that the truck, vehicle or other means of conveyance is so tight that it won't spill out the contents if issued under permit.

Mr. Howard asked him what they would do in case of chaff? Mr. Burge answered him that if it contained noxious weeds it would come under the same regulations as above.

Mr. Ray Knisely then told about the Palos Verdes area in California where wheat and other seed is run through a steamer for 20 minutes at X degrees, which he said is believed to be sufficient to kill the weed. He said that for local grains this probably would not be necessary. He said the waste is composted for a year or more before leaving the premises. He said the grain is sufficiently steamed to kill germination.

Mr. Burge explained Sub. Par. 2, Page 18: "It is unlawful to distribute, give away, sell, or use screenings or cleanings containing prohibited or restricted noxious weed seeds unless the screenings have been either ground or treated, or both, in a manner approved by the Executive Director* * * * *". He said 250 degrees steaming and rolling destroys viability, providing you have enough heat and enough pressure.

Mr. Burge stated they did not want to spend a lot of money on a set control district in any one area. Mr. Young said that for instance, before bringing the grain out of Idaho, they should be made to clean it up. Mr. Gallaway said that if they were going to

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set up controls for grain coming into the State of Nevada, they were getting into quite a program.

Mr. Burge, re: Par. 9: "This is the uniform Federal Seed Act recommended by about 22 of the stations". He then recommended that BDR 51-283 be referred back to the Committee and that changes be made later.

BDR 50-280* - Further limits charges for care of estrays.

Mr. Burge explained that if a man picks up an animal and can't find the owner, he can charge a fee of \$1.50 per day during the time he cares for the animal. He said that this fee is often abused for the care of a cow and calf. For instance, a charge of \$3.00 would be made when it should only be \$1.50. Costs for grazing an animal should be different than if the animal is kept in a corral and fed hay.

Dini then asked about a subdivision or area where cattle might jump or break fences, and said he thought this would probably be trespassing.

Close asked if there were any restrictions on how long you can keep an animal. Mr. Burge answered that the finding of the stray would have to be reported to the Department as soon as possible after finding it, then advertised once a week for two weeks in a local paper. He said persons taking up estrays must report it within 5 days to the Department. The owner must prove to the department that the stray is his, then an order would be issued to return the animal upon payment of damages, if any, and approved charges.

BDR 49-278** - Requires showing of good character, responsibility and good faith for custom pest control license.

Mr. Burge stated termite control, home gardening pest control, air cleaning, were all subject to this same regulation. He said some people from the south want to tighten controls to make it a closed shop. In explaining Sec. 1, he stated this was a new provision to have individuals getting licenses of good character, responsibility and good faith. He asked, "what can you do other than checking his records?"

Mr. Close said he thought it was rather broad language, and Mr. Burge replied that a man must have a good business background plus the ability to get the necessary insurance.

*A.B. 124

**A.B. 126

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Mr. Getto referred to Sub. Sec. 2 regarding prior conviction of a felony. He said he personally felt that because a man had been convicted of a felony, this should not necessarily keep him from ever getting a license.

Sec. 3 proposed amendment: Par. 1. The executive director shall require from each applicant **** a custom pest control license, ***** He stated that this was so that a man may not go into your home and steal your personal property or cause or create any damage without being responsible for paying for it.

Par. 4. Mr. Burge said he thought this language was rather broad. "The executive director on his own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he deems necessary, any loss or damage resulting from the application of any pesticide by a licensed custom pest control operator * * * *". Mr. Gallaway said that at the present time, it is almost impossible to get insurance to protect the property you are treating.

BDR 51-282* - Requires weighmasters to obtain certain information in issuing weight certificates. Mr. Burge states that the weighmasters presently licensed do not make the applicant give sufficient information that would be beneficial to buyer and seller. A trucker or shipper does not always care to give it to him, so our weighmasters shall be required to file certain information to go on the ticket, which clarifies the information presently required. They must maintain certain records for a certain period of time.

BDR51-281** - Clarifies certain provisions dealing with weights and measures. Mr. Burge stated there are two corrections to be made in this proposal. Sections 3 and 4 should be corrected as follows: In each case, the word "weight" should be removed, making it read: "Correct" means any weight * * *", and Sec. 4, "Incorrect means any weight, * * * *". Mr. Burge said this is because both sentences deal with more than just weight.

Mr. Howard asked if this bill was really needed. Mr. Burge gave several examples of its use. He said that for instance, at gas stations, meter and change computers might read accurately, but out on the end of the nozzle, the gas station owner might not have an anti-drain valve to keep him from cheating everybody. This gas nozzle must have an anti-drain valve.

Re: Sec. (c) "At least once each year, or as often as he may deem necessary, see that all weights, measures and weighing or measuring devices used are correct"" Mr. Burge said that milk tanks or truck delivery tanks all must be checked at least once a year. However, in certain cases not yet set up, inspection can be once every 3 to 5 years.

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Correct. Sec. 9 NRS 581.080 add "and are in compliance with applicable specifications and regulations" after the word 'possession'.

Mr. Close suggested removing the words, "in his possession" from Sec. 9 as stated above.

Re: Page 5. Mr. Burge stated that a repairman may, with their knowledge, (The Department of Agriculture), remove a scale and notify them and they will then check it out.

He stated the State Sealer, as outlined in this proposal, is under the State Weighmaster.

Re: Sec. 11, Mr. Close asked Mr. Burge what a "gill" was, and Mr. Gallaway replied that it was 1/2 of 1/2 or 1/4 of a pint.

AB 39 which prescribes limitations for actions against bonds or deposits of livestock auction operators.

Mr. Burge commented that he thought a man would have to file his claim in one year. He stated a produce dealer has a one-year statute of limitations, and he knew that the livestock dealers did also prior to 1961.

It was established that this bill applies to livestock auction operators only and not to individuals buying and selling cattle.

Mr. Close moved that BDR 49-278; BDR 59-279; BDR 51-282; BDR 51-281; BDR 50-280; BDR 51-283 be introduced as committee bills, and that AB 39 be held for further explanation by Frank Daykin.

Seconded by Young, Unanimously carried.

Chairman Getto adjourned the meeting at 11:50 A.M.