

## Assembly

MINUTES OF MEETING ON AGRICULTURE - 55th Nevada Assembly

Virgil Getto, Chairman

Tuesday, Feb. 18, 1969

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

Absent: None

Chairman Getto introduced Mr. Roger Wolfe, owner, Lahonton Valley Crop Dusters, Bill Hicks, Executive Secretary, Agriculture Livestock Council, and John V. Lundemo, Legislative Intern for Assemblyman Eileen Brookman.

Mr. Close reminded the committee that at the last meeting, it had been decided to draft a new bill to replace A.B. 39, which prescribes limitation for actions against bonds or deposits of livestock auction operators.

It was the consensus of opinion of the committee at the meeting held February 11, 1969, that a new bill be drafted and Mr. Frank Daykin be instructed regarding the limitations of action on bonds. At that meeting, Mr. Howard then made a motion that A.B. 39 be held until a new bill has been drafted. Seconded by Young. Unanimously carried.

Close requested that the new bill, when drafted, contain 3-year limitations on all bonds, and that cash fees be held until expiration of all limitations. He said this should apply to all bonds no matter which category it falls in or pertains to.

Mr. Gallaway suggested removing the one-year limitation that is written into the law now.

Mr. Close suggested that the new bill reduce the 6 year limitation down to 3 years.

Mr. Gallaway said it was specifically spelled out in NRS 576, for producers and buyers regulations. He said that was part of their thinking on A.B. 39. You have one year to take action under 576. This is a different Act than the one being amended here.

We have had cases where they absolutely refused to make any settlement until the statute of limitations had run out.

Mr. Close said philosophically, he still felt they should be the same for one as for all.

Mr. Young asked if there was anything in the Statute that said they have to come under the Packers & Stockers Act?

Getto to Gallaway: "If a buyer comes up from California, he comes under the jurisdiction of the Packers and Stockers Act on livestock only?

Gallaway: "When the Act was initially adopted under NRS 573, it had the one year limitation in it, and it was inadvertently left out later".

Close: "I don't believe there should be any difference made between a livestock operator and a seller of cars. This is a matter

for the Judiciary to decide".

Getto asked Close if a car dealers whole year's income would be effected by one transaction.

Mr. Close again mentioned he was getting a new bill drafted. He said he brings actions on bonds all the time and said he does not wait 6 years. He said he brings his action and gets his judgment. He said he sees no sense in waiting 6 years to get a judgment on a bond.

Hafen: "Didn't we up the bond?"

Getto: "If you raise the limitations of the bond, you limit the number of buyers. There are a lot of little people trying to get started in business, and you exclude these people when you make the bonds too high."

Dini: Senator Dodge introduced a bill yesterday to raise it to \$10,000, but this was only on produce.

Gallaway: "There should be no distinction between agriculture and livestock." The distinctions we have had have been in the hay business. You should study this bonding business very carefully, or you will put a lot of people out of business.

Getto said a bond is really a manner of researching a fellow's good character. For instance, if he has had a felony, it will come out when he applies for a bond.

Howard said he was wondering why the committee was debating the issue of 3 years when it is already set up for 6 years? What is the purpose of changing to one year-for the sales yards?

Gallaway said NRS 573 applies to livestock auction yards. "It is not a great concern under 573. As Mr. Burge expressed to you, this came out of a discussion with the Legislative Counsel Bureau."

"It all depends on the type of bond or security put up whether you have a one year or 6 year statute of limitations. The 3 yards we do have in the State are all licensed under a bond that has a 6 year limitations on them."

Getto asked Close if under the new bill he is proposing he has revised all the other bills to bring them in line.

Close answered just one. They all revert back to one statute. "I don't want these guys to get out of their responsibility by just taking out the cash. Bonds should be set high enough to protect the public, but not high enough to keep people from going into business."

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Mr. Getto reminded the committee that they had already decided at the last meeting to replace A.B. 39, and the purpose of inviting Mr. Gallaway to the meeting was to advise them before drafting a new bill.

Mr. Close said the new bill would be referred to the Committee on Judiciary.

Mr. Getto said it would apply to everybody, and through Judiciary would be the correct route. He said the produce buyers statutes would also have to be revised, because they have a one-year statute of limitations also.

A.B. 126. - Requires showing of good character, responsibility and good faith for custom pest control license.

Chairman Getto asked the committee if they recalled at the last meeting they proposed drafting some type of legislation to replace A.B. 126, which would reduce that portion of the bill relating to licensing and bonding of pest control operators in homes and businesses and enlarge on the spraying of insecticides, pesticides, etc. from the air. A.B. 126 was "indefinitely postponed." (Ref. Page 3, Agriculture committee meeting, Feb. 11, last paragraph).

Mr. Close referred to Sec. 3, Page 2 of A.B. 126, Line 20, "The executive director may require drift insurance for operators--" He said the big discussion at the last meeting had been drift insurance.

Chairman Getto introduced Mr. Roger Wolfe, who is an owner-operator of a crop dusting and spraying company. He said Mr. Wolfe had worked in Fallon as well as other parts of the State spraying crops for ranchers, and he was here to tell of some of his problems. Mr. Getto said, "Mr. Wolfe, can you get insurance fairly easily?"

He answered that the only trouble he has had is with weed killers. He said it is an added clause in the insurance that covers certain types of weed killers. He said aerial pest control in Nevada is basic and simple. Only three or four chemicals are necessary compared to California where you have to use 15 or 20 different types.

Mr. Gallaway said that under Nevada licensing controls, crop dusting and spraying companies must be licensed for the use of dessicants, defoliants and insecticides. However, due to a shortage of personnel, they cannot police everybody's operation.

Mr. Close asked Mr. Wolfe what kind of insurance he carried. He replied he thought it was \$100,000. He said he had recently changed insurance companies. About two years ago, he said, he had carried his insurance through a company in Las Vegas. He said he had recently doubled his insurance through another company, and it had cut his premium in half.

Mr. Getto asked him if he had adequate insurance in order to comply with the law, and he replied, "yes".

Mr. Getto said that all we have on the law at present in order to be a crop duster is that they show good character and good faith. He said certain Nevada pest control operators have asked us to establish requirements for what constitutes good character and good faith, and a criteria must be set up for this. He said conviction of a felony or bankruptcy may constitute lack of character. He said the law at the present time shall require from each applicant proof of financial responsibility. "What is financial responsibility? We don't feel we should be the judge of this. We want to take out the "financial responsibility, as it is based on a bankruptcy."

Mr. Close said he felt there should be no reference to "bankruptcy". A man should not be prevented from going into business, any business he wants to because of a prior bankruptcy.

Mr. Getto said he felt a felony was a different consideration. He said when a man was being licensed to beat on doors of private homes, it is a moral obligation to license an individual to go into a private home and do work.

Mr. Close asked him what about a carpenter, plumber, or a painter contractor?

Mr. Gallaway made reference to Sec. 3, A.B. 126, Line 17. He said there was a conflict of words. "an operator's" and "a custom pest control." (An operator's is being substituted for a custom pest control).

Mr. Howard said he thought the law was adequate as it now reads. He said that he thought they should not delve into this thing. "If a man has enough intelligence to spray a crop, we should not impose any more laws on these people. We should leave it alone".

Roger Wolfe said he thought the Department of Agriculture runs this thing very well. He said he knew nothing about the industrial side of it - the house pest control, but as far as his part, the aerial part, I think the Department of Agriculture as far as drift insurance does a real good job. I probably have had as many problems as anyone, and I don't get the point of all this. All you have said about segregating the industrial line and the agricultural line - from city to country, more or less, seems to me to be a good idea because there are a lot of factors in this bill pertaining to pest control that just don't cover aerial control.

Mr. Getto agreed that they should be covered under two separate acts. Mr. Gallaway said that in most states they are provided for under two separate acts. However, it was the consensus of opinion of the Committee that no further action should be taken on a new bill.

BDR 50-720\* - provides fees for meat promotion.

Chairman Getto introduced Mr. Bill Hicks, Executive Secretary of the Agriculture Livestock Council who wished to explain the content of this bill to the committee. He said it deals basically with meat promotion in that it promotes Nevada beef according to population.

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Getto: Did this come from a resolution of the Farm Bureau, or from a meeting of minds in the Farm Bureau and the Cattle-men's Association? The resolution said we would get to go and talk about it. It would be voluntary. You can get your money back by signing an application. Do you want to introduce it as a committee bill?

Howard moved it be introduced as a Committee bill.

Brookman seconded. Unanimously carried.

Young asked Chairman Getto to please run a tracer on the proposed soil conservation bill, and Mr. Getto promised to have some information on it at the next regular meeting of the committee.

He reminded Mr. Young that Tuesday, February 25th was scheduled for a hearing on the proposed Federal Meat Inspection bill, and that all regular meetings would have to be held thereafter.