

## Assembly

### AGRICULTURE COMMITTEE MINUTES

FEBRUARY 27, 1973

MEMBERS PRESENT: Chairman Hickey  
 Mr. Dini  
 Mr. Howard  
 Mr. Hayes  
 Mr. Getto

MEMBERS ABSENT: Mr. Prince  
 Mr. Young

GUESTS: Thomas W. Ballow, State Department of Agriculture  
 Harry E. Galloway, " " " "  
 Fred Warren, " " " "

The meeting of the Agriculture Committee was called to order by Chairman Hickey at 8:10 on February 27 in Room 224. Upon establishing a quorum Chairman Hickey began hearing testimony on the following bills: AB 303, 304, 320, 321.

Mr. Galloway of the State Department of Agriculture began with AB 303, which provides State regulatory control over variety seed labeling. Mr. Galloway said that the present time under the federal seed act it is a violation of that act to sell a variety of seed, by variety name, if that variety has been placed under the plant protection act and with the restriction that only certified seed of that variety may be sold. All this is doing is making a companion to the federal seed act to make it a violation of intrastate sales rather than interstate sales. It is a companion bill and fortifies the federal seed act on the local basis. Mr. Getto wanted to know what could happen if this bill was not passed. Mr. Galloway said that it could be conceivable to take a variety of seed produced in the State of Nevada and move it across State line. This would be in violation of the federal law but it would be eligible to be sold in that way in the State. What you are doing then is circumventing the intent of the plant breeder on that variety and his rights by federal law.

AB 304 requiring annual registration of certain nursery stock producers with the State Department of Agriculture was taken up next. Mr. Galloway gave a short explanation of the intent of this bill. At the present time only the nurseries that are actually selling nursery stock are required to be licensed with the Department. A nursery that is growing stock but does not intend to sell it for several years does not have to be licensed. They have trouble with people getting engaged in the nursery stock business by establishing growing stock but not selling and when it comes time to sell it the Department has had to go in and inspect and in some cases finds that the stock is not suitable for sale. They have had two occasions where they have had to condemn the nursery stock and the grower has lost two to three years of his time and energy. By bringing

in anyone who is in commercial production of nursery stock as being eligible for licensing it would prevent this from happening. Also they have in the State a number of political subdivisions who are engaged in this effort, for their own use, of producing nursery stock for distribution throughout the State and what they are asking of these political subdivision is not licensing but that they register with the State so that they have knowledge of their growing grounds etc. so that in this way they can go in and inspect them and protect the nursery field. Mr. Getto wanted to know if this would cover everybody even the very small individual who is growing nursery stock. Mr. Galloway said that the hobbyist who occasionally sells stock would be exempt from the license fee but would have to register with the Department. Mr. Getto said that the whole thing they are trying to do is to protect the nursery stock. How would they protect the rest of the industry from the hobbyist who does occasionally sell stock and his stock happens to have a disease. Mr. Galloway said that the only way would be through the knowledge that he is growing stock and have the ability to inspect his stock if necessary. Being exempt from the licensing does not exempt him from producing and growing his stock in accordance with the Department's sanitation requirements.

Mr. Thomas W. Ballow also of the State Department of Agriculture spoke on AB 320, which removes the imprisonment condition on payment of cattle theft rewards. Mr. Ballow spoke of the problems that have arisen from the bill now in effect. The bill's wording states that a reward can be paid only upon conviction and imprisonment. In this State most cases have ended with imprisonment. Usually the person convicted is given sentence with probation and/or fined. They may also have to make restitution. The State tries to rehabilitate and the limited space in prisons make imprisonment unlikely in most cases. Mr. Howard asked if any of the people who have brought the department's attention to rustling have received rewards. Mr. Ballow stated that they have paid a reward with the advice of the AG office even though there was no imprisonment. Mr. Hayes asked how much was the reward. Mr. Ballow said that the total amounted to \$1,500, \$500 from the Department and the rest from other organizations such as Cattlemen's Association, Nevada Grazing Board Central Committee, Farm Bureau and the Wool Growers Association. Mr. Hayes also wanted to know if cattle rustling was a real, current, serious problem. Mr. Ballow said that it was indeed a very serious problem especially now with meat prices going up. Mr. Getto wanted to know if this bill had the support of the Cattlemen's Association which it does. Mr. Barrow said that rewards have been posted and they do not mention anything but requiring conviction.

On AB 321, restricting positioning of cattle brands, Mr. Warren of the State Department of Agriculture, stated that the Department felt the need for this bill in that under the present statutes they have no authority to do away with duplications of cattle brands. Primarily concerned with an existing statute whereby by June 1, 1973 all brands of like design shall be resolved. The Department feels this would offer a situation almost impossible to resolve for the reason that many people have brands almost identical. Under this statute they would have to relinquish them (all but one individual) and this could lead to a great deal of litigation. The Department proposes that if the brands are limited to only one position on the livestock this would solve the duplication of brands. Then the identical brand could be used but be in a different location. Consequently it would not be confusing to the Department as they could separate the brands as to their location. Mr. Getto made the comment that it would also help the Department in clearing cattle to know that a specific brand will be in a specific position. Mr. Warren said that it would also free up brands in that at the present time a person can brand livestock in all six recognized places and thereby have a monopoly on that brand. The Department's responsibility is to determine ownership and this would make that function more accurate. He also stated that the Department wishes the deletion of Section 2 of the bill. Mr. Getto asked how the Department was going to choose who got what position if there was more than one person with a particular brand. Mr. Warren said that they hoped to be able to work that out with the owners but that the Board of Agriculture had the final authority to decide. Mr. Howard asked if the Department was going to put the effective date as 1976. Mr. Warren said that the deadline was not covered but that they would prefer to see it as effective upon passage. If it were effective upon passage by 1975 they would be a long way towards solving this problem. He also stated that they now require that a person requesting to register a brand must own livestock. Mr. Hickey thanked the men for their testimony and said that the committee would now consider these bills.

AB 303 - Mr. Hayes moved that the committee return this bill with a "Do Pass" recommendation. Mr. Getto seconded it. There were no objections.

AB 304 - Mr. Dini stated that he would like to see some sort of amendment exempting hobbyists completely. Mr. Getto stated that all they had to do was register not get a license. Mr. Hayes made the motion to return this bill with a "Do Pass" recommendation also. Mr. Howard seconded the motion. There were no dissenting votes.

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AB 320 - Mr. Hayes made the motion "D Pass". Mr. Howard seconded it. There was no discussion and no objections.

AB 321 - Mr. Getto made the motion "Do Pass as Amended". The amendment being to delete Section 2 of the bill starting with line 10. Mr. Hayes seconded the motion. The motion passed unanimously.

Chairman Hickey adjourned the meeting at 9:00.

Respectfully submitted.

Sandee Gagnier,  
Assembly Attache

AGENDA FOR COMMITTEE ON AGRICULTURE

Date Feb. 27, 1973 Time 8:00 Room 224

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
AB 303	Provides state regulatory control over variety seed labeling.	
AB 304	Requires annual registration of certain nursery stock producers with the State Department of Agriculture.	
AB 320	Removes imprisonment condition on payment of cattle theft rewards.	
AB 321	Restricts positioning of cattle brands.	

\*Please do not ask for counsel unless necessary.

AGRICULTURE COMMITTEE - 57th SESSION

DATE: 2-27-73 BILL NO: AB 303 SPONSOR: Committee on Agriculture

SUBJECT: Provides state regulatory control over variety seed labeling.

Committee Action

DATE: \_\_\_\_\_ AMENDED: YES  NO

AMENDMENT MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

Committee Vote

HICKEY	<input checked="" type="radio"/> YES	NO	GETTO	<input checked="" type="radio"/> YES	NO
HAYES	<input checked="" type="radio"/> YES	NO	HOWARD	<input checked="" type="radio"/> YES	NO
DINI	<input checked="" type="radio"/> YES	NO	YOUNG	YES	NO absent
PRINCE	YES	NO	absent		

Disposition

DATE: \_\_\_\_\_ DO PASS: XXXXX DO PASS AS AMENDED: \_\_\_\_\_

INDEFINITELY POSTPONED: \_\_\_\_\_

AGRICULTURE COMMITTEE - 57th SESSION

DATE: 2-27-73 BILL NO: AB 304 SPONSOR: Committee on Agriculture

SUBJECT: Requires annual registration of certain nursery stock producers  
with the State Department of Agriculture

Committee Action

DATE: \_\_\_\_\_ AMENDED: YES NO

AMENDMENT MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

Committee Vote

HICKEY	<u>YES</u>	NO	GETTO	<u>YES</u>	NO
HAYES	<u>YES</u>	NO	HOWARD	<u>YES</u>	NO
DINI	<u>YES</u>	NO	YOUNG	YES	NO <i>absent</i>
PRINCE	YES	NO	<i>absent</i>		

Disposition

DATE: \_\_\_\_\_ DO PASS: XXXXX DO PASS AS AMENDED: \_\_\_\_\_

INDEFINITELY POSTPONED: \_\_\_\_\_

AGRICULTURE COMMITTEE - 57th SESSION

DATE: 2-27-73 BILL NO: AB 320 SPONSOR: Committee on Agriculture

SUBJECT: Removes imprisonment condition on payment of cattle theft  
rewards

Committee Action

DATE: \_\_\_\_\_ AMENDED: YES NO

AMENDMENT MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

Committee Vote

HICKEY	<u>YES</u>	NO	GETTO	<u>YES</u>	NO
HAYES	<u>YES</u>	NO	HOWARD	<u>YES</u>	NO
DINI	<u>YES</u>	NO	YOUNG	YES	NO <i>absent</i>
PRINCE	YES	NO	<i>absent</i>		

Disposition

DATE: \_\_\_\_\_ DO PASS: XXXXX DO PASS AS AMENDED: \_\_\_\_\_

INDEFINITELY POSTPONED: \_\_\_\_\_



AGRICULTURE COMMITTEE - 57th SESSION

DATE: 2-27-73 BILL NO: AB 321 SPONSOR: Committee on Agriculture

SUBJECT: Restricts positioning of cattle brands

Committee Action

DATE: 2-27-73 AMENDED: YES NO

AMENDMENT MADE BY: Mr. Getto

SECONDED BY: Mr. Hayes

Committee Vote

HICKEY	<u>YES</u>	NO	GETTO	<u>YES</u>	NO
HAYES	<u>YES</u>	NO	HOWARD	<u>YES</u>	NO
DINI	<u>YES</u>	NO	YOUNG	YES	NO
PRINCE	YES	NO	<i>absent</i>		<i>absent</i>

Disposition

DATE: \_\_\_\_\_ DO PASS: \_\_\_\_\_ DO PASS AS AMENDED: XXXX

INDEFINITELY POSTPONED: \_\_\_\_\_

AMENDMENT: Delete Section 2 beginning with line 10 and ending with line 11.