ASSEMBLY JUDICIARY COMMITTEE 58th NEVADA ASSEMBLY SESSION

MINUTES

February 6, 1975

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Chairman Robert R. Barengo called to order the meeting of the Assembly Judiciary Committee at the hour of 8:05 a.m. on Thursday, February 6, 1975.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY, HICKEY, LOWMAN, POLISH, SENA, Mrs. HAYES and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

This meeting was originally scheduled to review A.B.42, A.B.46 and A.B.48. However, Mr. Barengo advised the Committee that since there were so many persons present to testify regarding A.B.42, the Committee would have to reschedule a time to consider A.B.46 and A.B.48.

Mr. Barengo introduced Assemblyman Melvin "Bode" Howard from Winnemucca. His testimony was relative to A.B.42 and was in opposition to the bill as written because this bill would make each and every rancher and farmer subject to the provisions contained therein, and the farmer at harvest time does not have the time to check out every alien's status prior to hiring for just a couple months. Mr. Howard proposed that since these people are a necessity for the rural areas and farmers cannot get a lot of help for these chores that the aliens perform, that we go to the federal government and reinstate the bracero program, wherein the workers will be supplied when they are needed. This program is now extinct, but the farmers like the idea

of such a program.

After Mr. Howard began his testimony, Mrs. Wagner, Mrs. Hayes and Mr. Hickey entered the meeting.

Assemblyman Robert L. Weise was the next person to testify regarding <u>A.B.42</u>. He stressed that the impetus for this bill came from the urban areas, and particularly Clark County, where a large number of citizens cannot enter the job market because of the illegal aliens who are employed. He suggested that if it is necessary to take action, that some provision for the agricultural industry should be made. He stated that the bracero program had been very important for the seasonal occupations in the farming areas.

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Mr. Heaney entered the meeting at this point.

Assemblyman Robert E. Price, one of the Assemblymen who introduced this piece of legislation, was the next person to testify. According to Mr. Price, the problem is a large one in the southern part of the state, and has been created by the aliens who are in this state illegally. Our tax dollars are being spent to support people who are injured on the job, even if they are illegal aliens. Mr. Price quoted statistics pertaining to the state and the Las Vegas area in regards to various occupations which are being held by the illegal alien. Mr. Price feels that the state should move to protect our working force. Mr. Price advised that he asked the Legislative Counsel Bureau to issue an opinion regarding A.B.42. The Legislative Counsel Bureau concluded that the act as drawn would be legal and does not conflict with any federal provisions and would stand up under the Mr. Price agreed, however, that somewhere along the line law. we have to help the agricultural areas of our state, as well as the urban areas.

Next to testify was Assemblyman Roy Young, who is a rancher from Elko County. He testified about the quality of the employees they must hire during hay season. They will hire anyone who can help get the job done. They may be high school or college age boys, or just "tramps" off the street. They don't know how long these people will stay. Sometimes they stay the full 40 days-others stay only a day or two. It puts a burden on the local people when they just have to hire "tramps".

At this point, Mr. Barengo permitted Assemblyman Price to introduce Mr. Ben W. LaFever, the supervisor for the U. S. Immigration Office in Reno. Mr. LaFever testified that his office is without funds to go out and arrest many illegal aliens, even though they know where they are. Mr. LaFever also quoted some statistics regarding the number of illegal aliens in this state. He stated that only 10% to 15% are engaged in the farming areas now.

Mr. LaFever explained that most of these illegal aliens are not part of a menial-type labor force. He gave examples of many earning average and above-average salaries, which takes away from the citizens of this country and state. His main problem with the lack of funding by the federal government is being unable to enforce the immigration laws. They intend to do this when they get the money.

One alternative which would enable the farmer in Nevada to have the work force he needs when he needs it would be by petitioning

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for aliens to be admitted to do this particular job. However, they would have to put down particular names of people. This would be out of the Immigration Office within a week, and would be in Mexico, for example, for their action in clearing the particular people to come to Nevada. However, Mr. LaFever was unable to give definite time periods for all of this actually to take place after the papers left his office. The Committee then questioned Mr. LaFever about various aspects of this type of program for obtaining help for the farmers.

Mr. Fred Fulstone, Jr. from Smith Valley, Nevada testified next about the problems of using the method of bringing in people from another country to work in the agricultural and ranching businesses of Nevada. He said the farmer must apply very early, and the people are very hard to get. If a person does get to the farmer, they have to try him first, and if he is not satisfactory as a worker, they must re-apply for another. He also stated that with this program comes a great number of regulations for the farmer or rancher to abide by.

Mr. Richard Knight from the State Labor Department testified. Regarding getting certification and bringing the worker to the United States from another country, Mr. Knight stated that these papers from the farmer (or rancher) must go to Washington if they request any farm workers.

Assemblyman Joseph E. Dini, Jr. then testified that the responsibility for the illegal aliens should be completely that of the federal government--not the State of Nevada. Mr. Dini noted that the Employment Security Department has been unable to supply any labor to the agricultural industry. Or, if it has, it has been very little.

Relative to this proposed bill, <u>A.B.42</u>, Mr. Dini has a proposed amendment if this bill is passed. <u>Attached to these Minutes</u> are articles relative to this subject, which were submitted by Mr. Dini. And, in this same regard, Mr.Dini questioned why the labor unions could not screen some of the people that they send out to jobs.

Mr. R. E. Cahill representing the Nevada Resort Association testified next. He stated that if the responsibility for hiring illegal aliens was placed on the employers, the same responsibility should be placed on the unions. He stated that there should be equal treatment and responsibility.

Mr. James E. Walsh, United States Immigration Department in Las Vegas, testified. He explained that this situation developed over the years because the federal government did not take any action to give funds to allow immigration officers to do their jobs.

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Mr. Walsh proceeded to testify as to what occupations in southern Nevada were attracting these illegal aliens. He also cited some particular statistics relevant to the Los Angeles, California area. Mr. Walsh stated that Las Vegas has many leads involving the whereabouts of illegal aliens; however, due to their lack of funding from the federal government, they cannot pick them up. Mr. Heaney questioned Mr. Walsh as to what cooperative efforts there may be between Mexico and the United States in apprehending and deporting illegal aliens. Mr. Walsh answered that there was very little in the way of cooperative effort.

Mr. Lou Paley, representing the AFL-CIO, testified that they support A.B.42, but there should be some changes. He thinks that the bill should definitely state salary and references to the FICA and unemployment taxes paid by the employer. He related how some contractors are paying the illegal aliens less money for their labor. He stated that the illegal alien will work whatever hours for whatever dollars that they can. After a question from Mrs. Wagner, Mr. Paley stated that only those aliens under collective bargaining receive a work card.

Mr. Al Bramlett then testified. Mr. Bramlett was representing the Culinary Workers Union. He stated that they only dispatch approximately 60% of the jobs in the area. 40% are hired on the weekends and holidays. It is impossible to track all of these people down. He also stated that if they ask one person about his citizenship, they must ask all. The non-union establishments employ many illegal aliens, but there is no way of knowing how many. He does not know the answer to the problem. The only law which is worth having is one which would be workable. Mr. Polish questioned how many young people they put to work, i.e. the ones coming out of high school. Mr. Bramlett said they put many people to work at the age of sixteen years. Mr. Barengo questioned whether it would be well to ask on the application whether the person was a citizen or not.

Mr. Hickey wondered whether the main problem was with Spanish speaking people. Mr. Bramlett said no, that they had many different countries represented in this regard.

Mr. Sena then pointed out that one of the problems was that the illegal alien could obtain the proper credentials easily.

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Mr. Price then proceeded to briefly summarize the position of himself and of the gentlemen who previously testified. He stated that the employers would have to come up with some kind of system whereby they could determine the citizenship status of their employees, or some kind of state agency which would be set up to control this. If some kind of state agency was set up, it would have to be one which would not be in conflict with the federal government on their regulation of aliens in this country.

Mr. Price also suggested that the unions check this for the people they send out.

At this point, Mrs. Hayes and Mr. Lowman left the meeting.

Next to testify before this Committee was Assemblyman Virgil M. Getto. Mr. Getto testified as to some of the problems the agricultural community faces, as he is from Fallon, which is one of these areas. Mr. Getto told the Committee that the farmer definitely does have a problem getting workers when they need them, as most of the young people are not returning to the farms. Mr. Getto asked that instead of this bill being passed, that the various counties in the state draft their own legislation to conform with the particular problems of each county. Mr. Getto told the Committee that because the federal government has not funded sufficiently the U. S. Immigration Service to take care of the illegal alien problem, it is not the farmers' or the agricultural areas' responsibility to police the illegal aliens.

Mr. Gene Menesini from Yerington, Box 289, testified. Mr. Menesini is a farmer representing Mason and Smith Valleys.

At this point, Mr. Sena left the meeting.

Mr. Menesini continued that he realized that the cities have a problem with employment of illegal aliens, that the farmers do not really agree with the practice of hiring illegal aliens. However, these are the only hard-working people they can get when they really need them, and they cannot get anyone else.

Mr. Lowman re-entered the meeting.

Mr. Menesini further testified that the Employment Security Department of the State of Nevada has not been doing a good job for the farmers.

Mr. Sena re-entered the meeting.

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Mr. Menesini went on to explain to the Committee his own particular farming procedure. Mr. Menesini told the Committee that he and some of his neighbors all came to oppose one particular part of this bill, <u>A.B.42</u>, and that was the part which puts the responsibility on the employer for hiring illegal aliens. They want to see that part taken out of the bill.

Next to testify was Mr. DeLoyd Satterthwaite from Tuscarora, representing the Nevada State Wool Growers. Mr. Satterthwaite said the Wool Growers oppose <u>A.B.42</u>; they feel that it will only put the responsibility on the employers as to policing the illegal aliens for the federal government. He stated that if these illegal aliens fool the U. S. Government, how can the farmer know who is illegal. Mr. Satterthwaite also questioned whether the employer would still be responsible for this if an employment agency sent the prospective employee. Mr. Satterthwaite stated that it's hard to get good workers, because most people feel that farm work is beneath their dignity. Mr. Satterthwaite asked the Committee to talk to any employers they might be acquainted with and find out what some of their problems are.

Mrs. Hayes re-entered the meeting at this point.

Mr. Bob Broadbent, Nevada Association of County Commissioners, testified before this Committee. Mr. Broadbent testified that yesterday Clark County passed a bill similar to this A.B.42. Also, Las Vegas passed a bill like this. According to Mr. Broadbent, the Commissioners' attorney said that the counties had a right to pass such legislation. Mr. Broadbent spoke briefly about the health and the work cards required in particular instances. He also told the Committee that he thinks as a result of these county and city ordinances regarding the illegal aliens, that people of this State would see the welfare rolls increasing. If the aliens are unemployed, then they would become welfare recipients, thus the counties are footing the bill in this regard. Mr. Broadbent stated that a written statement will be forthcoming with Clark County's recommendations.

Mr. Hickey questioned the situation in Washoe County, and Mr.Barengo advised that Washoe County was drafting and readying an ordinance for presentation at that point. Mrs. Hayes questioned Mr. Broadbent about the people in Moapa Valley, taking into consideration the Clark County and Las Vegas ordinance forbidding illegal alien employment in that area. Mr. Broadbent said there had as yet been no provisiom for them, but they were going to make an amendment to assist them.

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Father Larry Dunphy was next to testify. He was representing the Franciscan Center of the Catholic Diocese of Reno. He testified about the illegal alien who has made a home here in the United States for a number of years and has family here and established a home; however, he stated a number of these type people have, for one reason or another, failed to apply and obtain their citizenship papers.

Mr. Barengo left the meeting during Father Dunphy's testimony and returned as he was finishing.

Father Dunphy also testified that his organization felt that the Legislature give some consideration to the farmers who need the alien labor at certain times.

Next to testify was Mr. A. J. Evans from Winnemucca. Attached to these Minutes is a copy of the prepared statement of Mr. Evans. Mr. Evans proceded to testify about his own particular farming ventures and the difficulty of procuring good workers when they are needed. He stated that unskilled labor cannot and will not be provided by local citizens.

Next to testify was Mr. Dick McDougal, a farmer and cattleman from Lovelock.

Mr. Heaney left the meeting at this point.

Mr. McDougal concurs with the people in opposition to A.B.42. He says the farmers do not ask any questions at all as to whether a person is a legal or an illegal alien. The farmers understand that there is a problem in the bigger counties. From what Mr. McDougal understands, he doesn't think the smaller counties have this particular problem with illegal aliens. Mr. McDougal urged the Committee to consider keeping the problem confined to the larger counties only.

Mr. Heaney re-entered the meeting.

Mr. Barengo left the Committee meeting at this point.

Next to testify was Mr. Gilbert Flores. Mr. Flores testified on behalf of himself alone as a citizen of the State of Nevada. (Mr. Flores appeared to be of Mexican descent.) Mr. Flores wondered why his people should have to suffer. Mr. Polish questioned Mr. Flores about how the people could be brought to our country under a controlled situation. Mr. Flores said through cooperation between the governments. It was Mr. Flores' opinion that the employers were the only ones who encouraged the employment of illegal aliens.

Mr. Barengo re-entered the meeting during Mr. Flores' testimony.

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The last person to testify regarding A.B.42 was Mr. Claude Chism of Yerington. Mr. Chism is a general building contractor. He briefly told of his current experiences in the construction field, and stated that "no way" is a construction worker going to work in the fields. Mr. Chism stated that from his experience in knowing the farmers around his area of residence, he doesn't think the farmers can find any good, qualified workers.

Attached to these Minutes is a Guest Register of all other people attending the meeting.

Mr. Barengo then advised all present at this Committee meeting that the Committee will hold off making any decision regarding A.B.42 until all of the Committee's questions are answered.

It was moved and seconded to adjourn the meeting, and this was done at 10:50 a.m.



"No-gimmick" TV advertising for beef will get a \$117,000 test for 12 weeks, beginning Feb. 3. Running through April 27, the ads will be aired in Binghamton, N. Y.; Des Moines, Ia.; and Tucson, Ariz. "Control markets" to test ad effectiveness will be Buffalo, N. Y.; Kansas City; and Alburquerque, N. M. Conducted by the Meat Board's Beef Industry Council, the idea is to boost beef consumption in ads that do not mention prices, brands or other retail affiliations.

Mexican farmworkers will continue to be admitted to the U.S. on a daily or seasonal basis without violating immigration laws, according to a recent Supreme Court ruling. United Farm Workers Union leader, Cesar Chavez, had fought to keep out the Mexican laborers, claiming they depress wages for American workers.

First winter-hardy, greenbug-resistant rye variety available to Oklahoma growers has been released jointly by the Oklahoma Agricultural Experiment Station and USDA. Named Okema, plenty of seed should be available for farm planting in the fall of 1975, says James Trybom, manager of Oklahoma Foundation Seed Stocks Inc., Stillwater. Okema resembles Elbon rye, but is slightly shorter and lower in test weight and grain yield. However, Okema yielded slightly more forage.

That "windmill maintenance" course, slated for an April debut at New Mexico State University (FJ, Jan. pg. 42), is drawing inquiries from all over the world. But the fellow who will direct the course, M. I. Rasmussen, says the first three-week course will be limited to about 15 "articulate ranchers to be selected on the basis of their genuine interest in having windmills provide the energy needed to pump water for their ranches and livestock." Among other things, the lucky 15 will dismantle and reassemble new windmills, as well as some old turn-of-the-century installations.

The Arabs are coming. Last year, an Arab investment group bought 15% (500,000 shares) of the Arizona-Colorado Land and Cattle Company. Termed a "good faith gesture," the \$9.2 million sale was arranged in return for the firm's help in setting up agricultural enterprises for the Arabs.

A coyote was the villian 75% of the time. At last month's New Mexico Wool Growers Assn. convention, researcher Don DeLorenzo provided figures from a predator project on the Leroy McKnight Ranch in Lincoln County. Scientists kept track of individual lambs with strapped-on electrical devices and could usually be on the scene shortly after a predator attack. "Types and location of wounds, hemorrhaging areas and what parts of the body were devoured make it possible to determine which animal first attacked a lamb," explains DeLorenzo. Conclusion after the eight-month test: coyotes accounted for 75% of predator-killed lambs; bobcats, 11%; bears, 4%. In 10% of the cases. DeLorenzo found insufficient evidence to indict culprits.

Now it's peanut protein concentrates to compete with soybeans and cottonseed products in the "new food" market. In the first major innovation of oil mill processes in 25 years, Texas A&M scientist K. C. Rhee has developed an aqueous extraction method for recovery of protein and oil directly from peanuts. He says his new method is cheaper, faster and safer. A big bonus of Rhee's method is that it makes aflatoxins harmless. That's a mold which sometimes attacks peanuts, usually making them unusable. The potential new markets: bread and bakery products, dairy-type foods and meat extenders.

SOUTHWESTERN REGIONAL EDITOR: Joe Dan Boyd

Government, Not Growers, Responsible For Wetbacks

N 1969 California Rural Legal Assistance (CRLA) took several growers into court on the charge of knowingly employing alambristas (wetbacks).

The suit has now worked its way to the State Supreme Court with the grower position being upheld. Congress, the Social Security Administration and, indirectly, the U.S. Border Patrol came in for some sharp criticism from the Third District Appellate Court and has since been upheld by the State Supreme Court.

The Social Security Administration and Congress share the moral responsibility for the massive army of illegal Mexican immigrants who take jobs away from domestic farm workers, the State appellate court charged.

The social security card is the passport to work in the United States. The court opinion says it is obvious aliens enter the country to get jobs and would stay home if jobs were not available.

"Officially oblivious to the utterly obvious, the Social Security Administration issues cards and account numbers to illegal entrants with no inquiry as to alienage or immigration status. In a continuing display of incredible insularity, on agency of the federal government puts a foot in a door which another agency is striving vainly to close," were the words of the court.

The opinion continues with more forceful language. "According to the immigration laws, the illegal entrants are fugitives, subject to apprehension, prosecution and deportation. If the social security agency believes itself obliged to furnish these fugitives with the insignia of employment eligibility, then the burden shifts to Congress which can relieve the agency of that obligation." Congress came in for more criticism for not supplying adequate funds for Border Patrol. "The ever present problem for supervisory officers is that of developing patrolmen along the 8000 miles of border so that smugglers and illegal entrants will be apprehended as near to the border as possible. Because of the relatively small number of officers (authorized force 1500), it is patently impossible to detect every violator at entry...

"By increasing the authorized strength of the Border Patrol, by demanding prosecution and sanctions for border violations, Congress could generate a national profit consisting of a reduction in social welfare, law enforcement expenditures at all levels of government, augmentation in domestic farm workers' earnings and a gain in human values."

The opinion written by Justice Leonard Freidman holds that Congress and federal agencies, and not the court or growers, must solve the problems created by wetbacks.

J. Richard Glade, attorney for Kay-Dix, one of the ranches charged, said that CRLA tried to force growers to be prosecutor, judge and jury of a worker seeking a job by demanding physical or documented evidence of their right to work. The court refused to put that burden on the grower and said all a grower should have to get is a name and social security number. -D.R.

New Infra Réd Milk Analyzer

"I R M A"—the newest thing in the dairy business—appeared ready to take her bow in California, as State Director of Agriculture Jerry W. Fielder proposed regulations approving the use of a new Infra Red Milk Analyzer in the State.

I am A.J. Evans, General Manager of Winnemucca Farms, Inc., Winnemucca, Nevada representing the four major potatoe growers in Humboldt County and one of the states most recent and extensive new industries.

In four years we have put the state on the map as a new agricultural entity with which we compete against the famous Idaho potato. Extensive capital investments approaching \$20 MM have been made by the industry and the whole agricultural potential is blossoming as we've proven the success of potatoes, onions, garlic, etc. With some 8000 acres of potatoes have come added grains acreage for Humboldt county from some 2000 acres in '69 to over 14,000 last year.

With this new industry providing well over 300 new industry jobs not to mention added business in existing jobs, we are pumping well over \$3 M M annually into local economy. Also there is additional truck business with attendant taxes and new industrial interests stimulated from far and wide such as grain elevators, irrigation companies, large fertilizer companies, food processing plants, new livestock feedlots, agricultural machinery manufacturers, etc.

Nevada has long been a livestock and mining state and is crowned as the gambling mecca of the world but it has a right to take its place in America as an Agricultural state as well and we believe it has that potential. Agriculture, however, has some unique labor features. While we have a close bond with Mother Nature we are still subject to God's will in his laws of nature. "There is a time to plant and a time to harvest" and these times are not at the whims of man. Unfortunately much of this work must still be done by the sweat of our brow and the simple facts are that few American people are willing to sweat long hours in the dust and sun today unless its on a tennis court for just a few sets or on a ball diamond for a contract in the six figures. Further, we're conditional to "security"a permanent job- and fair pay for eight hours of work.

Much agriculture, particularly "cash" crops such as potatoes and other vegetables, have short periods-ourselves approximately 2 months in the spring, before school is out, and in the fall, after school has taken up, - when hard physical work for long hours in uncomfortable circumstances must be performed. Unfortunately extremely few Americans are willing to do such work and why should they when federal programs will pay for no work or they are penalized by such programs for taking short term jobs. Repeated efforts to employ local personnel by our industry both in Nevada and other states has long met with inability to get the job done when needed: Installing irrigation systems in the spring and moving some and harvesting crops in the fall! Skilled labor we can secure even when we have to bring it into Nevada from Idaho, Oregon, Washington, etc. because we're still training people here, but unskilled labor cannot and will not be supplied by local citizenry.

We enjoy the privilege in this great land of enduring the habit of swinging from one extreme to the other in all facets of our society. Let us not do this in the area of agriculture just because we have a serious unemployment problem in the country and every politician and well meaning social interest group wants to join the ground swell to outlaw all aliens from labor much of which our own people are not willing to do.

Remember nature won't wait. We find "droves" of transient labor-normally Spanish speaking- occasionally an American Indianmoving through agricultural areas as the season requires. Growers are usually desparate for dependable "stoop" labor (as its commonly known) and submission of a S.S. number for payroll records puts them to work. Mexican laborers are housed in government approved housing and are faithful, reliable workers being satisfied to move on after a few short weeks of intensive labor. You'll find that these jobs are not being taken from our own American people but are necessary jobs that must be performed to provide a multitude of new jobs for Nevada citizens.

If you should feel compelled to allow legislation such as AB-42 to proceed may I suggest that while we're all alarmed over world-wide fears of inflation and depression, and unemployment we should not be misled into destroying the very means of producing more food for less cost to our people. You will materially aid in an effective fight against these problems by excluding Agriculture from any law for bidding alien labor in this state or this land.

Indeed agricultural employers should utilize all reliable personnel our government employment services can supply but let us not destroy the neans of continuing the lowest cost abundant food supply the world has ever known.

I can't believe you would want to erradicate all honey bees because you knew someone who was stung by a bee.

ASSEMBLY JUDICIARY COMMITTEE

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GUEST REGISTER

DATE: Fel. 6 1975

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ASSEMBLY JUDICIARY COMMITTEE

GUEST REGISTER

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