

ASSEMBLY AGRICULTURE COMMITTEE MINUTES
FEBRUARY 8, 1977
4:00 p.m.

MEMBERS PRESENT: Chairman Hickey
Mr. Price
Mr. Jeffrey
Mr. Polish
Mr. Serpa
Mr. Jacobsen
Mr. Rhoads

MEMBERS ABSENT: None

GUESTS: Robert Dimmick, Legislative Counsel Bureau
Tom Ballow, Nevada Department of Agriculture
Jack E. Hampton, Nevada Department of Agriculture
Joe Jackson, State Press Association
Knut Pennington, Nevada Department of Agriculture
Arshal A. Lee, Nevada Department of Agriculture

Chairman Hickey the meeting of the Assembly Agriculture Committee to order at 4:00 p.m. on February 8, 1977. Mr. Hickey stated the purpose of the meeting to be the hearing of testimony on AB 57, 58, 59, 60, 85 and SB 36. The first order of business would be AB 57.

AB 57, Amends amount and payment source for estray care expense.

Robert Dimmick, Deputy Legislative Auditor, spoke on behalf of the bill stating that there is amended version of this bill that he would speak on. The amendments are attached to this minutes as EXHIBIT A and herewith made a part of this record. Mr. Dimmick stated that this bill has come about as a result of the audit they performed on the Department of Agriculture. At the present time in NRS 569.060, the maximum that can be paid for estray care is \$1.50/day. This amount was placed into the statutes in 1959 and has since become outdated. The current estimate for estray care is between \$2.50 to \$3.00/day. This bill would eliminate the maximum and leave it to the department to establish reasonable charges. The proposed amendments would insert the word "reasonable" and thus make NRS 569.090 and NRS 569.070 compatible. This bill is basically house-keeping in nature.

Mr. Rhoads inquired whether the Director alone would decide what was reasonable charge. Mr. Dimmick stated that it would be the Director working in conjunction with the Department of Agriculture.

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Mr. Serpa inquired why they had not elected to put in an set amount into the bill. Mr. Dimmick stated that because this would fluctuate and they would have to come back again in two years to change it again.

Mr. Price stated that he was always a little leery of giving, by statute, an agency the right to set fees. He would like to see some upper limit placed in the bill with the agency having the right to set fees up to that amount. Then if additional amount was needed the agency would return to the legislature to set another ceiling amount. Mr. Dimmick replied that everyone would go for the maximum amount in that case.

Mr. Jacobsen stated that he also would like to see a set price as it would be hard for the Department to determine just what a reasonable price was.

Arshal Lee, Acting Director, Division of Brand Inspections of the Department of Agriculture then spoke in favor of the bill. Mr. Lee explained briefly what an estray was and how it was handled. He explained that the money that is obtained by selling this unclaimed animal is held in the Department for one year during which time the owner can claim it.

Mr. Hickey inquired as to how often the money is actually returned to the owner. Mr. Lee stated that this did not happen to often that out of 175 head perhaps 8 to 10 are claimed.

Mr. Lee went into the various costs of things that must be considered as necessary for estray care. He stated that it would cost between \$50-75/month to care for an animal.

Mr. Jacobsen asked Mr. Lee what he thought about putting a set price rather than a reasonable charge. Mr. Lee stated that they have had some success in arbitrating with the rancher and the Department comes out better this way. He stated that he felt having reasonable charge in the bill could save the Department some money.

Mr. Price stated that he felt that if they placed an upper limit then the department could set anything up to that limit. This would help to determine fiscal impact and the agency could set the fee depending on current costs.

Mr. Lee stated that he felt if it were left up to the Department's jurisdiction, they could arbitrate with the rancher. If the rancher knew there was a ceiling they would all want that maximum amount.

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Mr. Lee stated that if a rancher would want too much for care he (Mr. Lee) could appoint another keeper who would do it for less and that they have had no problems in finding places for estrays.

AB 58, Increases registration, tonnage and inspection fees for certain agricultural and other commodities

Jack Hampton, Division of Plant Industry, Department of Agriculture, spoke on behalf of the bill. He stated that there were currently three people who were paid out of this fund. With the increase in cost of salaries and other costs by the end of the year there will be a deficit in this fund. This bill is asking increases in these fees. He enumerated the various fee changes found in the bill. Mr. Hampton further stated that if they do not get these increases they would have to eliminate a position.

Mr. Hampton stated that he had advised Ivan Smith, Executive Secretary of the Western Agricultural Chemical Association of their situation and of the need for this funding. He stated that Mr. Smith gave his support for this request and stated he would be glad to testify if necessary.

Mr. Jacobsen stated that he felt there should be no new taxes and yet they are starting to get these types of bills which in the long run are new taxes to the consumer. He stated that he felt there was a real need to justify this.

Mr. Hampton stated that the Governor's budget reflects this increase in revenue. He further stated that he felt the most beneficial thing they do is to take the fertilizer samples. If they are short, the company who produced the material is assessed triple times the loss current value of any of the elements in the fertilizer. This money goes to the grower or rancher. They have found very few mixed or adulterated products. They have also found no antifreezes on the open market that have not met specifications.

Mr. Jacobsen went on to ask why we do this inspection on pesticides and antifreeze and not on everything else. Is it to protect the consumer or environment. Mr. Hampton stated that it was to protect the consumer and to comply with EPA.

Mr. Serpa stated that he felt that the dealer would be worried about all these items and police it himself. Concerned about the client or rancher and their reaction to the various things. Looks like that government is "nudging into private enterprise."

Mr. Hickey inquired when the last increase was established. Mr. Hampston stated that he did not have this information. To Mr. Hickey's question regarding the comparison of fees in the surrounding states Mr. Hampton stated that he did not have the information either. Mr. Hickey asked Mr. Hampton to please obtain this information for the committee.

AB 59 Amends motor fuel advertising requirements

Knute Pennington, Division of Weights and Measures, State Department of Agriculture, spoke on behalf of this bill. He stated that this bill that would clarify conditions that exist in the present marketing of diesel fuel and gasolines. The Department is suggesting that in diesel fuel advertising they post a permit sign. Most of the fuels in your big truck stops are sold with a state permit. NRS 590.170 says that this should be the actual price. With state permit they cannot advertise the actual price. Has presented a problem to the Department in enforcing this one section of the law. They would suggest that at least they inform the public that this price they are flying is with a state permit. They have had a few complaints that truckers are given a better price when people are unaware of the permits.

Mr. Pennington went to say that they are also trying to clear up NRS 590.210 by removing the words tax and tax included which have been previously removed from NRS 590.170 and thus make them compatible. In NRS 590.230 they are attempting to allow advertisers to do what they are really doing already, which is posting signs stating "self-service" "full-service" or whatever. This would make it a legal thing. At the present time the statutes say that there should be no other words on these signs except those pertaining to discriptiveness of the product. This would clean up this type of advertising situation.

Mr. Jacobsen stated that he was not sure that this wording regarding "with permit" was the answer. He stated that you "have to let the public know that the state and federal taxes included are not included". Mr. Pennington stated that this was a very confusing situation and for lack of other terminology this was suggested. He stated that they could find no way of discribing all the various conditions that may occur.

Mr. Hickey asked Mr. Jacobsen to please work up some terminology that might be better in this situation for the committee's consideration.

Mr. Pennington stated that they do not mandate that these places advertise, but if they do they must be certain requirements.

AB 60, Provides authority for inspectors of the State Department of Agriculture to take pesticide samples.

Jack Hampton, State Department of Agriculture, spoke on behalf of this bill. He stated that this bill amends NRS 555.420 to provide authority for personnel of the Division to include sampling in their surveillance of pesticide usages. It also adds the words "pesticide and pesticides sprays" should there be any questions arise about them taking these particular samples.

Mr. Hampton stated that this had been passed in the last Session but that the word "sampling" had not been included. Since then the EPA regulations have come out and in part of that the word "sampling" came to their attention and so this is an attempt to cover that authority should the question arise.

Mr. Rhoads inquired at what point in the process do they make their sampling. Mr. Hampton stated that they take their samples at the stores. They will be taking more tank mixes from now on. He went on to say that they now have an agreement with EPA. They have furnished \$30,000 of equipment so that they can go into more use investigation samples.

AB 85, Makes various changes to provisions relating to public weighmasters.

Knute Pennington, Weights and Measures Division, Department of Agriculture, spoke on behalf of the bill. He stated that this was primarily a complete rewrite of the existing public weighmaster law.. It is an update of the language by taking out the out wordage and putting in better language with an increase in the fees.

The fees in Section 5 have been on the books for many years with no increase. Section 6 defines the reasons for which person can have license suspended or revoked. Under the old statute they had to go through a hearing process which was rather difficult. This is the most important change.

Section 10 clarifies the law whereby deputy may sign statement based on information given by employee. This will improve the effectiveness of some operations.

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Mr. Jacobsen asked how many certified weighmasters are there in this state and what is there volume of business. Mr. Pennington stated there were 75 licensed scale operations. As to the volume of business this would depend on the location and size of the operation. A large truck stop in Las Vegas would do a large number of transactions and the signature portion of the bill would be very important to them.

Mr. Jacobsen then asked if there was any relationship with the Highway Patrol weight stations. Mr. Pennington stated that they also license them.

SB 36, deletes requirement that copy of livestock sale receipt be sent to state department of agriculture.

Mr. Dimmick, Legislative Counsel Bureau, stated that this piece of legislation came about as a result of the audit of the Department of Agriculture. It became apparent during the audit that the auction yards were not submitting these copies. It also appeared that this was not really necessary. This information is required to be retained by the livestock auction yard for a period of 2 years, which they are. Actually the livestock yards are retaining this information much longer. Therefore Section 2 serves no useful purpose should be deleted. This will bring the statutes into conformity with what is actually being done at this time.

As there was no further testimony to be heard, Chairman Hickey concluded the hearing.

The Committee then held a brief discussions on future plans for the committee. The meeting was adjourned at 5:30 p.m.

Respectfully submitted,



Sandra Gagnier
Assembly Attache

EXHIBIT A

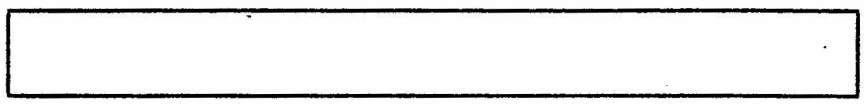
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Amendments to Assembly / Senate

Bill / Joint Resolution No. 57 (BDR 30-22)

Proposed by Committee on Agriculture

977 Amendment N^o 11 A



Amend the bill as a whole by adding a new section designated section 3, following section 2, to read as follows:

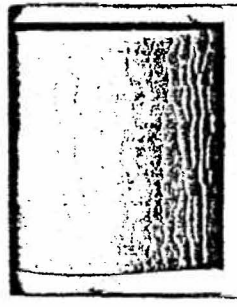
"Sec. 3. NRS 569.090 is hereby amended to read as follows:

569.090 1. The department shall pay, or cause to be paid, the reasonable expenses incurred in taking up, holding, advertising and selling (such) the stray or estrays, and any damages for trespass allowed pursuant to NRS

AS Form 1a (Amendment Blank) 3044A

Drafted by LP:m1 Date 1-26-77

To Journal (3) CFB



569.440, and shall place the balance in the agriculture working capital fund of the department. The department shall make a full and complete record of all such transactions, including the marks and brands and other means of identification of an estray or estrays, which record shall be open to the inspection of the public.

2. [Should] If the lawful owner of any [such] estray or estrays sold as provided in this section [be] is found within 1 year after the sale of such estray or estrays, the net amount received from the disposal of such estray or estrays shall be paid to the owner [upon his proving] if he proves ownership to the satisfaction of the department. If, at the end of 1 year from the date of sale of [such] the estray or estrays, the proceeds from such sale or sales remain unclaimed, such proceeds shall be deposited in the livestock inspection fund.

3. [In all cases of claims] If any claim pending after the expiration of 1 year from the date of sale [, and denied, such] is denied, the proceeds shall be deposited in the livestock inspection fund . [promptly after denial of such claims.]