

ASSEMBLY AGRICULTURE COMMITTEE MINUTES
MARCH 15, 1977
4:00 p.m.

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

MEMBERS ABSENT: Mr. Jeffrey
Mr. Jacobsen

GUESTS: Jay Meierdierck, Red Rock Audubon Society
Sue Volek, Sierra Club - Las Vegas
Ann Pinzl, Nevada State Museum
Bob Long, Nevada Division of Forestry
Lody Smith, Nevada Division of Forestry
Rose Strickland, Toiyabe Chapter - Sierra Club
Hugh N. Mozingo, University of Nevada, Reno
Margaret Williams, Northern Nevada Native Plant Society
Lois H. Sarton, Northern Nevada Native Plant Society
Loring R. Williams, Northern Nevada Native Plant Society
Donald Klasic, Attorney General
Tina Nappe, Toiyabe Chapter - Sierra Club
Clarence Cassady, Nevada Dairy Commission
John Crossley, Audit Division, Legislative Counsel Bureau
Lee Hanson, Audit Division, Legislative Counsel Bureau
Earl Oliver, Audit Division, Legislative Counsel Bureau
Mr. and Mrs. Virgil Getto
Phyllis Berkson, Nevada Dairy Commission
Assemblyman Darrell Dreyer

A quorum being present, Chairman Hickey called the meeting to order. The purpose of the meeting was to hear testimony on AB 388 and to hear from the Auditors for the Legislative Counsel Bureau regarding the Dairy Commission.

AB 388, Provides for additional regulation of removal of certain flora.

Assemblyman Dreyer, sponsor of the bill, stated that since the bill was printed they have discovered there were 2 or 3 areas the bill simply will not cover. One of these is the land that is under the BLM jurisdiction. The State Forester Fire Warden does not have any authority to go upon these lands. Mr. Lody Smith, State Forester - Fire Warden, had presented to Mr. Dreyer a new draft that he feels will cover what is necessary. He added that since this new draft just about does away with AB 388 he would suggest that the new draft be made a committee bill.

Mr. Smith presented copies of the proposed bill which are included here as Exhibits A and B and herewith made a part of this record.

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Mr. Smith also presented a copy of a letter from L. William Paul, Deputy Attorney General which is attached to these minutes as Exhibit C and herewith made a part of this record.

This letter states that the State Forester Firewarden does not have authority to go upon lands of the United States nor does the State of Nevada have any jurisdiction whatsoever over these lands. This can only be done after a signing of agreements with the various federal agencies.

He stated that he feels that the proposed legislation as drafted would be much more workable and acceptable to the various groups and committees concerned. By adding the word "possession" in the shaded areas of the Exhibits and also adding a \$100 fine instead of the \$10. Feel that this particular portions of this will handle the daily operations of the man and wife or group of people going out into the area and digging up several cacti and taking them home. This would allow any law enforcement officer, without written permission from the land owner, to make the stops and arrests. By adding possession and written permission of the land owner, this would include the BLM, this will handle this particular group of people or section of people that do this. This is merely adding the word possession to existing law.

Mr. Rhoads inquired whether BLM would come under private lands. Mr. Smith stated that no it did not, this merely states that if found with possession your must have written permission regardless of who that might be. The reason for this this is that they do not have the authority to go out onto the Bureau's land and enforce the state law as such but when come off "and they haven't got permission, they can be nailed".

Mr. Hickey inquired whether the \$100 fine was adequate enough. Mr. Smith replied that it was not less then \$100. Many of the JP will fine higher then this such as \$100 for each cactus.

Mr. Hickey stated that he had heard that this cactus was very expensive and if so was this fine really enough. He asked Mr. Smith to give some range in what the cactus is worth. Mr. Smith replied it can run from \$5 to \$300 and these prices continue to go up. Mr. Hickey inquired whether one of the ways that these people enter into the desert is to put in a mining claim and then remove the cacti. Mr. Smith stated that this was in the next section of Exhibit B.

Mr. Smith went on to say that this section deals with cactus selling as a commercial adventure. He stated that this is becoming a very lucrative venture. They felt that in order to handle that situation and thinking again that they are working with state county, and privately owned sources and not the federal government, they already have existing Christmas tree laws that cover these type of things and so they added the cactus to that particular

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section of existing laws. Mr. Smith went through the process that would have to go through. Person would petition the State Forester's office and would be issued a permit. The State Forester must have verified the signature on the permission slip to determine if the person actually did own the property and did wish to sell them. Along with the permit, tags must be issued which must be hooked to each plant. A shipping permit must be obtained when they are moved out of state on the highway. All this process will protect the land owner. Also they notify the adjacent land owners by telling them when the operation will be going on. In this way the adjacent land owner can check to make sure that they don't show up on their land.

The biggest thing on this draft is the law that allows the confiscation. \$100 fine for a \$20,000 load is probably not that hard to take. However if the load is also confiscated and then auctioned off by the sheriff, "it takes a lot of steam out of his sails."

Mr. Rhoads inquired if this really was that much of a problem in southern part of the state. Mr. Dreyer stated that it was and that California is coming up with some real strict legislation and so they are moving this way.

Jay Meierdierck, Red Rock Audubon Society, spoke in support of the bill. He stated that they were in agreement with AB 388 but were also in agreement with the proposed drafts. He presented a prepared statement which is attached to these minutes as Exhibit D and herewith made a part of this record.

Mr. Rhoads inquired whether BLM did not have authority to much of what is proposed already. Mr. Meierdierck stated that under current legislation there is prohibition from removing these plants from BLM land but they must catch them in the process of digging them.

Sue Volex, Las Vegas Sierra Club, stated that there were serious problems in Southern Nevada and that acres and acres are presently being dug up. Hundreds of plants are presently being shipped out. A copy of an article on this subject was presented from the Sunday Nevadan, November 7, 1976. This is attached as Exhibit E and herewith made a part of this record.

This legislation would address itself to this problem and they urge the committee's support of it.

Rose Strickland, Toiyabe Chapter of Sierra Club, stated that they did have some serious reservations about AB 388 but that the draft takes care of these reservations. She stated that they had no objections to it at this point and that this is a very timely law as two years from now much more will be gone.

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Dr. Hugh Mozingo, University of Nevada, Reno, Curator of Herbarian and Professor of Biology, stated that he had originally come to speak in opposition to AB 388; because he felt it would be an administrative nightmare and would set up another bureauacy. However, after seeing the draft he is willing to give his support to these amendments. Particularly the portion that deals with prohibition of collection of cacti and yucca. He added that he has considerable research in Southern Nevada and in the early 1960's, in one canyon alone, there were literally hundreds of barrel cacti. In the late 1960's he returned to find only three barrel cacti remaining in that canyon. He stated that barrel cacti two to three feet tall will go from \$150-500 on the open market. This is very profitable as in a single day you would easily be able to collect \$10,000 worth of cacti.

Dr. Mozingo went on to say that it takes as long for a cactus to grow back as it takes a forest that has been burned down. He stated that this is a severe problem in the south but not as much in the eastern area of the State.

Dr. Mozingo suggested that when defining the Cacti and Yucca you change it to be that Yucca includes any member of the Yucca genus instead of including the whole Liliaceae family. The reason for this is that the family includes a great many plants that are not endangered and so it does not make sense to include the whole family. He added that they are in the process of developing a list of endangered species and can add species to be included under the endangered species act.

Margaret Williams, Nevada Native Plant Society, stated that they were opposed to AB 388. She added that they have been working hard of this endangered species section and if this bill were to pass their activies would have to cease. This bill would really effect the activities of the ordinary person. She finished by stating that they certainly can support the new draft proposed here.

Mr. Rhoads moved for committee introduction of the proposed draft and Mr. Polish seconded the motion. The motion carried unanimously.

Mr. Price moved to indefinitely postpone AB 388 and Mr. Polish seconded the motion. The motion carried unanimously.

At this point the committee went through Exhibit F, a report prepared by John G. Miller, Senior Accountant on the Dairy Commission. Exhibit F is attached to these minutes and herewith made a part of this record.

Mr. Hickey then began by stating that last week he had requested that some type of reporting system be developed. He asked Mr. Crossley, Chief Deputy, Legislative Counsel Bureau Audit Division, to begin.

Mr. Crossley stated that they have reviewed this report and that the first two pages set forth the duties of the technical staff as they scheduled them in their audit report. He stated that they are not in the same order as in the audit report; however they all are there. The Dairy Commission has assigned priorities to them.

On the Producer-Distributor Economics, Dairy Commission has assigned priority to #1 and it is the Audit Division's thought that this falls automatic. All the rest leads up to preparing detailed information for public hearings. It is one of the purposes of the staff and everybody gets involved in that. The Audit Division did feel, however, that there might be some priority in the #2, analysis of dairy conditions in neighboring states and its effect on Nevada production and pricing. The Dairy Commission says that this can only be done occasionally. The rest of the items under this section, they concur would be nice to have but they are things in other areas that are much more important to have.

Mr. Crossley went on to page 3 where they have come up with the field investigator, the office accounting and auditing, field audit of producer records and the field audit of distributor records to come up with the staff to carry this out on a statewide basis. This applies to the technical staff and does not apply to the Director or the clerical help and the inhouse accounting of all their reports. This applies to their technical duties and not to a lot of the detail work of the overall staff that has to go on.

In the cost research area there is the analysis of the cost statement filed by the distributor. The Audit Division feels that although this is number 1 of this Section, it also carries through in number 3 of the section and also on the next page under N.R.S. Enforcement under 5 and 6. They feel that this analysis of cost statements involves all three of these.

Mr. Cassady stated that three people worked on this report and they did not really have the time to coordinate it and that he would agree with Mr. Crossley's statement.

Mr. Crossley stated that this is something that has high priority and can't be done by one person. It has to follow through with different people doing it.

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Mr. Hickey inquired whether man hours had been assigned to each of these priorities. Mr. Crossley stated that they have assigned man hours to these by individual but they have not broken the man hours out in total. He stated that this was a difficult part to do; to go back and identify man hours by individual tasks.

Mr. Hickey stated the committee has discussed putting controls on certain areas versus other areas. They would want to be able to walk in and see if those goals and standards are being reached according to the total plan.

Mr. Cassady stated that in one aspect especially field audits they are very conservative in their time. Checking with California as a neutral source, in plants of our size it would be 300-400/audit and plants the size of Safeway would take at least 1,000 hours. Audits come next to checking producer payments. When you do an audit you do your plant usage physically, remittances and everything else.

Mr. Crossley stated that this is why they tied all three of these together.

Mr. Crossley went on to say that there were four positions, the field investigator, office accounting and auditing, field audits of producer records, and field audits of distributor records. They do hope they have a pretty good breakdown. On the producer cost studies, they feel that the producer records would do this, the field auditor. They have taken these categories roughly to the western unit only, trying to come up with something. They did not try to do it on a statewide basis because the fact that some of these were not broken down by the exact cost centers or broken down into the three different areas.

Mr. Hickey stated that the committee's problems as yet is that they have not made that determination whether they are going to eliminate the Dairy Commission in certain areas or keep it over the total state. There is not complete agreement with the producers on that.

Mr. Crossley stated that they feel that #2 under Cost Research, producer cost studies to determine production costs, the office accounting auditor would be able to completely do this. This is on page 9. He added that they feel his full time duty would be in this area. Most of the duties are in the North.

Mr. Cassady stated that any added time of his they could use on the distributor costs as in their office everybody overlaps.

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Mr. Crossley went on to say that #4 under Cost Research they have tied in with the field investigator and he starts on page 1. Part of his function would be to cover the retail store surveys. His main task, they feel, would be down under the Dairy and Marketing Services #1. This would be his number one function.

Mr. Cassidy stated that he could find nothing that deals with enforcement of that section in 584 which has to do signing in the restaurant for imitation products. This would also be under the field investigator and assumes about 2 visits a year.

Mr. Crossley inquired whether that would be under #7 under the N.R.S. Enforcement section. Mr. Cassidy stated that it would well be. He stated that it is a whole separate issue. It is a hard law to enforce anyway.

Mr. Crossley stated that they felt this field investigator would also be required to investigate all complaints, #2 under Dairy and Marketing Services.

Mr. Cassidy stated that this depends upon the calibre of man they were able to get. In past they have had men that could do this and some that have not. The problem here is that they are given a list from Personnel that have qualified and they have just not worked out. At the present there is no one in this position and they are not in the process of hiring one until the approval is given by the committee for continuation of this Commission.

Mr. Hickey inquired whether they get complaints. Mr. Cassidy stated that they get complaints all the time. They make periodic call on the various stores. In between times they investigate any alleged complaints. There haven't been too many of late since they have filed a lot of the cases.

Mr. Hickey stated that this has been where the problems have been. He inquired how much this position paid. Mr. Cassidy stated that was between \$14,000-15,000/yr.

Mr. Crossley presented Mr. Hickey with a copy of what they have said about the field investigator in their audit report. This is attached as Exhibit G and herewith made a part of this record.

Mr. Hickey stated that he was concerned about this position not being filled since January of 1975.

Mr. Crossley stated that continuing with the investigator, under NRS Enforcement section, they feel that his duties also include #3 and #7. He went on to say that on page 5, the report has come up with 333 hours for the field investigator and this is

obviously more than one man year so they are looking at a man and a half. Mr. Cassady stated that they have not listed here that the area supervisor on Las Vegas picks up the half year.

Mr. Crossley stated he feels the Dairy Commission staff has established some priorities but they have to go ahead and start keeping their time records. They do have some pretty good cost centers that they have developed right here in this report to keep time on, especially in the area of audits. In the area of investigations it is really hard to tell. Time records are extremely important, especially when you can establish the costs centers as has been done here. This brings it all together.

Mr. Cassaday stated that at one time they did keep a weekly record of their duties and in the last three and a half years they were so busy they shoved that half a days work aside. He stated that they could refine this report if they had the time.

Mr. Hickey asked Mr. Cassady to get together with the Legislative Audit Division and work on this.

Mr. Hickey stated that are seeing in some of the budgets the setting aside of legal fees. Mr. Cassady stated that they are setting more aside in their present budget. Hopefully they will not have to use it.

Mr. Hickey stated that the committee should be moving towards some kind of determination of whether or the controls in Southern Nevada will be lifted. Mr. Cassady stated that by eliminating Southern Nevada they would lose 50% of their revenue. Eliminating Eastern Nevada would them down to 40% of present revenue. He added that hopefully the distributors will persuade the committee that the Dairy Commission is needed down South and that they only step in on the producer level when costs become apparenently low.

Mr. Hickey stated that he would like to get pretty clear in the minds of the committee that these people on the staff were going to be doing certain jobs, certain number of hours, requirement of job discriptions and time spent on it.

Mr. Hickey stated that what they are talking about is another audit in two years by sunsetting it.

Mr. Crossley stated that the hours in the report could be broken down in total by the different functions. If they were broken down it follows that the total of those individual areas might not come back to the original total because of different tasks are not the same across the state.

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Mr. Hickey stated that he was very concerned about this field investigator position.

It was agreed that the Legislative Audit Bureau and Mr. Cassady would get together and refine this report. They will report back to the Committee a week from Thursday, March 24, 1977.

Mr. Rhoads then asked if it would be possible to get a couple of committee introduction on bills he would like to have drafted. The first would deal with a problem that has arisen regarding the rounding up of "wild unbranded horses which includes ranchers' horses that are claimed but have not been captured on the public lands." The federal government has stated that the ranchers can not use helicopters to round up their own horses on public lands. A copy of a memorandum is attached to these minutes as Exhibit H and herewith made a part of this record.

The other problem Mr. Rhoads presented has to do with the Nevada Fence Law. This has to do the problems that have come about by wild horses straying onto private lands and the damage they cause. A memorandum from Mr. Rhoads dealing with this problem is attached to these minutes as Exhibit I and herewith made a part of this record.

Mr. Hickey requested that Mr. Rhoads have these bills drafted for committee introduction.

As there was no further testimony to be heard, Mr. Hickey adjourned the meeting.

Respectfully submitted,

Sandra Gagnier

Sandra Gagnier
Assembly Attache

Also attached to these minutes as Exhibit J and herewith made a part of this record is a set of petitions presented by Mrs. Williams in opposition to AB 388

GUEST LIST

<u>NAME</u> (Please print)	<u>REPRESENTING</u>	<u>WISH TO SPEAK</u>	
		Yes	No
Jay Meierdierck	Red Rock Audubon Society	X	
SUE VOLER	SIERRA CLUB - LAS VEGAS	X	
Arnold	Nevada State Museum		
Bob Long	Nev. Div. of Forestry		X
LADY SUITZ	NIV. DIV OF FORESTRY	X	
Rae Strickland	Toiyabe Chapter - Sierra Club	X	
Hugh N. Moying	Univ. of Nevada Reno - Herbarium	X	
Margaret Williams	Northern Nevada Nativ. Plant Soc.	X	
Lris El. Sonten	Northern Nevada Nativ. Plant Soc.		X
Lonnie R. Williams	Northern Nevada Nativ. Plant Soc.		X
DONALD KLASIC	ATTORNEY GENERAL		X
Tina Nappé	Toiyabe Chapter - SC		X
Darrell Dreyer			
Clarence Cassidy			

D R A F T

PROTECTION OF TREES AND FLORA

527.050 - Unlawful removal, possession, destruction of trees, flora; penalties.

1. It is unlawful for any person, firm, company or corporation, his, its or their agent or agents, wilfully or negligently;

a) To cut, destroy, mutilate, pick, remove, or possess any tree, shrub, plant, fern, wild flower, cacti, desert or montane flora, or any seeds, roots or bulbs of either or any of the foregoing from any private lands, without a written permit therefor from the owner or occupant or his duly authorized agent.

b) To cut, destroy, mutilate, pick, remove or possess any flora on any state lands under the jurisdiction of the state park system except in accordance with regulations of the division of state parks of the department of conservation and natural resources.

c) To cut, destroy, mutilate, pick, remove or possess any flora declared endangered by the state forester firewarden from any lands, other than state park lands provided for in paragraph b), owned by or under the control of the State of Nevada without a written permit therefor from the state forester firewarden or his designate. For the purposes of this subsection, the state forester firewarden may establish regulations for enforcement, including the issuance of collecting permits and the designation of state and federal agencies from which such permits may be obtained.

2. Every person violating the provisions of this section shall be guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the plants, flowers, trees, seeds, roots or bulbs cut, destroyed, mutilated, picked or removed, and in no event less than a misdemeanor, punishable by a fine of not less than \$100.

3. The state forester firewarden and his representatives and peace officers shall enforce the provisions of this section.

4. Except as to flora declared endangered by the state forester firewarden pursuant to NRS 527.270 or as to flora on state park lands regulated by the division of state parks, the provisions of this section shall not apply to Indians, native to Nevada, who gather any such article for food or medicinal use for themselves or for any other person being treated by Indian religious ceremony.

NRS 570.080
Sec. 1

TO BE INSERTED AFTER THE WORDS
"CALENDAR DAYS", SECTION 1

- * The term "commercial purposes" as used herein shall not include flora taken or possessed by the scientific or educational community, provided permission of the land owner is first obtained.

D R A F T

PROTECTION OF CACTI, YUCCA, AND CHRISTMAS TREES

527.060 - "Christmas tree" defined. For the purpose of NRS 527.060 to 527.120, inclusive, a Christmas tree shall include any evergreen tree or part thereof cut and removed from the place where grown without the foliage having been removed.

527.070 - Cacti and Yucca defined. Cacti includes any member of cactaceae family. Yucca includes any member of Liliaceae family.

527.080 - Cutting, destroying, mutilating, picking, removal or possession of cacti, yucca, or Christmas trees for commercial purposes; notice to state forester firewarden; registration and permits.

1. For the purpose of NRS 527.060 to 527.120, inclusive, the cutting, destroying, mutilating, picking, removal or possession, of cacti, yucca, or Christmas trees for commercial purposes shall mean removal or possession of six or more cacti, yucca, or Christmas trees in any one calendar day or the removal or possession of less than six cacti, yucca, or Christmas trees each for seven or more consecutive calendar days.
2. A person proposing to remove or possess cacti, yucca, or Christmas trees for commercial purposes on any state, county or privately owned lands shall give notice to that effect to the state forester firewarden. Upon receipt of such notice the state forester firewarden shall provide the person with registration forms, and such forms must be completed and returned to the state forester firewarden at least ten days prior to removal or possession. If it shall appear to the state forester firewarden that the person who has registered is entitled to remove or possess cacti, yucca, or Christmas trees, he shall issue a permit to ship the same, and a sufficient number of tags so that each plant may be tagged if the source of the trees to be cut is not federal land.

527.090 - Shipping permits

- 1. Cacti, yucca or Christmas trees cut, destroyed, mutilated, picked, removed, or possessed for commercial purposes in Nevada which are to be transported by railroad or other means to other localities in or out of the State of Nevada must be accompanied by a shipping permit issued by the state forester firewarden or his duly authorized agent.
- 2. Cacti, yucca, or Christmas trees shipped into the State of Nevada must be accompanied by a shipping permit if required by the laws of the state of origin, or by a duly notarized permit or contract signed by the landowner, or his authorized agent showing the origin by legal land description and the number of plants in the lot being transported.

527.100 - Tags attached to cacti, yucca, or Christmas trees; tag fees may be charged by state forester firewarden.

- 1. All cacti, yucca, or Christmas trees removed or possessed for commercial purposes must have attached thereto a tag issued by the state forester firewarden.
- 2. The state forester firewarden may charge a reasonable fee to help defray costs to the state for enforcement of this law. Moneys collected by the state forester firewarden shall be deposited in the appropriate fund of the state forester firewarden.

527.105 - Unlawful cutting, destruction, transportation without permit; regulations of state forester firewarden.

- 1. Except as otherwise provided by law, it shall be unlawful for any person, firm, company or corporation, his, its or their agent or agents, willfully or negligently to cut, destroy, mutilate, remove, or possess any cacti, yucca, or Christmas trees; or knowingly transport or sell same from any of the lands owned by or under the jurisdiction of the State of Nevada or its counties or from any privately owned lands, without written permission from the legal owner, or his duly authorized agent, specifying locality by

legal land description and number of cacti, yucca, or Christmas trees removed or possessed:

2. For the purpose of sustaining productivity and preservation of the water supplying functions of Nevada forest lands, the state forester firewarden, with the approval of the state board of forestry and fire control shall adopt reasonable regulations governing removal and possession of cacti, yucca, or Christmas trees.

3. This section shall not apply to necessary cutting or trimming of trees if done for maintenance of electric powerlines, telephone lines or other property of a public utility, or to a logging operation.

527.110 - Confiscation of cacti, yucca, and Christmas trees collected unlawfully; sale; disposition of proceeds.

1. The state forester firewarden, or his duly authorized agent, and peace officers are hereby authorized to confiscate cacti, yucca, or Christmas trees in possession when not authorized by law. Cacti, yucca, or Christmas trees which are confiscated shall be sold to the highest bidder therefor, by the sheriff of the county wherein they were confiscated. The sale shall be held by the sheriff in a like manner as on an execution.

2. If it is determined that the cacti, yucca, or Christmas trees originated on privately owned lands, the owner thereof shall be notified of the sale, and the proceeds of the sale, after deducting the cost thereof, shall be paid over to the owner.

3. If the owner of the lands cannot be determined, or if the cacti, yucca, or Christmas trees originated on state lands, the net proceeds of sale shall be deposited in the general fund of the state.

4. If the cacti, yucca, or Christmas trees originated on land owned by the Government of the United States, the net proceeds shall be paid over to the federal agency administering such land.

527.120 - Penalties. Every person who shall violate any provision of NRS 527.060 to 527.110, inclusive, not otherwise punishable, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100.



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
CONSERVATION AND NATURAL RESOURCES DIVISION
NYE BUILDING, ROOM 216
201 S. FALL STREET
CARSON CITY 89710

ROBERT LIST
ATTORNEY GENERAL

L. WILLIAM PAUL
DEPUTY ATTORNEY GENERAL

March 8, 1977

Mr. Lowell V. Smith
State Forester Firewarden
Nye Building - 201 S. Fall St.
Capitol Complex
Carson City, Nevada 89710

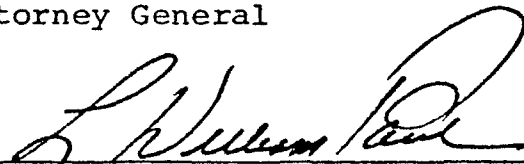
Dear Mr. Smith:

You have requested our interpretation of AB 388 insofar as the United States is concerned. Simply stated, the bill is unworkable insofar as it pertains to lands of the United States. The State Forester Firewarden does not have authority to go upon these lands nor does the State of Nevada have any jurisdiction whatsoever over these lands. You do have authority to enter into cooperative agreements with the various federal agencies involved but until and unless that were accomplished you would be in trespass.

Referring to NRS 527.060 through 527.120 (protection of Christmas trees) if this law could be amended to include cactus and other flora you would have ample authority to enforce same. To promulgate a regulation with reference to this particular law would not, in our opinion, serve the desired purpose. In the enforcement of some of our State Park regulations we have had several JP's around the state take the firm position that only the legislature can define a crime and that it cannot be done by administrative regulations.

Yours very truly,

ROBERT LIST
Attorney General

By 
L. William Paul
Deputy Attorney General

LWP:llf

SEARCHED.....
SERIALIZED.....
INDEXED.....
MAR 10 1977
FBI - CARSON CITY



RED ROCK AUDUBON SOCIETY

P. O. Box 42944, Las Vegas, Nevada 89104

SOUTHERN NEVADANS COMMITTED TO CONSERVATION

My name is Jay Meierdierck and I represent the Red Rock Audobon Society of Southern Nevada.

The Red Rock Audobon Society strongly endorses the concept of protection of native plants. We recognize the value of native plants to Nevada. These specimens are, in many cases, unique to this state and are a symbol of Nevada's environment. The native plants are an integral part of the fragile life systems of the desert, and should be considered a basic resource to be preserved rather than a commodity which is expendable. These plants are slow-growing, and an area which has been stripped will not be the same again for centuries, if at all. The overriding concern must be the preservation of this part of Nevada's heritage so that future generations may share in our desert wilderness.

We are concerned about wholesale stripping of desert flora by commercial dealers. I personally have seen century-old Joshua trees being hauled away by the truckload. Current legislation does not provide adequate or any protection for native plants. They are being shipped out-of-state in ever-increasing numbers and the state Department of Agriculture reports some, such as the red barrel cactus, are truly endangered. The regional manager of the Bureau of Land Management in Las Vegas says the problem is significant and more prevalent than in adjoining states.

The state of Arizona has devised a permit system which has helped curb removal of their native plants. California has just adopted similar legislation. This bill is modeled after the Arizona law and provides similar protection.

The Red Rock Audobon Society strongly urges your support of this needed legislation. Thank you for your consideration.

6—NEVADAN—Sunday, November 7, 1976

the rape of the desert

by Bill Vincent

Truck load by truck load the Nevada desert is being stripped of cacti, yucca, agava and joshua trees.

The bootlegging of flora of the Southwest to retail nurseries around the country has become a fast-buck business. Big mooney is being made, and people who have tried to stop the thefts have had threats made against their lives.

In the past five years the market has become insatiable as the demand skyrocketed in response to the booming popularity of house plants and the proliferation of succulent societies.

Greedy characters, operating particularly out of Arizona, Texas and New Jersey, are hauling from 200,000 to 400,000 plants a year out of the hills around Goodsprings, Nelson and Searchlight. With a wholesale value of from \$2.5 to \$5.5 million, the profit in cacti larceny compares favorably with marijuana running, and the risks are nil.

There is almost nothing that state and federal officials can do to halt the ripoff. Under Nevada Revised Statute 527.060 the "unlawful" removal and "unlawful" shipment of flora is a misdemeanor punishable by a fine of not less than \$10 or more than \$200, or a jail term of not less than five days or more than three months.

However, under the law the perpetration of a misdemeanor must be personally observed by the enforcing officer, in this case agents of the Nevada Department of Agriculture, or the agency must prove conclusively that the plants were not taken from private land with the owner's permission.

The Bureau of Land Management is hardly any better armed with enforcement capabilities. It is limited to a trespass citation, and "wilful" trespass is difficult to establish.

In the several years that Daniel LeBas, agriculturalist with the Southern Nevada office of the Agriculture Department, and Jerry Moore and Ray Brende, desert rangers with the BLM, have worked to halt the illegal traffic, only one conviction has been obtained.

They have compiled a list of 50 individuals



From 15,000 to 30,000 barrel cacti, yucca, cholla and other desert flora are being bootlegged out of Nevada to eastern markets every week.

busily bootlegging plants from the Nevada desert, but in the last five years only 30 loads have been intercepted. All but one man who admitted he had taken them from the public land, had to be released. He had a pickup load of small barrel cacti. The BLM fined him \$300, the "fair market value," on a trespass citation.

The others said the plants they had were gathered from mining claims—they had letters or signed agreements—with the owners' consent. It would have been difficult for the agents to have proved otherwise, so they were released.

Dan LeBas said the solution is relatively simple. "The law should be rewritten to prohibit the exportation of desert plants and require Nevada residents to get a permit to collect a limited number for house plants or landscaping around their own places.

"The key," he said, "is a permit system. Anyone caught with cacti and no permit would automatically be guilty. Our department and the BLM could enforce such a law."

Dan went on to explain that this is the system used in Arizona, where he worked before moving to Las Vegas. "It set up a permit plan 25 years ago or more. Without it, Organ Pipe National Monument and Cabeza Prieta Game Range would have been denuded, wiped out by now."

Arizona charges a \$5 fee to cover the cost of administration. This entitles a resident to take from one to five desert plants from specially designated areas. Dan said "This doesn't totally stop the bootlegging, but it makes it a lot harder to circumvent the law."

He had a clipping and photo from an Arizona newspaper featuring an Oregon sheriff's captain who had been caught with 100 saguaro, 200 hedgehog and 27 barrel cacti. Mere posses-



The Argentena mine near Goodsprings on the road to Sandy Valley was used as a front by cactus thieves. People in photo, taken a number of years ago, had nothing to do with the deal.

The legislature this session could effectively control the great cactus ripoff by setting up a permit system

sion was proof of guilt. He paid dearly.

The system would probably work better here than in our sister state, because Arizona has a lot more private and Indian land than Nevada that can be used as a front by plantnappers.

Here, the smarter operators work in cahoots with someone holding a mining claim. They get a letter from the miner permitting them to collect specimens from the property, or as in one special case, they get him to take out a business license for a nursery on the property.

BLM Ranger Jerry Moore explains what takes place after the arrangement is made. He named a couple of Texans from Dallas. "They come with big trucks and stop at the bars in Jean and Goodsprings. After buying a round of drinks for the house, they offer to pay \$50 a pickup load of red-top barrel cacti. And so much for loads of cholla, and yucca and joshua.

"The locals know where the best stands are, and it is no task at all to fill a pickup in half a day, or even a couple of hours. The cacti then are transferred to the large rigs, and they use all kinds—tandem-axel trailers specially designed to haul nursery stock, stake-side trucks and even 5th-wheel trailers built to haul from eight to ten head of horses."

Jerry and Dan told of a New Jersey man who flies to Nevada, gets a big U-Haul truck from a relative and runs bootlegged plants to the eastern retailers. They said England is a significant market. Loads with a thousand to two thousand are common, and some are as large as five thousand.

The cactus thieves get from \$10 to \$20 for a red-top barrel they buy from the bar patrons in Jean and Goodsprings to dig and deliver for about 33 cents. Both Dan and Jerry estimate that 15,000 to 30,000 are being trucked out of the state each month.

Dan said the Nevada desert plants are marketed mainly in the East. "We have ozonium root rot here," he explained, "and California has a quarantine against us because of it."

But that state has its own scam. Jerry said "California has a big thing going in joshua trees. Some ranchers with grazing rights on the public domain have been selling joshua trees off their allotment as though they own the land. The joshua bring up to \$100 each on the retail market. And I have heard of big Mojave mound cacti selling for over \$100."

Dan hadn't been on the job here long when he got his baptism. He said "I was asked to certify two shipments totaling more than 1,500 plants. There were papers stating the plants were obtained off private property, mining claims. But we knew they weren't. I tried to get Arizona to confiscate the shipments at its inspection station, but it wouldn't enforce a quarantine law."

Nevada's certificate system, which is handled by the agriculture department, was set up to help legitimate nurseries with out-of-state markets. Dan, or some other inspector, examines plants ready for shipment, and if they are healthy he signs a certificate stating they are "...apparently free of insect pests and plant diseases."

In the Goodsprings district both the Argentina mine and the Cameron Mining Co. have been used as fronts. Jerry said "The Argentina owners didn't even know what was going on. It was the caretaker who made the deal.

A fellow from Uvalde, Texas, who trucks in Lone Star specimens and takes back ours, used four mining claims belonging to a Searchlight lady as his blind. The claims hardly added up to four acres, and certainly couldn't have yielded as many plants as he had gathered. Also, the lady later denied she had given her permission.

Any discussion about desert flora dealers quickly turns to an Arizonan named Scotty Farmer. He is rated the biggest, best and smartest. Jerry said "He brags of making more than



Daniel LeBas, agriculturalist with State Department of Agriculture, and Jerry Moore and Ray Brende, BLM desert rangers, from right, check map of Searchlight mining claims which have been used to mask operations of out-of-state dealers.

\$100,000 a year."

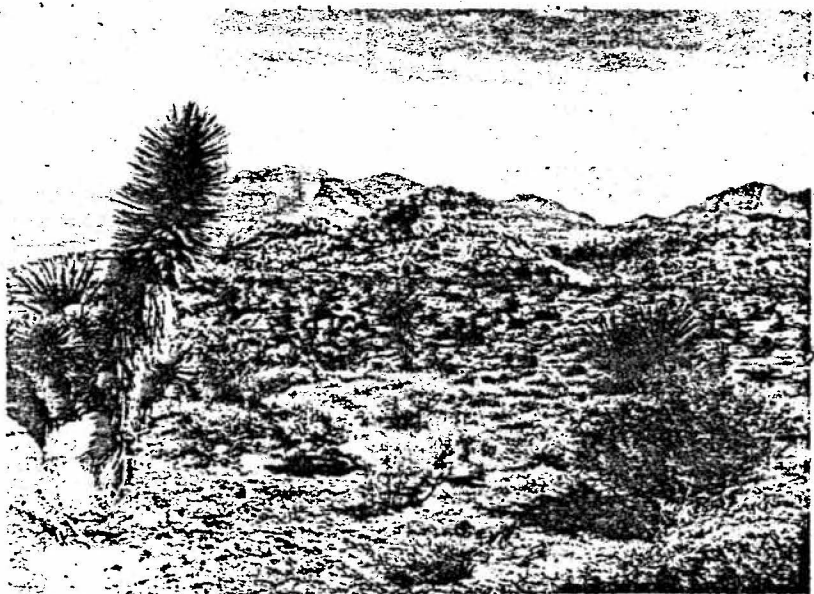
If the legislature fails to close the loopholes in the law with a permit system and the massive ripoff continues for several more years, large areas will virtually be stripped and won't recover for many years.

Dan LeBas said cacti have a very low reproduction rate. Also, they are slow growers. Even with lots of water, such as they get in a home

garden, barrel cacti only add about one inch a year. Teddy bears maybe grow two inches.

Jerry Moore added a final, light, note: "The only thing these fellows have not taken is creosote bushes. We can't even give them away."

If creosote tea ever becomes a popular nostrum, even these waxy bitter shrubs, which only a camel will eat, may begin disappearing from our desert.



Joshua trees, left, and yucca, center and right, are prime targets of those who are stripping the desert of slow-growing plants.



MIKE O'CALLAGHAN
GOVERNOR

THE STATE OF NEVADA
DAIRY COMMISSION

2500 NORTH VALLEY ROAD (702) 784-6221
RENO, NEVADA 89512

CLARENCE J. CASSADY
SECRETARY-EXECUTIVE DIRECTOR

March 11, 1977

MRS. PHYLLIS BERKSON, CHAIRLADY
CONSUMER, ZEPHYR COVE
DALE G. HUNT, VICE CHAIRMAN
PRODUCER, BUNKERVILLE
SAM DIBITONTO
CONSUMER, RENO
A. J. FRADE
DISTRIBUTOR, YERINGTON
LEN FREDRICK
CONSUMER, BOULDER CITY
VERNON M. SCOTT
RETAILER, CARLIN
JOHN R. SORENSEN
PRODUCER, FALLON
MURIEL STEVENS
CONSUMER, LAS VEGAS

Honorable Thomas J. Hickey, Chairman
Assembly Committee on Agriculture
Legislative Building
Carson City, NV 89710

Dear Chairman Hickey:

Attached is a report which you asked we prepare. The report is in two parts. Part one is a relisting, in order of priority, of the technical staff duties of the commission as set out in the Legislative Auditor's Audit Report for the year ended June 30, 1975.

Part two is a group of job descriptions and justifications for the commission's technical staff. In each category we have tried to show the job, the days required and the salary and travel costs projected for each type of activity. Please forgive us if these descriptions and justifications lack continuity. Three people were involved in preparing these papers; Mr. McNamara, Mr. Comstock and myself. In the interests of time we avoided redrafting this report.

Please call if we can be helpful in any way.

Sincerely,

John G. Miller
John G. Miller
Senior Accountant

JGM:bp

Attachments

cc: Clarence J. Cassady
Earl T. Oliver

The Audit Report by the Legislative Auditor of his audit of the Dairy Commission Fund for the fiscal year ended June 30, 1975 contains schedules of the duties of the technical staff. I have been asked to analyze these schedules for the purpose of realigning these duties in order of priority and indicating which, if any, of the duties listed might be unnecessary. In my judgment, the schedules as recast below show the most important duties first and the remainder in order of declining importance. Items preceded by an asterik are items that require only occasional attention. Two asteriks indicate duties I believe might safely be terminated or are mentioned elsewhere.

Producer-Distributor Economics

1. Prepare detailed information for public hearings. ✓
- * 2. Analysis of dairy conditions in neighboring state and its effect on Nevada production and pricing.
- * 3. Outline rules governing producer payments giving consideration to product usage.
- * 4. Develop and keep current a formula for payment to producers for milk produced and sold, for each marketing area.
- * 5. Analysis of State to develop and maintain marketing areas and zones.
- ** 6. Develop and keep current a formula governing hauling rates charged producers.
- ** 7. Outline mandatory provisions governing producer-distributor contracts.

Cost Research

1. Analysis of cost statements filed by distributors.
2. Producer cost studies to determine production costs.
3. Distributor cost studies to determine processing and delivery costs.
- * 4. Retail store surveys to determine allowable minimum mark up allowances for stores.
- ** 5. Survey of hauling costs of bulk milk from dairy farm to distributor, etc.

Dairy and Marketing Services

1. Contact wholesale accounts for information as well as compliance with Statutes and Regulations in regards to

Dairy and Marketing Services - cont'd

fair trade requirements.

2. Investigate all complaints emanating on wholesale level or above.
- *3. Regional dairy administration of the Eastern Nevada counties of White Pine, Elko, Eureka and Lander.
- **4. Dissemination of trade information.
- **5. Promote and encourage use of dairy products.
- **6. Encourage and assist in improvement in producing, transportation, processing, storage, distribution, and handling of dairy products.

N.R.S. Enforcement

1. Office computations (desk audits) of remittances from distributors for assessments due commission.
2. Office computations (desk audits) of distributor payments to producer based on ultimate usage of milk.
3. Review price filing of distributors for dairy products.
4. Preparation of statistical information for distribution.
5. Selected physical audits of remittance payments.
6. Selected physical audits of producer payments.
7. Audit distributor wholesale accounts receivable to prevent overextension of credit to insure prompt payment to producers for milk.
- *8. Analysis of producer-distributor milk contracts for conformance to Statutes and Regulation.
- *9. Licensing of distributors.
- *10. Determine that the bond posted by distributors continues to meet statutory requirements.
- **11. Review bids of distributors to political sub-divisions and other authorized entities for conformance to Statutes and Regulations.
- **12. Registration of producers.

SUMMARY OF JOB DESCRIPTIONS AND JUSTIFICATIONS

<u>GENERAL WORK CATEGORY</u>	<u>ANNUAL MAN* DAYS REQUIRED</u>	<u>ANNUAL PAYROLL COSTS</u>	<u>ANNUAL TRAVEL COSTS</u>
FIELD INVESTIGATOR ✓	333	\$20,777.00	\$5,118.00
OFFICE ACCOUNTING AND AUDITING	220	20,551.00	-0-
FIELD AUDITS OF PRODUCER RECORDS	232	20,935.00	1,501.00
FIELD AUDITS OF DISTRIBUTOR RECORDS	487	47,712.00	3,150.00
	<u>1,272</u>	<u>\$109,975.00</u>	<u>\$9,769.00</u>

* One man year equals 220 man days

FIELD INVESTIGATOR - DAIRY COMMISSION

Job Definition:

"Under direction, conducts investigations to determine compliance with statutes, rules and regulations relating to the Dairy Industry, particularly concerning fair trade practices; secures facts and obtains evidence to aid in the administrative disposal of cases or for use in the preparation of cases for hearing or trial; and does related work as required."

Field investigator's duties would normally fall into two categories:

1. Collection of information by visual inspection and personal contact with producers, distributors, retailers, and consumers.
2. Working closely with commission attorney when cases are being prepared for hearing.

Collection of Information:

In order that the commission be properly informed as to marketing conditions, distributors operating in each area, brands available, price levels, etc., at least one contact each quarter should be made to every distributor and retail outlet in the state. In addition, schools, restaurants, hospitals and other institutional users of milk and dairy products should be called upon when conditions warrant. Restaurants should be called upon at least annually to check for conformance with NRS 584.1759 through 584.179 - sign requirements for substitute dairy products.

The field investigator should receive and be responsible for all price filings submitted by wholesalers, keep such filings current and available for inspection by interested parties and check such filings for accuracy as part of his field inspections.

The field investigator must be able to answer all questions posed to him on field trips or correspond with the questioner on his return.

The field investigator must also prepare written reports of his trips upon return to the office. These reports should be com-

plete and concise enough to make the administrator (and commission) fully aware of marketing conditions throughout the state.

Typical information to be determined by the field investigator when calling on retailer would include:

1. Brands of milk and dairy products carried.
2. Distributor of each brand.
3. Prices charged by distributor.
4. Prices charged by retailer to store customers.
5. Changes in product line since last visit (if any) and reason for same.

In addition, investigator would apprise retailer of any new or impending regulations or industry action which might affect retailer. Investigator would also answer any questions or write back on any questions he has no answer for. Depending on the size of the market and the situation encountered, a typical market call would take from 15 minutes to two hours with a half hour about average.

Typical information to be determined by the field investigator when calling on distributors would include:

1. Are prices charged customers currently on file with the commission?
2. Are accounts receivable within the regulatory period?
3. Are all products distributed on file with the commission?
4. Is the distributor (and his competition) acting within the scope of all the provisions of the statutes and regulations (refrigeration equipment, credit, unfair business practices).

As in the case of the retailer, the investigator would notify the distributor of any new or impending regulations or industry trends, help him with commission reports, if any, and answer questions. Time requirements would vary greatly between distributors. An hour or two with peddler-distributors would be reasonable, but a day or more might be necessary at the larger processing distributors.

We have had experience in this work in prior years and we anticipate using the following routing to best cover the state. Each "route"

would take one to two weeks to complete. Seven such routes are listed here:

1. Metropolitan Las Vegas (approximately two weeks).
2. Henderson Boulder City, Cottonwood, Searchlight Davis Dam, Goodsprings, Pahrump, Charleston Park etc. (approximately one week with no overnight travel).
3. Logandale, Overton, Mesquite, Glendale, Alamo, Caliente, Pioche, Tonopah, Goldfield, Beatty, Indian Springs, etc., (approximately one week with overnight travel).
4. Metropolitan Reno-Sparks, Carson City and Lake Tahoe (approximately two weeks).
5. Fernley, Lovelock, Winnemucca, Battle Mountain, Carlin, Elko, and towns in vicinity of or north of I 80. (Approximately one week with overnight travel).
6. Austin, Eureka, Ely, McGill, Wendover, Wells, and Jackpot, etc. (approximately one week with overnight travel).
7. Minden, Wellington, Smith, Yerington, Hawthorne, Gabbs, Fallon, Silver Springs, and smaller communities in the general area. (approximately one week with overnight travel).

For each week spent in the field performing the general duties outlined above, a minimum of two days will be spent in the office writing up reports of trips and corresponding with retailers and distributors. Mailing lists will be updated, price files maintained, license files checked against distributor products, etc. In addition to the regular calls outlined above, special attention in the metropolitan areas should be placed on the substitute dairy products law. Two days per quarter in the Reno area and three days per quarter in the Las Vegas area may be sufficient to cover restaurants once each year. The investigator should call upon wholesale grocery, institutional grocery and specialty food companies at least once per quarter to determine whether they are handling dairy products. One day per month in Reno and two days in Las Vegas should give sufficient coverage in this area.

Working with Commission Attorney on Cases for Hearing

We can hardly forecast the use of the field investigator in this respect. The possibilities for developing evidence in unanticipated future cases may run the gamut from zero hours to full time work at times. We expect that the field investigator will be required to gather evidence requiring physical inspection of premises, serving subpoenas to produce evidence, inspect documents, interview prospective witnesses and perform other tasks requested by the Commission Attorney. In order that some time be budgeted to this purpose, a nominal figure of 15 days per year is hereby requested.

Miscellaneous Time Requirements

Miscellaneous duties that may arise will depend a great deal on the desires of the commission. It may be that the field investigator will be required to prepare documents and evidence for public hearings or appear at commission meetings to report on activities within his area or activity. Time should be allotted and travel cost appropriated for this purpose. A minimum figure of 10 days per year might be sufficient to cover this area.

Every state employee is entitled to 15 or more days annual leave per year and there are usually 10 days that are paid holidays. In addition, employees earn 15 days sick leave each year. This totals 40 days of the 260 days budgeted above. We will consider 220 man days of work equal to one man year.

Summary of time and travel requirements

Collection Information:	<u>Mandays per Year</u>	<u>Estimated Travel Cost</u>
Route #1	40	\$ 204.00
2	20	340.00
3	20	1,180.00*
4	40	240.00
5	20	930.00*
6	20	1,148.00*
7	20	749.00*
Subtotal	<u>180</u>	<u>\$4,755.00</u>
Reports and office work	72	--
Substitute Dairy Products	20	\$ 102.00
Wholesale Grocery, Institutional foods, etc.	36	184.00
Working with Attorney	15	77.00
Miscellaneous duties	<u>10</u>	<u>--</u>
TOTAL MAN DAYS AND TRAVEL COST	333	\$5,118.00

* Includes meals and Lodging

Salary Cost

Annual salary cost for one field investigator	=	\$12,000.00
Add 14% for retirement and other fringe	=	<u>1,680.00</u>
TOTAL annual cost for 220 hours		\$13,680.00
TOTAL annual cost for 333 hours		\$20,707.--

OFFICE ACCOUNTING & AUDITING

Within the area of Producer-Distributor Economics and NRS Enforcement:

JOB DESCRIPTION: This position is presently staffed by a senior accountant.

GOALS:

1. (a) That the monthly usage reports from each of the Western Area processors be office-audited to determine that these are arithmetically correct and that plant usage has been correctly computed on the basis of data contained therein. That producer payments by these plants are correctly computed within the framework of contracts between producers and processors.

(b) The three monthly usage reports from processors in the Southern Area are administered by the Lake Mead Federal Order which audits them. In the event Federal Class 1 price (which fluctuates monthly) should fall below the Nevada State minimum Class 1 producer price, we must audit monthly premiums paid directly to producers by Southern processors.

Estimated time: 5 days per month.

2. (a) That all (presently 61 and gaining) monthly remittance reports, be office audited as follows:

(a) "Timely reporting," and that late reports be assessed proper late reporting penalties by "form penalty letters" That a pending file be maintained on such assessed penalties and followed up to a proper conclusion.

(b) The reports and supporting schedules be verified as to arithmetical correctness and that proper assessments were computed based on the data therein contained.

(b) That this desk maintain a checkoff sheet and keep current this list of reporting distributors, and that late reporters be reminded by telephone, memos or letters to get reports promptly mailed.

(c) That all errors noted or deviations from statute,

regulations, or contracts be promptly protested by correction letters and memos, "at the time of discovery." That a pending file of such corrections to either usage or remittance reports be maintained and properly followed up in a brief period of time.

- (d) That all above errors, omissions and corrections remaining unresolved at the end of the following report month be written up and reported to the administrator together with such supportive data as may be required.

Estimated time: 6 days per month.

- 3. (a) That all statistical data from usage and remittance reporting be promptly summarized each month by posting to the summary worksheets. That these be completed within a few days after the month following any subject report month. Summary totals may be left open awaiting late reporters through to the close of quarterly bulletin.

- (b) That all usage and remittance reports related to any subject month be returned to the secretarial staff for filing by the end of the month following the report month.

Estimated time: 4 days per month.

- 4. (a) That the Dairy Commission Quarterly Statistical Bulletin be published in a timely manner as follows:

- (a) By May 15th following the first calendar quarter, based upon summarized data statistical bulletin worksheets should be completed for delivery to secretarial staff for typing.

- (b) By August 15th the same should be completed for the second calendar quarter.

- (c) By the 15th of November bulletin worksheets should be complete for the third calendar quarter.

- (d) By the end of February bulletin worksheets should be ready for the fourth calendar quarter together with year end totals for the previous subject year,

- (e) Upon completion of bulletin stencils each quarter, this desk must verify and check all numerical data contained therein prior to releasing stencils to secretarial staff for printing and mailing.

Estimated time: 2 days per month.

5. (a) That once each year, usually in the fall, analysis of producer-processor contracts for conformance to statutes and regulations be made.
- (b) That once each year, at approximately the same time, determination that the bonds posted by processors continue to meet statutory requirements.
- (c) From time to time this desk may be required to prepare detailed information for regular commission meetings or public hearings and in addition present or testify to such information during subject meetings or hearings.
- (d) From time to time this desk may be required to personally meet with producers or producer groups and conversely with processor managers, or their production managers and accounting staffs in resolving occasional problems.
- (e) Working intimately with the inflow of reporting it naturally follows that this desk could suggest likely targets for the field investigators and the field auditors.
- (f) License application approvals should include this desk for the purpose of clearing unresolved late reporting penalties or such other pending omissions and errors remaining outstanding at the end of year.
- (g) In the interest of timely delivery of the completed statistical bulletin this desk could from time to time assist the secretarial staff in collating the printed materials.

SUMMARY OF MAN DAYS

Above Goal No.	Man Days Month	Man Days Year
1.	5	60
2.	6	72
3.	4	48
4.	2	24
5.	2	24
Total	<u>19</u>	<u>228</u>

Salary Requirement:

Base pay	\$18,027.75
Fringe benefits	2,523.89
TOTAL	\$20,551.64

Travel:
Should be
Minimal

FIELD AUDIT OF PRODUCER RECORDS
SENIOR ACCOUNTANT - DAIRY COMMISSION
(Cost Research - Producer)

Job Definition:

Under direction, performs accounting and auditing duties on a professional level requiring independent judgment and evaluation of the various phases of the production of milk for the purposes of determining costs of the dairy farmers; and does related work as required.

The accountants principle job duties would be to perform producer cost studies to determine producer costs and to survey the cost of hauling bulk milk from dairy farm to distributor.

Collection of Information:

In order that the Commission be properly informed the accountant would call on all producers at least once annually for the purpose of conducting cost studies.

Cost studies will include, but not be limited to the following:

1. Fully describe the facilities involved. Type of barn, milking equipment, feeding arrangement and how milk is hauled.
2. Number of cows in herd.
3. Show the average daily production per cow.
4. Sales of calves and cull cows.
5. Feed costs.
6. Labor costs.
7. Herd replacement costs.
8. Depreciation and method used.
9. Veterinary costs.
10. Utility costs
11. Fuel costs.
12. Supply costs.
13. Taxes and insurance costs.
14. Office and record costs.
15. Management and investment allowance.
16. Other costs.

The accountant shall make a report in writing at the completion of each audit. The audit report will state the scope of the audit, the auditor's opinion and descriptive comments on all items of significance concerning the audit.

There are approximately (see Exhibit "A") seventy-seven (77) producers within the State of Nevada. Fifty-eight (58) are under the state order and the remainder are under federal order.

To accomplish the purposes of N.R.S., it would require an average of four (4) working days per producer, for travel and to audit, collect and compile his costs. There are approximately 220 net actual working days per year. Taking fifty-eight (58) producers times 4 days give us a total of 232 producer work days per year.

Therefore, it would require approximately one full time accountant at a total estimated cost of:

<u>Payroll</u>	
Salary	\$18,385
Retirement, Insurance, etc.	<u>2,550</u>
	<u>\$20,935</u>

Travel
To obtain producer cost information would require the accountant to visit the following areas at an estimated annual cost of:

Las Vegas	4 Producers	\$ 220
Fernley - Fallon	30 "	753
Minden - Gardnerville	12 "	258
Yerington	3 "	90
Reno - Carson City	<u>9</u>	180
	<u>58</u>	<u>\$ 1,501</u>

The above estimated costs include air travel, mileage and daily per diem.

Operating supplies, machine rental, etc. and estimated at an annual cost of: \$ 400

The total annual estimated cost to maintain one full time accountant in the field performing producer cost studies only would amount to \$22,836.

The program set out for producer cost analysis envisions field work only. It is necessary of course, to compile these data after converting all costs received to a uniform basis. We expect that the work of compiling uniform cost figures, testifying at hearings, returning to the field to show dairymen the results of their individual costs, etc. will consume a good deal of time. We expect, therefore, to not be able to cover every dairy every year. We will attempt to have a significant sample of dairy farms under audit each year.

FIELD AUDITS OF DISTRIBUTOR RECORDS

Job Description:

Under direction, perform accounting and auditing duties on a professional level requiring independent judgment and evaluation of the several phases of the processing and distribution of dairy products for the purpose of determining unit costs of manufacturing distributors.

Principle duties involved would be:

1. Analysis of cost statements filed by milk distributors.
2. Audit remittance from distributors for assessments due Commission.
3. Plant audit for usage.

Field Audits of Processor's Costs:

The accountant upon receipt of any cost filing, remittance report, etc., should within a reasonable period of time communicate with the person responsible for furnishing the business records and arrange an audit date convenient to this person. The audit date should be confirmed by letter. Upon receipt of confirmation, audit should commence within a reasonable period of time thereafter.

Accountant should note type of business organization (Corporation, Partnership or proprietorship). Fully describe facilities being audited. A description of the organization's methods of expense allocations should be noted and whether these allocations were accepted or changed. Depreciation methods should be noted. Show effective dates of all wage agreements, dates of price changes of cartons and other expense items. Comment on any unusual conditions encountered or unusual methods used which were necessary to perform the audit.

There are approximately Twenty-Five (25) processing distributors (see Exhibit "B"), located in state and out of state that are required by law to file their cost information with the State of Nevada Dairy Commission. Some of these processing distributors have more than one plant at which they manufacture their products. For example, Safeway Stores, Inc., has several plants where they manufacture separately, fluid milk and fluid cream, ice cream and cheeses. This requires more time and travel than if the accountant was auditing one plant that processed all of its dairy items at one location.

Experience and other input informs us that it requires approximately 100 hours to audit cost statements filed by milk distributors. This time requirement is an estimate of the average time required for very large plants and the smaller size plants. Twenty-five plants would require 2,500 hours or 313 man days. Every employee works approximately 220 days per year. It can be seen then, that it requires approximately one and one half (1½) full time accountant to perform this annual duty. The total estimated costs to finance this function are as follows:

Salary (1½ accountants)	\$27,580
Retirement, Insurance, etc.	3,825
Travel	2,000
Operating supplies, machine rental, etc.	<u>600</u>
Total annual estimated costs	<u>\$34,005</u>

Field Audits for Plant Usage:

There are eight processing plants located within the confines of the State of Nevada. Three of the above plants are subject to Federal audit, leaving five plants subject to state audit.

To insure proper payment to the producers, plant usage audits should be performed at least twice a year.

The following is a brief outline of the duties to be performed.

1. Field audit of monthly summary of distributor's sales. Scan, review, analyze, tabulate and summarize sales records for both units and value. Reconcile value to Sales Journal and reconcile units to production.
2. Monthly summary of distributor's production units. scan, review, analyze, tabulate and summarize daily production unit records.
3. Reconcile sales to production and to usage reports to determine accountability of milk components. Make an extensive examination to resolve any discrepancies.

It requires approximately seven days or fifty-six (56) hours to perform this type audit. Five plants (5) times fifty-six (56) hours equals 280 hours times, two times a year equals 560 hours or one-third (1/3) accountants.

The costs required to properly fund this function are as follows:

Salary (1/3 full time accountant)	\$6,127
Retirement, Insurance, etc.	858
Travel	500
Operating supplies, machine rental, etc.	<u>100</u>
Total annual estimated costs	<u>\$7,585</u>

Field Audits of Remittance Reports

There are approximately twenty-six (26) (See Exhibit "C") peddler and retail distributors, both in state and out of state, doing business. These distributors are required to report and pay assessments on all dairy and dairy byproducts used in Nevada on a monthly basis.

To insure that the commission is receiving proper payment, these accounts should be audited at least once every year.

It requires approximately an average of four days (4) or 32 work hours times 26 distributors equals 832 hours accountants to perform this type audit. This includes travel time, audit time, and preparation of audit report.

The costs required to properly fund this function are as follows:

Salary (1/3 full time accountant)	\$ 9,192
Retirement, Insurance, etc.	130
Travel	650
Operating supplies, machine rental, etc.	<u>200</u>
Total annual estimated costs	<u>\$10,172</u>

SUMMARY OF MAN DAYS, SALARY REQUIREMENTS AND TRAVEL COSTS FOR FIELD AUDITS OF DISTRIBUTORS

	<u>Man Days</u>	<u>Salary Cost</u>	<u>Travel</u>
Cost Audit	313	\$31,405	\$2,000
Plant Usage	70	6,985	500
Remittance Audits	<u>140</u>	<u>9,322</u>	<u>650</u>
Total	<u>487</u>	<u>\$47,712</u>	<u>\$3,150</u>

WESTERN PRODUCERS

Andre Aldax
Rt. 3, Box 325
Minden, Nevada 89423

Martin Anderson
1600 Strasdin Lane
Fallon, Nevada 89406

Peter Anderson
Silverland Farms
Box 124
Fernley, Nevada 89406

Del Bendickson
Triangle F Farms
Rt. 1, Box 257
Fallon, Nevada 89406

Capurro Farms
5005 Longley Lane
Reno, Nevada 89502

William J. Christoph
Bottom Road
Fallon, Nevada 89406

Cliff Brothers
Star Route #1, Box 625
Carson City, Nevada 89701

George Curti & Sons
13355 Old Virginia Road
Reno, Nevada 89502

Harold Curti
14355 Miraloma Road
Reno, Nevada 89502

Roland Dreyer
Box 254
Minden, Nevada 89423

Manuel Fagundes, Jr.
5155 Reno Highway
Fallon, Nevada 89406

A. J. Frade
P.O. Box 72
Yerington, Nevada 89447

Gordon Ericke
Minden Rd. 3, Box 62
Nevada ~~89423~~ 89440

Double E Farms
5715 Schurz Hwy.
Fallon, NV 89406

John & Robert Getto
Box 492
(1200 Lovelock Highway)
Fallon, Nevada 89406

Virgil Getto
1400 Lovelock Highway
Fallon, Nevada 89406

Roy Godecke
Gardnerville
Nevada 89410

John S. Gomes
3025 Allen Road
Fallon, Nevada 89406

Louie Guazzini, Jr.
3855 Austin Highway
Fallon, Nevada 89406

Elmer Hellwinkel
Rt. 1, Box 225
Gardnerville, Nevada 89410

John Henningsen
Rt. 3, Box 75
Gardnerville, Nevada 89410

Gracian Iratcabal
2710 Spanish Springs Road
Sparks, Nevada 89431

Earl J. Jernigan
P.O. Box 81
Fallon, Nevada 89406

Roger Lightenburg, Mgr.
River Road Ranch
1700 Flying K Ranch
Fallon, Nevada 89406

Dante Lommori d/b/a
L BAR L RANCH
Box 492
Yerington, Nevada 89447

Joseph Manha
Box 206
Yerington, Nevada 89447

Meadow Gold Dairy Farm
Genoa,
Nevada 89411

WESTERN PRODUCERS (CON'T)

E. Medlock
Rt. 1, Box 344
Fernley, Nevada 89408

Joe Hennig
Fernley, Nevada 89408

Elbert L. Mills
5251 Candee Lane
Fallon, Nevada 89406

Newell J. Mills
Rt. 1, Box 153
4675 Seckler Road
Fallon, Nevada 89406

Michael Odette
3590 Rice Road
Fallon, Nevada 89406

Pete Olsen
4190 Bass Road
Fallon, Nevada 89406

Elmer & Alvin Peccetti
11550 Thomas Creek Road
Reno, Nevada 89502

Leroy Pedro
Nevada State Prison
P. O. BOX 607
Carson City, Nevada 89701

1050 Perazzo Brothers
6555 Stillwater Road
Fallon, Nevada 89406

Tom Pflum
3550 Pflum Lane
Fallon, Nevada 89406

Richard Ripley
Rt. 1 - Box 355
Fernley, Nevada 89408

J. L. Ritter & V. Gonzales
5550 Alcorn Road
Fallon, Nevada 89406

L. C. Schank & Sons Dairy
2475 Austin Highway
Fallon, Nevada 89406

J. B. Picetti & Sons
Fernley
Nevada 89408

Frank Settlemeier & Sons
Minden
Nevada 89423 *one and same*

Marvin Settlemeier (Mail Only)
#14 - 8th Street - Box 336
Minden, Nevada 89423

Dennis O. Sorensen
Rt. 1, Box 270
Fallon, Nevada 89406

John Sorensen
Rr. 1, Box 256
Fallon, Nevada 89406

Dennis Southfield
Rt. #1, Box 220 *3105 Fischer Place*
Fallon, Nevada 89406

Donald Steneri
P.O. Box 23
Hazen, Nevada 89410

Roy Storke
Rt. 1, Box 249
Gardnerville, Nevada 89410

Mrs. Ray Travis
1950 Wade Lane
Fallon, Nevada 89406

University Dairy Farm (LeDeno)
Mill Street Road
Reno, Nevada 89502

John Van Dyke
Hollandia Dairy
340 North Harmon Road
Fallon, Nevada 89406

Mr. Louie Van Vliet
Gardnerville
Nevada 89410

Fred Weaver, Manager
All Jersey of Nevada
695 Kleppe Lane #11
Sparks, Nevada 89431

John H. White
Rt. 3, Box 65
Gardnerville, Nevada 89410

Herb Witt
Milky Way Farms - Rt. 3, Box 935
Minden, Nevada 89423

SOUTHERN PRODUCERS

B. Biasi
Bunkerville
Nevada 89007

I

Earl Williams
Alamo
Nevada 89001

Brant L. Bishop
Logandale,
Nevada 89021

I

Merrill Bunker
Bunkerville
Nevada 89007

John Fetherston
Overton
Nevada 89040

Hafen Dairy
Mesquite
Nevada 89024

Walter Hardy
Bunkerville
Nevada 89007

Gary Dinsdale, Exec. VP
Agman 75, Inc.
1589 W. Shaw, Suite 101
Fresno, CA 93711

I

Hughes Brothers
Mesquite
Nevada 89024

Dale Hunt
Bunkerville
Nevada 89007

I

~~Clark County Diarymen
Jones, C.F.A.
714 South 4th Street
Las Vegas, Nevada 89101~~

L.D.S. Church
6206 Monson Road
Las Vegas, Nevada 89122

Ray Robinson
Overton
Nevada 89040

William U. Schofield, Jr.
Wiko
Nevada 89017

EASTERN PRODUCERS

Milton D. Gardner
Lund
Nevada 89317

Mike
~~Wayne Oxborrow~~ Robert Gardner
Lund
Nevada 89317

Ronald Ivins
Lund
Nevada 89317

Rod McKenzie
Lund
Nevada 89317

Vance McKenzie
Lund
Nevada 89317

Robert Oxborrow
Lund
Nevada 89317

Dean Whipple
Lund
Nevada 89317

Gardner Scow
Lund
Nevada 89317

Shelden Reid
Lund, NV 89317

Max Reid
Lund, NV 89317

EXHIBIT - B -

WESTERN - PROCESSING DISTRIBUTORS

ALBERTSON'S INC.
P. O. Box 20
Boise, Idaho 83707

AVOSET COMPANY
80 Grand Avenue
Oakland, Ca. 94612

CARNATION COMPANY
Fresh Milk and Ice Cream Div.
P. O. Box 13
Oakland, Ca. 94604

CREAMLAND DAIRY
Route 2, Box 11
Fallon, Nv. 89406

CRESCENT DAIRY, INC. d/b/a
ANDERSON DAIRY
P. O. Box 3017
Reno, Nv. 89505

BEATRICE FOODS, INC. d/b/a
MEADOW GOLD DAIRIES OF NV.
P. O. Box 10105
2600 Mill St. 89502

I. N. C. SALES CO.
P. O. BOX 286
MANTECA, CA. 95336

DAIRY DIVISION
LUCKY STORES, INC.
1701 Marina Blvd.
San Leandro, Ca. 94577

MODEL DAIRY
P. O. Box 477
Reno, Nv. 89502

* SAFEWAY STORES, INC.
Dairy div. Accounting Office
P. O. Box 12095
Oakland, Ca. 94604

John De Noon Field d/b/a
SWENSEN'S ICE CREAM FACTORY
P. O. Box 5607
Incline Village, Nv. 89450

D - V MARKETING, LTD.
KNUDSEN
P. O. Box 3485
Modesto, Ca. 95353

KNUDSEN
3380 West Ashlan Avenue
Fresno, Ca. 93701

VALLEY DAIRY
123 McKenzie Lane
Yerington, Nv. 89447

SOUTHERN - PROCESSING DISTRIBUTORS

ANDERSON DAIRY, INC.
P. O. BOX 560
Las Vegas, Nv. 89101

ARDEN - MAYFAIR
1000 N. Main St.
Las Vegas, Nv.

LUCKY STORES, INC. OF NV.
656 Knott Avenue
Buena Park, Ca. 90620

SWENSEN'S OF NEVADA
MGM GRAND HOTEL
Las Vegas & Sunrise Shop. Co

VEGAS VALLEY FARMS
2960 Westwood - Office #2
Las Vegas, Nv. 89109

EASTERN - PROCESSING DISTRIBUTORS

BEATRICE FOODS CO. d/b/a
MEADOW GOLD DAIRIES
P. O. Box 2490
1030 South Main Street
Salt Lake City, Utah 84110

WESTERN GENERAL DAIRIES
195 West 7200 South
Midvale, Utah 84047

* ALL AREAS

WESTERN RETAIL DISTRIBUTORS

BASKIN-ROBBINS 31 FLAVORS ICE CREAM
#1356 & 1351 (2 stores)
105 West 4th Street
Reno, Nv. 89503

BASKIN-ROBBINS
#1357
Park Lane Shopping Center
182 E. Plumb Lane
Reno, Nv. 89502

BASKIN-ROBBINS
#1355
2669 N. Carson City, Nv. 89701

HOWARD JOHNSON CO.
TAX DEPARTMENT,
250 Granite St.
Braintree, Mass. 92184

BROKER
MULLIGAN SALES
14314 Lomitas Ave.
City of Industry, Ca 51744

WESTERN - PEDDLER DISTRIBUTORS

CRYSTAL DAIRY
STOHLGREN BROS. d/b/a
P. O. Box 873
Tahoe City, Ca. 94730

DUTCH GIRL FOOD PRODUCTS
245 Winter St.
Reno, Nv. 89503

FLEMING FOODS
5900 Stewart Ave.
Fremont, Cal 94537

LANDSTROM CO. (Dairy Dist. Inc
336 Oyster Point Blvd.
So. San Francisco, Ca. 94080

MONARCH INSTITUTIONAL FOODS
P. O. Box 1130
Reno, Nv. 89504

SIERRA FOODS, INC.
914 Glendale Road
Sparks, Nv. 89431

SONOMA MISSION CREAMERY
P. O. Box 2344
South San Francisco, Ca 94080

TAHOE CREAMERY
P. O. Box 8917
South Lake Tahoe, Ca.

VALLEY ICE CREAM CO.
4921 San Francisco Blvd.
Sacramento, Ca. 95820

SOUTHERN - PEDDLER DISTRIBUTORS

TREASURER
CERTIFIED GROCERS OF CALIF., LTD.
2601 So. Eastern Ave.
Los Angeles, California 90040

DEL REY FROZEN FOODS
KNUDSEN CORP
231 East 23rd Street
Los Angeles, Calif. 90011

HENNY PENNY FOODS CO.
827 No. Main
Las Vegas, Nv. 89102

HOWLETT OLSON EGG CO.
41 No. Mojave Road
Las Vegas, Nv. 89101

ALFRED M. LEWIS, INC.
P. O. Box 19240
Las Vegas, Nv. 89119

MITCHELL M. VASSAR d/b/a
MITCH'S WHOLESale
2765 Sunset Road
Bishop Ca. 93514

SOUTHERN - PEDDLER DISTRIBUTORS - CONT'D

NEEDLE'S FROZEN FOOD LOCKER
138 "D" St.
P. O. Box 276
Needles, Cal 92363

ST GEORGE DISTRIBUTING CO.
P. O. Box 130
St. George, Utah 84770

A.P.E. ENTERPRISES, INV. d/b/a
BASKIN-ROBBINS
2204 W. Charleston Blvd.
Las Vegas, Nv. 89102

PAINTER'S INC., d/b/a
BASKIN-ROBBINS #1359
2501 E. Lake Mead Blvd.
N. Las, Vegas, Nv. 89030

MERTON E. & CAROLINE SAWDEY, d/b/a
BASKIN-ROBBINS ICE CREAM STORE
P. O. Box 42549
Las Vegas, Nv. 89104

THRIFTMART, INC.
1837 So. Vermont Ave.
Los Angeles, Ca. 90006

EASTERN-RETAIL DISTRIBUTORS

PRINCE'S I. G. A. FOODLINER
1101 Avenue F. - Box 305
East Ely, Nevada 89315

STANDARD MARKET, INC.
1600 Aultman St., Box 270
Ely, Nv. 89301

EXHIBIT G

STATE OF NEVADA
DAIRY COMMISSION FUND

ORGANIZATION
(continued)

In our opinion the Dairy Commission's staff meets the qualifications and are capable of performing their respective job requirements as directed by the Commission in accordance with the standards established by the State Personnel Division.

In addition, prior to June 30, 1975, the Commission also employed two field investigators and a clerk. These job class definitions are as follows:

Field Investigator - Dairy Commission

Under direction, conducts investigations to determine compliance with statutes, rules and regulations relating to the Dairy Industry, particularly concerning fair trades practices; secures facts and obtains evidence to aid in the administrative disposal of cases or for use in the preparation of cases for hearing or trial; and does related work as required.

Note: This position has not been filled since January 22, 1975. The senior accountants have taken over some of the duties in this area.

Clerk

Under supervision performs clerical work of a routine nature; and does related work as required.

Note: This position was in the Las Vegas Office. It has not been filled since December 30, 1975.

The following schedule sets forth the number of personnel of the Dairy Commission at July 1, 1975, 1974, and 1973.

	<u>Commissioner</u>	<u>Staff</u>
1975	8	7
1974	9	9
1973	9	11



Exhibit H

Nevada Legislature

FIFTY-NINTH SESSION

March 17, 1977

M E M O R A N D U M

TO: Agriculture Committee

FROM: Assemblyman Dean Rhoads *DR*

SUBJECT: Wild Horse Act

It is apparent that the wild horse people have persuaded some Washington BLM personnel that the term "wild horses" contained in NRS 569.420 and the term "wild unbranded horses" contained in federal law 18 U.S.C.A. Sec. 47(a) includes ranchers' horses that are claimed but have not been captured on the public lands. I am sure that it was not the intent of Congress or the Nevada legislature to extend these two laws to horses owned and claimed by ranchers. The BLM has now taken the position that we, Nevada ranchers, cannot use helicopters to round up claimed, owned horses, but they can use them to round up "unbranded and unclaimed horses," which are defined as "wild, free-roaming horses and burros" under the Wild Horse Act.

It is a fine legal technical line that they are trying to use to prevent the rancher from being able to round up his claimed horses with a helicopter or aircraft. The BLM's present position is that, if wild free-roaming horses and burros are mixed with claimed horses and burros, they can use helicopters. But if the herd consists only of claimed horses or burros they cannot use helicopters. This is a ridiculous construction but results in the language used in the Nevada act and in the federal act of 1959 (U.S.C.A. Sec. 47). This is not the Wild Horse Act of December 15, 1971.

The federal Wild Horse Act, in 16 U.S.C.A. Sec. 1331, etc., December 15, 1971, made that portion of our Nevada statute which authorized killing or capture of wild, free-roaming horses and burros, as defined in the Wild Horse Act, invalid. Since Congress has defined what is considered a wild, free-roaming horse and burro on the public land, then we should bring our Nevada law into compliance with that Wild Horse Act. To do this, either the Nevada statutes 569.360

Memo to Agriculture Committee
March 17, 1977
Page Two

through 569.430 should be amended or repealed to prevent the wild horse groups from harassing the ranchers who are trying to claim and recover their own property on their lands as well as the public lands. They're now using this Nevada act to try and prevent the rancher from capturing his own horses by use of helicopter, and it is not justified nor the intent of the Nevada legislature.

The horse group has plenty of protection now under federal law to protect their horses on public lands where they should be. The United States Supreme Court has decided that the federal government has management and control of these wild horses and so Nevada should not be extending those laws to private property within the state by its own legislative enactments. Repeal would be the best for the claimed horse owner, but the horse groups may fight it. If something isn't done about this Nevada law, I'm sure the BLM is going to favor the horse groups and write regulations preventing the rancher from using helicopters or aircraft to capture his own horses.

I would think that an amendment would probably fly better than outright repeal. I would recommend that it would be amended so that it only applies to "wild, free-roaming horses and burros" as defined by the Wild Horse Act of 1971 (Public Law 92-195, 85 STAT. 649, 16 U.S.C.A. No. 1331 et seq).

DEAN A. RHOADS

DAR:src



Exhibit I

for notes

Nevada Legislature

FIFTY-NINTH SESSION

March 17, 1977

MEMORANDUM

TO: Agriculture Committee
FROM: Assemblyman Dean Rhoads *DR*
SUBJECT: Nevada Fence Law

It has been called to my attention that the Nevada Fence Law against the ranchers in connection with removal of wild horses from private lands has created a problem. NRS 569.440 and 569.450 should be amended to provide that, if any free-roaming horses or burros stray onto or threaten to stray onto or enter private lands, on the request of the owner of the private lands, the Secretary of the Interior shall cause the boundary of such private lands to be immediately fenced at the cost of the United States to prevent such trespass on private lands, and the Secretary of the Interior shall pay the owner of the private lands the reasonable value of all forage and crops grazed by such wild horses and burros and shall pay such private land owner for all other damages sustained by such owner as a result of the trespass.

I would also like to add a provision that it shall be unlawful for the Secretary of the Interior, his agent, authorized officers or any BLM personnel to cause any wild, free-roaming horses or burros to trespass upon the private lands of owner of such lands if the owner of such private lands has notified the state director of the BLM that the owner does not want wild, free-roaming horses or burros on his private lands.

DEAN A. RHOADS

DAR:src

We oppose ASSEMBLY BILL 388 because it is too restrictive. This bill would stop our enjoyment of nature, because it would make it difficult for us to gather wild fruits or berries for jellies; to gather herbs for tea; to gather dried weeds, seed pods or cones for winter decorations; to gather seeds for growing native plants in our gardens; or even to gather a bit of firewood for a campfire. We all like to pick a few pinenuts for our own use, getting a permit in advance would be an inconvenience. The bill would also greatly hamper scientific investigation. We favor protecting cacti and other rare and endangered plants, but this bill, in its present form, would not do this.

- Wm A Lorton Jr 2570 Gellert Da Reno NV 89503
 John T Keller 605 University Terrace Reno Nev 5th
 Loring R. Williams, 4975 Maljpi Rd, Sparks, NV 89431
 Jane Janssen 180 Guai St., Sparks, Nevada
 Arnold Tichon 790 N. Maddux Dr Reno, nev. 89512
 Larry Russo 3300 Pine Valley Reno Nev 89571
 John W. King 1495 W. 6th Reno, NV 89503
 Hugh N. Moyinga 1655 Radcliffe Dr Reno, Nev. 89502
 Hamilton Spaldon 1980 Carter Dr Reno Nev 89509
 Robert W. Mac 1855 Ben Franklin Reno Nev. 89509.
 J. P. B. Shively 3295 Gypsum Reno, Nevada 89503
 James Green 1520 Long Way Reno Nev 89503
~~Robert K. Koff~~ 1795 Herbert Cr Sparks, NV 89431
 F. W. Landack 2020 GRIDLEY AVE Reno Nev. 89503
 H. D. Arnett 156 But Harte Reno, Nev 89509
 Oylis Anderson 11257 Callahan Rd. Reno, NV. 89511
 Jack Small 1950 Carlin St. Reno, NV. 89503
 E. L. King 473 Penny way, Sparks, NV. 89431
 George G. Greeney 210 Woodrow St Reno, Nev.
 Bruce S. Seal 544 Roberts A Reno, NV.
 Stephen H. Jenkins 570 Nancy Circle Reno, NV.
 Alan Schubert 565 Peter Circle Reno, Nevada

We oppose AB 388 as it is written because it would restrict the average person's enjoyment of the outdoors without seriously deterring any person who wanted to take cactus or other rare or endangered plants for commercial gain. We would be hampered in such things as gathering firewood for a campfire, picking dried plants to take home for winter bouquets, collecting pine cones and seed pods, gathering berries for making jelly, gathering a few pinenuts for personal use. It would also seriously hamper scientific research. We support protecting all plants on state park lands and rare and endangered plants on other lands.

Kathleen Shudspeth 950 Stewart St. Reno (02)
~~Anna W. Johnson~~ 8760 Spearhead Way Reno 89504
 Ann S. Coffin 1575 Rayburn Dr. Reno 89503
 Tawaine J. Freeman 4100 Jolly Ln. Reno, Nev. 89503
 Kathryn Reals 1030 Pineridge Reno, Nev. 89509
 Sharon Freier 1000 Washington - Reno, Nev. 89505
 Mellen Little 215 York Sparks Nev 89422
 Leba Kendrick 18 E. Grand St Sparks NV 89422
 Crisl Corbett 3380 Lucerne Way Sparks " "
 Kathie Gooden 1043 Glen Holly Sparks. 89422
 Sue Willyard 2545 W. Grand St. Reno 89506
 Nancy Byington 3065 Sprout Way Gardnerville 89431
 Jan Quamby 1574 London Cir. Sparks 89422
 Susan Peterson 405 Stearns Dr. Reno 89505
 Jim G. C. 401 Colfax Dr. Reno 89505
 Dorothy Gough 3370 W. Williams Blvd. Sparks 89422
 Roy Stone 5200 Hidden Valley Dr. Reno, Nev
 Marcia Vayert 2001 Kim Way Sparks, Nev
 Emily Elmquist 425 13 St Sparks, Nev

EXHIBIT

Opposition to AB 388

Rosemary Thomas 256 G St Sparks 89431
Sharon Wilson 2695 Hicks Ave Reno 89512
Dolores Wilson 1101 San Miguel Way Sparks 89431
Dawn Horning 725 Valley Rd. Reno 89512
Laurie Edgington 627 4th. Sparks, Nev. 89431

We oppose AB 388 as it is written because it would restrict the average person's enjoyment of the outdoors without seriously deterring any person who wanted to take cactus or other rare or endangered plants for commercial gain. We would be hampered in such simple things as gathering firewood for a campfire, picking dried plants to take home for winter bouquets, collecting pine cones and seed pods, gathering berries for making jelly, gathering a few pinenuts for personal use. It would also seriously hamper scientific research. We support protecting all plants on state park lands and rare and endangered plants on other lands.

Elizabeth A. Williams P.O. Box 1530, Sparks, NV 89431

Anita Brunley P.O. Box 422, Sparks, Nev. 89431

Ray L. Schmoke 4965 Malapi Way Sparks, Nev

Bernice Schmoke 4965 Malapi Way Sparks

Robert Hoover 4925 Malapi Way Sparks

Phillip Day 5460 Malapi Way Sparks

Myrlene Turner 5055 Malapi Sparks

Kubert Penzora 5075 Washburn Rd, Sparks, Nev

Jack R. Price 3085 WINDERMERE RD. SPARKS, NEV.

Barbara Price 3085 Thunder Rd, Sparks, Nev.

Michael Price 3095 Malapi Way Sparks, Nev.

Julia Denny 2175 Richter Dr. Reno

Peggy Benkovich 760 Antelope Rd Reno

A. J. Wade 1450 Manhattan Reno

Leviest Wolfe 2335 Skyline Blvd, Reno

Steven V. Allen 311 Sinclair St - Reno Nevada

Mina Brown 135 Caliente St - Reno Nevada

Annie Mack 1600 Buck St. - Reno Nevada 266

Thomas A. Patrick 3430 Buckhorn Way Reno Nevada

March 12, 1977

We oppose AB 388 as it is written because it would restrict the average person's enjoyment of the outdoors without seriously deterring any person who wanted to take cactus or other rare or endangered plants for commercial gain. We would be hindered in such simple things as gathering firewood for a campfire, picking dried plants to take home for winter bouquets, collecting pine cones and seed pods, gathering berries for making jelly, gathering a few pinenuts for personal use, etc. We support protecting all plants on state park lands and rare and endangered plants on other lands.

Laune C. Erickson
 Elinor Erickson
 John W. Fast
 Dagmar W. Fast
MURL WEST
Mack West
 Norma Splatt
 Herb Splatt
 Delores Cleve
 FW Olyphant
 G.W. Harris
 Shelly A. Wertz
 Robert F. Mason
 Helen Gelomaggi
 Rose N. Meredith
 Patricia A. Styrabo
 Lurrie L. Harwood
 Evelyn B. Nelson
 Cynthia Boyer
 John R. Herb

Pat Newmarker
 Jim Anderson
 Mary Jane Smith
 June Minette
 Eric Manning
 Ken Manning
 Terenna Baker
 Ken L. Potts
 Margaret E. Smith
 Robert H. Zymbel
 Carol Dickson
 Marge Moor
 Ellen Santas
 Jai Meier
 Robert W. Mitchell
 Mrs. R. Mitchell
 Myra Harkness
 John C. Svinger
 Caroline A. Ogden
 J. Lobb

OVER

George E. Ferras
John D. Blake
Samuel Lodge
Leah E. Young
Anna C. Moore
Linda H. Fork
Robert J. Borroughs

I oppose AB 388 because it would hamper the average person's enjoyment of the outdoors. It would be impossible to enforce - the cactus thieves would still continue. The bill hampers scientific research.

- India Mistry 1450 Stewart St Reno 89502
- Mike Schroeder 440 Smithridge Dr Reno 89502
- Nancy Gung 720 Stewart #1 Reno 89502
- Elyse Remy 1714 Yeoman rd Reno Sparks 89431
- Jerry Hutcheon 1255 Jones # 525 Reno 89505
- Anna Hana 865 Cordova Reno 89502
- Marlene Davis 7740 Yorkskin Dr Reno 89506
- Francis Kelly 1675 Mangrove Ln Reno 89507
- Sandra Elliott 886 Glen Holly Dr Sparks 89431
- Margaret Harper 775 Cordova Reno 89502
- Thyllis R. Hoddy 685 E. York Way Sparks 89431
- Ellen L. Hume 1495 T. Hume way Reno Sparks 89431
- James G. Owsen 13293 Mt Baldy Reno 89506
- Carol Nether 1018 New Park Reno 89503

March 12, 1977

We oppose AB 388 as it is written because it would restrict the average person's enjoyment of the outdoors without seriously deterring any person who wanted to take cactus or other rare or endangered plants for commercial gain. We would be hampered in such simple things as gathering firewood for a campfire, picking dried plants to take home for winter bouquets, collecting pine cones and seed pods, gathering berries for making jelly, gathering a few pinenuts for personal use. It would also seriously hamper scientific research. We support protecting all plants on state park lands and rare and endangered plants on other lands.

- Jane E. Osborn 4260 Warren Way Reno, NV 89509
- Emily McPherson 770 Broadway " " 89502
- Cleopatra McElroy 780 Autumn Hills Dr. Reno, NV 89511
- Brendyann Young 745 Alder Way Reno, NV. 89503
- Stuart McPherson 1530 "D" St. Sparks, NV. 89431
- Jean E. Kozumi 1623 Ordway Ave Reno, NV 89509
- Carl Kozumi 1623 Ordway Ave. Reno NV 89509
- S.M. Nonakue 801 RIVERSIDE DR. RENO NV 89502
- Gladys Pilleas 548 Vassar St Reno, Nev. 89502
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