

Assembly Committee on

Date: March 21, 1979Page: OneMEMBERS PRESENT

Chairman Hickey
Vice Chairman Price
Mr. Dini
Mr. Fielding
Mr. Marvel
Mr. Tanner

MEMBERS EXCUSED

Mr. Chaney
Mr. Getto
Mr. Mann

GUESTS PRESENT

See attached list

Chairman Hickey called the meeting to order and announced that the first bill for discussion would be

A.B. 441 - Increases number of acres to qualify as an irrigation district elector.

Mr. George Moseley, Manager, Walker River Irrigation District, appeared in support of the bill and said the principal purpose of increasing the number of acres was to keep the interests of agriculture in control of the Board of Directors of an irrigation district. There are many subdivisions being developed and this creates a problem in the irrigation districts if a large number of small land owners are not interested in agricultural development. It was Mr. Moseley's opinion that the required acreage should probably be more than 10 acres per owner. In response to Mr. Marvel's question, Mr. Moseley said he would eventually like to have 40 acres as the minimum. He told Chairman Hickey that 10 acres would be acceptable at this time.

Mr. Ira Kent, a rancher from Fallon, Nevada, urged the passed of A.B. 441. He referred to Ordinance #32 of Churchill County wherein 20 acres is the minimum required to qualify as an irrigation district elector. Mr. Kent requested the committee to amend A.B. 441 to 20 acres to conform to the ordinance.

Mr. Dini said the big problem in western Nevada was 40-acre subdivisions which are split to 5 acre parcels which causes a proliferation of the water rights. He felt that eventually the control of the irrigation district would go to the nonfarmer and supported Mr. Kent's suggestion of 20 acres as a minimum.

A.B. 469 - Requires applicators of pesticides who use aircraft to keep summary of each flight.

Mr. Dini read a letter addressed to Assemblyman Getto from the law firm of Diehl, Recanzone & Evans, a copy of which is attached as Exhibit A.

Mr. Marvel expressed the opinion that the pilot would spend more time writing than he did flying. Mr. Price agreed and commented that the speed of these flights would prohibit keeping such a detailed log at the time.

A.B. 14 - Adds member to state board of agriculture who is engaged in specified agricultural activity.

Mr. Joe Guski, President of the Nevada Nurserymen's Association, stated that the association represented 140 nurseries and 300 landscape contractors in Nevada. There is an average of 10 employees to each business and throughout the state about \$75 million worth of business is done in this industry. Since this industry has no representation on the State Board of Agriculture, Mr. Guski felt that one or two members of the Nurserymen's Association should be included on the board. Mr. Guski told of the growth and varied interests of the association.

Mr. Clay Davison, a member of the Nevada Nurserymen's Association, corroborated Mr. Guski's statements, and said that inasmuch as the association was regulated by the Board of Agriculture they would like to have a member on the board.

Mr. Daniel E. LeBas, representing the Southern Nevada Pest Control Association, said their goal was also to have a member on the State Board of Agriculture. The association is becoming highly regulated by the Federal Government, by the State of Nevada and by OSHA and it should be entitled to a vote on the board. The pest control industry is not too large as yet, approximately \$6 million in the state, but it services casinos, hotels, motels, bars, warehouses, apartment complexes and residential houses. Some members of the association are not happy with state licensing requirements and are requesting representation on the board in order that they may seek some changes.

Mr. LeBas discussed the state licensing requirements with the committee and the problems encountered by the pest control industry in training personnel for certified applicators. He further suggested to the committee that provisions be made to add more members to the State Board of Agriculture so that other industries could be represented.

Mr. David H. Fulstone, a rancher and row cropper from Yerington, appeared in support of A.B. 14. The worth of the crops each year in his area is in the hundreds of millions of dollars

and the row crop business has quadrupled in recent years. Also, the seed business is starting in Nevada and there are changes in pesticide laws and chemical controls which require a representative on the State Board of Agriculture.

In response to Chairman Hickey's questions, Mr. Thomas W. Ballow, Executive Director of Nevada Department of Agriculture, stated that several members of the State Board of Agriculture have said they have no objection to A.B. 14. Mr. Ballow further told Chairman Hickey that the Department of Agriculture is required to administer the federal law as well as the state law with regard to pesticides and he does not believe the state regulations are more strict than the federal. Mr. Ballow also explained to Mr. Tanner how the State Board of Agriculture developed.

A.B. 34 - Prohibits nonresident aliens from owning certain amounts of agricultural land.

Mr. Gene Milligan, Nevada Association of Realtors and Farm and Land Institute of the National Association of Realtors, said they were taking no position on this bill. He read a statement by the National Association of Realtors which stated they had found no absolutely reliable statistics on alien land ownership to either support or refute the need for legal restrictions on alien land use. It is Mr. Milligan's recommendation that the committee consider SCR 16 which directs the Legislative Commission to study the extent of foreign ownership of Nevada lands and related problems thereto.

Mr. Tanner expressed the opinion that foreign ownership of land could not be controlled and there was general committee discussion in this regard. Chairman Hickey read from an article entitled, "Foreign Investors Must Disclose Land Holdings." He further said it was his understanding that Nevada had not had a particular problem but that Oregon and some northwestern areas had. The committee also discussed the constitutionality of A.B. 34.

Mr. Dallas Byington said he was representing himself since he had been unable to obtain a position on A.B. 34 from the Cattle-men's Association. Mr. Byington opposed the bill since he felt it was unfair to single out agriculture as not being able to sell its product to anyone. He also said there is not a significant amount of farm land being sold at this time. He feels A.B. 34 restricts him as an American from doing what he wishes with his land.

A.B. 410 - Removes certain exemptions respecting application of restricted-use pesticides.

Mr. Martinelli of the Department of Agriculture said this bill removes certain exemptions regarding the application of restricted-use pesticides and requires a certificate or permit to use such pesticides. Mr. Martinelli told Chairman Hickey that this was a requirement of the Federal Government. When Chairman Hickey asked what would happen if A.B. 410 did not pass, Mr. Martinelli said that the rancher and the home gardner would not be able to use restricted-use material. He further said the Environmental Protection Agency and the department would be responsible for enforcing the law.

Mr. Fulstone said he operates a chemical company owned by his father and sells agricultural pesticides. He described the process necessary to obtain these chemicals and said the enforcement of this bill would be very difficult.

COMMITTEE ACTION:

A.B. 409 - Mr. Marvel moved Do Pass. Seconded by Mr. Tanner and carried.

A.B. 407 - Mr. Marvel moved Do Pass. Seconded by Mr. Dini and carried.

A.B. 406 - Mr. Tanner moved Do Pass. Seconded by Mr. Fielding and carried.

The committee agreed that the above bills should be placed on the consent file.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jane Dunne
Assembly Attache

ASSEMBLY
AGRICULTURE COMMITTEE

GUEST LIST

Date: 3-21-79

PLEASE PRINT YOUR NAME	PLEASE PRINT WHO YOU REPRESENT	I WISH TO SPEAK		
		FOR	AGAINST	BILL NO.
Paul [unclear]	NU. DEPT. KANIC.	7		410
Dallas McBarrie	myself		X	34
Zora [unclear]	WRID	X		441
[unclear]	WEED	X		441
[unclear]	WRID	X		441
Gene [unclear]	NEV. ASSOC. of ^{RENTAL} RENTERS + FARM (AND) MSTIT.	X		AB34
David [unclear]		X		AB 14
David H. Fulstone		X		AB 14
Ken [unclear]	SO. NEV. PEST CONTROL ASSOC.			AB 14
Daniel F. LeBar	SO. NEV. PEST CONTROL ASSOC.			AC 14
Gene [unclear]	NEV. AIR ALIEN ASS			AB-14
Donna MATYS	NEV. NURSES ASSOC			AB-14
CLAY DAVIS	" " " "			AB-14
Joe GUSKI	" " " "	X		AB-14
Henry Riecke	" " " "	X		AB-14
[unclear]	" " " "	X		AB-14
[unclear]	[unclear]	X		AB-14
Thomas W. Ballow	Nev. Dept of Agriculture			

LAW OFFICES
DIEHL, RECANZONE & EVANS
A PROFESSIONAL CORPORATION

JOHN W. DIEHL
MARIO G. RECANZONE
DENNIS E. (MIKE) EVANS

March 16, 1979

65 S. MAINE STREET
FALLON, NEVADA 89406
TELEPHONE (702) 423-3155

Re: AB 469

Assemblyman Virgil Getto
Legislative Building
Capitol Complex
Carson City, NV 89710

Dear Virgil:

I have been furnished a copy of the Custom Pest Control Regulations by Mr. Bollow, Executive Director of the State of Nevada, Department of Agriculture. I don't think that they completely take care of the problem which I mentioned to you.

As you will recall, my concern was that, in view of the fact we have a number of aerial applicators in the valley, it is difficult to ascertain who causes damage when there is a drift or application made on a field other than the one intended. Regulation 55.37, having reference to operations requirements, Section A, Sub-section 13, provides for the maintaining of records by the aerial applicator, and provides for "date of treatment" and "starting and finishing time of treatment", but does not provide for a log on each flight. I feel that the applicator should be required to maintain a log which would show, in addition to the items now required, the take-off and landing time on each flight. I further believe that there should be a requirement that the log be kept at the time the flights are being made so that an interested official may, at any time, check on any flight that the applicator has flown. Unless the log is kept as the applications are being made, there is too much chance for change of records. We have had occasions when damage was done by applications where there was no way of showing which applicator was responsible.

Sincerely yours,

DIEHL, RECANZONE & EVANS

Mario

Mario G. Recanzone

MGR/1

Exhibit A

60TH NEVADA LEGISLATURE
ASSEMBLY AGRICULTURE COMMITTEE
LEGISLATIVE ACTION

Date March 21, 1979

Subject AB 409

MOTION:

Do Pass XX Amend = Indefinitely Postpone Amend & Do Pass

Moved by Mr. Marvel Seconded by Mr. Tanner

AMENDMENT:

Moved by Seconded by

AMENDMENT:

Moved by Seconded by

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Chaney	Absent	_____	_____	_____	_____	_____
Dini	<u>x</u>	_____	_____	_____	_____	_____
Fielding	<u>x</u>	_____	_____	_____	_____	_____
Getto	Absent	_____	_____	_____	_____	_____
Hickey	<u>x</u>	_____	_____	_____	_____	_____
Mann	Absent	_____	_____	_____	_____	_____
Marvel	<u>x</u>	_____	_____	_____	_____	_____
Price	<u>x</u>	_____	_____	_____	_____	_____
Tanner	<u>x</u>	_____	_____	_____	_____	_____
TALLY:	<u>6</u>	_____	_____	_____	_____	_____

ORIGINAL MOTION: Passed x Defeated Withdrawn

AMENDMENT: Passed Defeated Withdrawn

AMENDED & PASSED: Passed Defeated

Attached to Minutes of March 21, 1979

60TH NEVADA LEGISLATURE
ASSEMBLY AGRICULTURE COMMITTEE
LEGISLATIVE ACTION

Date March 21, 1979

Subject A.B. 407

MOTION:

Do Pass Amend Indefinitely Postpone Amend & Do Pass

Moved by Mr. Marvel Seconded by Mr. Dini

AMENDMENT:

Moved by _____ Seconded by _____

AMENDMENT:

Moved by _____ Seconded by _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Chaney	Absent	_____	_____	_____	_____	_____
Dini	<u>x</u>	_____	_____	_____	_____	_____
Fielding	<u>x</u>	_____	_____	_____	_____	_____
Getto	Absent	_____	_____	_____	_____	_____
Hickey	<u>x</u>	_____	_____	_____	_____	_____
Mann	Absent	_____	_____	_____	_____	_____
Marvel	<u>x</u>	_____	_____	_____	_____	_____
Price	<u>x</u>	_____	_____	_____	_____	_____
Tanner	<u>x</u>	_____	_____	_____	_____	_____
TALLY:	<u>6</u>	_____	_____	_____	_____	_____

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

AMENDMENT: Passed _____ Defeated _____ Withdrawn _____

AMENDED & PASSED: Passed _____ Defeated _____

Attached to Minutes of March 21, 1979

60TH NEVADA LEGISLATURE
ASSEMBLY AGRICULTURE COMMITTEE
LEGISLATIVE ACTION

Date March 21, 1979

Subject AB 406

MOTION:

Do Pass x Amend _____ Indefinitely Postpone _____ Amend & Do Pass _____

Moved by Mr. Tanner Seconded by Mr. Fielding

AMENDMENT:

Moved by _____ Seconded by _____

AMENDMENT:

Moved by _____ Seconded by _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Chaney	Absent	_____	_____	_____	_____	_____
Dini	<u>x</u>	_____	_____	_____	_____	_____
Fielding	<u>x</u>	_____	_____	_____	_____	_____
Getto	Absent	_____	_____	_____	_____	_____
Hickey	<u>x</u>	_____	_____	_____	_____	_____
Mann	Absent	_____	_____	_____	_____	_____
Marvel	<u>x</u>	_____	_____	_____	_____	_____
Price	<u>x</u>	_____	_____	_____	_____	_____
Tanner	<u>x</u>	_____	_____	_____	_____	_____
TALLY:	<u>6</u>	_____	_____	_____	_____	_____

ORIGINAL MOTION: Passed x Defeated _____ Withdrawn _____

AMENDMENT: Passed _____ Defeated _____ Withdrawn _____

AMENDED & PASSED: Passed _____ Defeated _____

Attached to Minutes of March 21, 1979