

MEMBERS PRESENT: Chairman Hickey
Vice Chairman Rackley
Mr. Banner
Mr. Dini
Mr. Kovacs
Mr. Marvel
Mr. Redelsperger
Mr. Sader

MEMBERS ABSENT: Mr. Horn

GUESTS PRESENT: Arthur J. Palmer, Director, Legislative Counsel
Bureau
Assemblyman Louis W. Bergevin
Senator Virgil Getto
(SEE ATTACHED GUEST LIST)

Chairman Hickey called the meeting to order at 3:00 p.m. in room 222. He asked that all testifiers please give their name and title before testifying.

AJR 24: Proposes constitutional amendment to conform constitutional state boundary to actual boundary.
60th Session

Mr. Arthur J. Palmer, Director of the Legislative Counsel Bureau, identified the problem addressed in AJR 24 as an historical quirk and referred to the map which he had circulated among the committee members which is attached to these minutes as EXHIBIT A. He explained that the way that Nevada is displayed on the map is the way that the state came into the Union in 1864. He added that there was a self-executing clause in the Nevada Constitution that if and when the Congress of the United States provided for the addition to the east at the expense of the Utah Territory of one degree of latitude that that same area would automatically be incorporated into the State of Nevada without any further action of its legislature or vote of its people. He pointed out that on the map at the top is a small arrow labeled 1866 showing that after the erection of the state originally the boundary moved one degree farther to the east which amounts to approximately 50 miles into Utah. He further explained that the same act of Congress, which is where the peculiarity arose, provided that Nevada could also have the southern portion of what we recognize as the State of Nevada if the state accepted this portion. He noted that this portion is the shaded portion of the map which is below latitude 37. He added that because this was not a self-executing provision of the constitution acceptance must come from the legislature. He explained that over the years this was not done until last session when AJR 24 was passed by the legislature and now must be passed again this session before being placed on the ballot for a vote of the people. He noted that AJR 24 is more than trying to correct an antiquity because some criminals have claimed that they cannot be tried in Clark County courts

because their crimes were committed in an unorganized area of the country.

AB 10: Increases and redistributes proceeds of beef promotion tax.

AB 130: Creates Nevada beef council.

Assemblyman Louis Bergevin, Douglas County, asked the chairman if AB 10 and AB 130 could be considered together as they were so closely related. Mr. Bergevin stated that AB 10, in effect, places a promotion tax on the cattle producers of the State of Nevada of \$1.00 per head based upon the cattle which are on the tax rolls as submitted by a personal property statement. He noted that history shows that ten years ago a bill was passed which placed a five cent tax for promotion on each head and last session a bill which raised this tax to ten cents. He added that at that time all the receipts of the beef promotion tax were sent to the Beef Industry Council of the National Livestock and Meat Board in Chicago. He explained that AB 10 proposes that a \$1.00 per head be collected and that twenty percent of the monies be left in the State of Nevada to initiate a beef promotion fund and a beef industry council. He noted that AB 10 should be amended and said he would discuss this amendment after discussion of AB 130.

Mr. Bergevin explained that AB 130 is enabling legislation for establishing a beef council in the State of Nevada. He noted that the council would be comprised of members of the dairy industry and beef cattle industry appointed by the governor. He said that in drafting the bill they overlooked a provision for accountability of the money and that Mr. Crews had some proposed amendments to add this provision which are attached to these minutes as EXHIBIT B.

Mr. W. Gary Crews, Audit Manager for the Legislative Counsel Bureau, said that the beef council which is created by AB 130 will actually be a state body as described in Section 5, Page 2 of this bill, and should therefore be accountable to the state. He explained that since there is already a Beef Promotion Fund under the Department of Agriculture, they felt that it might be appropriate to have another budget account set up within this fund.

When Mr. Kovacs asked if a member of the general public should be included on this beef council, Mr. Dini replied that it was not necessary because this council would be self-supported by the people in the beef industry.

When Mr. Hickey asked if it would be better to allow the tax to be set each year in light of good years and bad years, Mr. Bergevin said that this was amended out of AB 10 but he had no objections to retaining this provision. He noted that the \$1.00 fee came from a resolution passed by Nevada Cattlemen's Association at their last convention.

Mr. Crews said that they felt there should be some language in AB 130 to establish the responsibility of accounting for the 20 percent of the Beef Promotion Fund which will be collected and suggested that the executive director of the State Department of Agriculture deposit this money with the State Treasurer for credit to the beef council account within the Beef Promotion Fund and that claims against the beef council account be paid as other claims against the state are paid.

When Mr. Hickey asked if this money would earn interest, Mr. Crews answered that generally accounts such as this do not accrue interest.

Mr. Marty Morris, representing the Nevada Cattlemen's Association, read his prepared testimony on AB 10 which is attached to these minutes as EXHIBIT C, pages 1 through 3.

Mr. Morris then read his prepared testimony on AB 130 which is attached to these minutes as EXHIBIT D.

Mr. David Fulstone, a farmer and rancher from Lyon County, read his prepared testimony which is attached to these minutes as EXHIBIT E pages 1 through 3. He noted that he was representing the Nevada Farm Bureau Federation and added they were in full support of AB 130.

Mr. Marty Morris stated that the Nevada Cattlemen's Association was also concerned with Section 1, line 10 of AB 10. He said that at present the travel expenses are paid by the National Livestock and Meat Board and consequently all of Section 2 could be eliminated without a problem. He added that if AB 130 passes Section 1 could be deleted also because the by-laws of the National Livestock and Meat Board state that in states having a beef council the director must be selected from the beef council itself.

When Mr. Sader asked if the Cattlemen's Association was in favor of the director getting only expense money, Mr. Morris answered yes.

Mr. Hickey commented that in two years when there is no longer an inventory tax the method of collecting the promotion tax will have to be changed. Mr. Bergevin stated that this was not true, that when the phase-out of the inventory tax ends in two years, there will still be provisions for farmers and ranchers to supply their inventory each year for the collection of both the head tax and the beef promotion tax.

When Mr. Hickey asked about page 2, line 7 of AB 10 stating that twenty percent will be distributed to the organization of producers of beef, Mr. Bergevin said that if AB 130 is passed, this will be changed to say that the Nevada Beef Council will receive this money.

Mr. Marvel commented that there was some discussion in Elko that these fees should be collected at the time the cattle were sold. Mr. Hickey added that this was one of the suggestions he had received from Bob Wright, that the brand inspector should collect the fee.

Mr. Morris said that this is being done in some western states but there are problems, and the Nevada Cattlemen's Association recommends the procedures remain as outlined in AB 10 with future study as to which method the members of the industry would prefer and future study of some of the pitfalls experienced in other states.

Mr. Morris stated that the Nevada Cattlemen's Association would also support delineating the fee as a maximum of \$1.00 per head.

Mr. Hickey appointed Mr. Marvel and Mr. Rackley as a subcommittee to study the proposed amendments and changes to AB 10 and AB 130.

Tom Ballow, Executive Director of the State Department of Agriculture, said he would like to make a few comments and that he would also like Steve Mahoney, Director of the Division of Brand Inspection, to comment on some of the problems of brand inspectors collecting large amounts of money in the field.

Mr. Ballow said that in 1971 the State Board of Agriculture had the authority to set the rate up to five cents per head but started out the first year at three cents a head. He added that the next year on the recommendations of the Nevada Cattlemen's Association and the Farm Bureau and others the rate was increased to four cents and the following year to five cents a head. He noted that at five cents per head they were generating approximately twenty two to twenty five thousand dollars. He added that the last session of the legislature recommended an increase to ten cents per head which the Department of Agriculture did put into effect. Mr. Ballow explained that if a farmer or rancher does not wish to take part in the beef promotion he may apply for a refund. He noted that in the past only two or three have asked for a refund but that they are concerned that with \$1.00 per head a large number of farmers and ranchers will apply for a refund causing increased accounting.

When Mr. Marvel asked how much money was generated at ten cents per head, Mr. Ballow answered that they have not had one full year at ten cents per head but he would estimate about \$44,000. Mr. Ballow added that they were also concerned that the \$1.00 rate might initiate lower estimates in number of cattle. Mr. Marvel commented that there is no penalty for underestimating.

In discussion of whether the Department of Agriculture or the beef council should set the tax rate, it was felt that this will have to be a policy decision of the committee and Mr. Hickey directed the subcommittee to study the ramifications of both procedures and recommend a policy to the committee.

Senator Virgil Getto said he was appearing as a dairyman and suggested that the opinions of the Nevada Dairy Producers Council be considered since one-third of beef products come from dairy cattle. He added that he personally supported the concept of the beef council.

Mr. Marvel suggested that Senator Getto contact the officers of the Nevada Dairy Producers Council and ask them to work with the committee.

Mr. Steve Mahoney, Director of the Division of Brand Inspection, said that he had talked with brand inspection directors from other states where the inspectors collect the beef promotion tax and found that this procedure would create additional man hours and office hours. He noted that their office staff is very limited and this added responsibility would require additional help. He added that he would be happy to work with the subcommittee.

Chairman Hickey directed the committee's attention to SB 46.

SB 46: Creates metric system advisory council.

Mr. David Fulstone, representing the Nevada Farm Bureau Federation, said that this organization opposes creation of a metric system advisory council and read his prepared testimony which is attached to these minutes as EXHIBIT F.

Mr. Fred Daniels, mechanical engineer and consulting engineer, said that a number of people who work with measurements all the time have formed an unofficial group calling themselves the Nevada Metric Committee. He noted that this group feels that the metric system is needed in this country and added that the monetary and time systems would not have to be changed. He explained the the United States Government has designated a ten year voluntary program for changeover which began in 1975. Mr. Daniels stated that the Nevada Metric Committee's main thrust is to make the transition to metrics as easy as possible because they feel it is definitely a coming thing since United States is in the import-export business. He noted that only the United States, Burma, Brunei and Yemen are not on the metric system which is about 8 percent of the world population. He explained that in our system there are over fifty sizes of sheet metal and the metric system would reduce this number to twenty-four. He said that they did not feel it would matter too much to the man on the street whether he had a two pound steak or a one kilogram steak or one quart as compared to one liter. He noted that in the long run they felt that the transition must be made because we are not an isolated country and because we should be able to function throughout the complete surface of the planet on a common measurement language.

Senator Lawrence Jacobsen, Carson City, Douglas County, said that in past years he has supported legislation such as this and wholeheartedly supports the Nevada Metric Committee which is composed of all volunteers in their effort to promote the metric system. He added that SB 46 provides this committee with some stature and sanction but does not require any funding. He noted that this bill passed the Senate on an 11 to 8 vote and the negative votes were because Senator Gibson had expressed concern that once councils such as this are begun they eventually cost money.

Senator Jacobsen pointed out that the council will encompass business, engineering, trade organizations and industry. He added that there is a United States Metric Board and that he feels there should be some group in Nevada to keep current with happenings on the national level.

When Mr. Hickey asked Senator Jacobsen if he would have any objections to sunsetting this bill in case funds were requested, Senator Jacobsen responded that he had no fear of this happening. He said that this group will only continue to meet and keep current with the national scene and if gifts or grants are forthcoming, they could determine how these monies were to be spent.

Chairman Hickey directed attention to AB 80.

AB 80: Requires certificate of inspection for certain imported bees.

Mr. Phil Martinelli, Department of Agriculture, said that this bill has been introduced primarily as a health requirement for the importation of package bees and queen bees. He noted that bee keepers in the state import up to 2,000 queen bees a year to requeen their colonies and at present there are no health certificates or inspections required. He added that 800 to 1,500 package bees are also imported each year to replenish winter kill or weak colonies and no inspection is required for these either. He explained that AB 80 would require a health certificate from suppliers in order to keep diseases or pests out of native colonies.

When Mr. Marvel asked if there had been any resistance from bee keepers, Mr. Martinelli replied no, that all bee keeper organizations had been contacted and they are in full support of this bill.

Chairman Hickey turned the meeting over to Vice Chairman Rackley. Mr. Rackley directed the committee's attention to AB 81.

AB 81: Expands requirement for certificate of brand inspection clearance.

Mr. Steve Mahoney, Department of Agriculture, Brand Division, gave some background information on why this legislation has

been proposed. He pointed out that inspection prevents live-stock theft, protects neighbor from neighbor where necessary, and is required when animals are transported out of a district, change ownership or are slaughtered. He noted that during his tenure many owners have been prosecuted for slaughtering animals without brand inspection and recently the district attorney of Humboldt County pointed out that present law does not allow this. He said that the intent of AB 81 is to include slaughter by anyone.

Mr. Marvel pointed out that the language in line 2, "unlawful for any person to slaughter," would prohibit a rancher from slaughtering an animal for his own consumption without an inspection which could cause a hardship for an inspector to travel many miles for the inspection of just one animal. Mr. Mahoney noted that there is a regulation which allows slaughter of an animal saving the hide for inspection at the convenience of the inspector.

Mr. Rackley directed the committee's attention to AB 82.

AB 82: Makes administrative changes to law relating to control of pests.

Mr. Steve Bougon, President of the Nevada Pest Control Association, said that the purpose of rephrasing of the pest control bill was to include household landscapers and gardeners in licensing for the use of pesticides. He pointed out that Section 2 defines pesticides and they feel this definition is too broad. He noted that pesticides to the pest control industry are products that are registered by the EPA under federal law approved by the State of Nevada. He said that the way this section reads anything could be used as a pesticide and that a piece of cheese in a rat trap would be considered a pesticide because it was used to attract a rat to a trap. He stated that they would like to see this section rewritten to read that a pesticide for custom pest control applicators would be any pesticide registered and approved by the EPA, issued an EPA registration number or an experimental EPA registration number. He noted that the broad definition does not fit their purpose and gets out of hand.

Chairman Hickey returned to the meeting and took over the chair.

Mr. Bougon continued by referring to page three, line 19, which says that custom pest control operators can have only a maximum liability of \$250 or in other words a maximum deductible on insurance. He noted that National Pest Control Association insurance is considerably less expensive but allows a higher deductible which is not allowed under Nevada law at the present time. He proposed that the law be amended to read "insurance deductible as deemed by the insurance carrier."

Mr. Bougon referred to page 4, line 3 and questioned who determined if a licensee was qualified and what were the guidelines for qualification. He pointed out that on line 4 it refers to

engaging in fraudulent business practices and said that he did not feel the Department of Agriculture should be involved in fraud. He suggested that this should be changed to read that the licensee can continue in business till proven guilty by a court of law.

When Mr. Marvel asked where the bill came from, Mr. Ballow said that the State Department of Agriculture had requested this bill and said that at the present time farmers and ranchers are prohibited from applying restricted use pesticides on their own land by federal law. He said the intent of this bill was to allow the department to train farmers and ranchers in the proper application of these pesticides and after examination of expertise and ability to apply pesticides in a safe manner, the department could issue a permit or license to allow them to use these pesticides.

When Mr. Marvel asked what the intention of lines 24 through 26 on page 4 was, he was informed that this was to cover two conflicting reports such as termite inspection reports.

Chairman Hickey said that the bill was unacceptable as written and asked Mr. Sader to work with the Department of Agriculture to revise AB 82 and report back to the committee.

Mr. Hickey then directed attention to AB 176.

AB 176: Reduces number of acres needed to qualify elector to vote in elections of irrigation districts and provides system of weighted voting.

Assemblyman Joe Dini stated that conceptually AB 176 allowed for a system of weighted voting where a person with five acres of land has one vote increasing proportionately based upon the acreage owned. He noted that the bill is not drafted properly because it gives five votes to a person who owns 25 acres which is not the intent. He said that the concept is voting based upon the proportionate share of acreage in the district and suggested that five acres be one vote up to a maximum of five votes for large land owners.

Mr. Will P. Carver of Churchill County said that in 1953 he bought 12 acres of land with 54 acre feet of water rights and he and his wife both had a vote in the district. He noted that a few months ago he received a letter which stated that he did not own twenty acres of water rights and that he no longer had a vote in the district which he felt was taxation without representation in its worst form. He said that AB 176 would correct this and allow him two votes. He asked that for all the small farmers in the Fallon area this bill be passed.

Mr. Ramon Arazabalaga said that he could understand protecting the large land owner from the small owner making things too difficult but he felt there must be some provision allowing

a vote for a five-acre owner. He felt that the bill should be written to protect the large land owner without disenfranchising anyone.

Mr. Jim Weishaupt, Manager of the Walker River Irrigation District, read his prepared statement in support of AB 176 which is attached to these minutes as EXHIBIT G. He said that one vote for five acres up to twenty-five acres was acceptable but suggested that the bill should be amended to read "thereafter one additional vote for every one hundred acres, but no elector may cast more than fifteen votes." He added that the present wording allows a user with 25 acres the same amount of votes as a user with 1,000 acres.

Ira Kent, a rancher from Fallon, said that his water comes from the Truckee-Carson Irrigation District and read a letter from the Truckee-Carson Irrigation District which is attached to these minutes as EXHIBIT H.

When Mr. Redelsperger asked if he had any objection to one vote for five acres to twenty five acres and one additional vote for each one hundred acres after that, Mr. Kent replied that he did not feel enough time had been given to the study of this problem and that districts might have to be reapportioned. He said that he agreed with what the district had proposed that five acres have one vote, ten acres two votes, on up to 1,000 acres having 200 votes. He compared irrigation districts to a corporation where larger stockholders have a larger percentage of votes.

When Mr. Redelsperger asked Mr. Carver the same question, Mr. Carver said that the 32 percent large ranchers should have some limit on them because otherwise they could control the whole thing.

Mr. Hickey appointed Mr. Redelsperger and Mr. Dini to a subcommittee to work on these problems and pointed out the problem of dealing fairly with people's livelihoods.

Mr. Kent said that he would recommend five votes for 25 acres and one additional vote for each 25 acres.

Mr. Arazabalaga said that he felt that some of the fear that the small ranchers have is that they might lose their water right to the acreage that they own because of future water shortages and the large owners taking their rights away from them.

Mr. Carver stated that this was his fear, that his water rights might be taken away, thus taking away his livelihood.

Mr. Marvin Weishaupt, a large rancher from Fallon, said that he did not think that the small farmer had to worry about the large user because if a bond issue were floated, the larger user would have to pay the bill. He said that as far as taking

water rights away, this is a contractual right with the United States Government which cannot be removed.

Mr. David Matley, a medium-size rancher from Fallon, said he agreed basically with Mr. Kent, one vote for every five acres with no maximum. He commented that it was like a corporation in that the more at risk, the more money involved, the more say a person should have.

Senator Virgil Getto clarified the point that there is a statute at present which requires voting on bond issues by percentage of acreage and that AB 176 only applies to the election of a board of directors that handle the business below the bond elections.

Chairman Hickey asked Mr. Kovacs to serve on the subcommittee along with Mr. Redelsperger and Mr. Dini as a neutral party not involved in ranching or farming.

Mr. Hickey informed the committee that an amendment had been requested dealing with the treatment of garbage and asked Mr. Ballow to speak to the committee.

Mr. Tom Ballow, Director of the State Department of Agriculture, said that he had been asked by Chairman Hickey to draw up legislation requested by a large hog producer in the Las Vegas area. He explained that recently a federal law was passed which required cooking of raw garbage before feeding to hogs in order to prevent introduction of exotic hog diseases. He added that under the provisions of this federal law states having an effective program could continue with their own program without the federal agency enforcing the national program. He said that this proposed legislation would allow the State Department of Agriculture to carry out an effective program instead of relying on the federal government. He added that the hog producers are particularly interested in this legislation because they feel more comfortable with a state agency which would be closer to their problems. He said that this would apply only to commercial hog dealers and not to individuals. He noted that this legislation would exclude all garbage except for that containing meat scraps.

Chairman Hickey asked for a motion for a committee introduction of this legislation. Mr. Dini moved for a committee introduction, seconded by Mr. Kovacs and carried unanimously by the members present with Mr. Banner, Mr. Horn and Mr. Sader absent at the time.

Mr. Robert T. Sullivan, representing the Carson River Basin Council of Governments, explained that a bill dealing with the nuisance liability of agriculture operations had been introduced in the Senate as SB 47 but was not acted upon by the senate committee so they were asking for a concurrent introduction in the Assembly. He handed out a resolution from the Nevada Association of Counties (EXHIBIT I) and a copy of the bill as introduced in the senate (EXHIBIT J pages 1 through 3.)

When Mr. Redelsperger asked what the problems had been in the senate that kept them from voting on the bill, Mr. Sullivan explained that there had been one and a half hours of testimony in favor of the bill with no opposition.

Mr. Hickey said he would check with the senate committee to learn why this bill had not been acted upon, and Mr. Bob Erickson, Senior Research Analyst, said he would supply the committee with the same information that he had presented to the senate committee.

Since there was no further business, the meeting was adjourned at 5:10 p.m.

Respectfully submitted,



Patricia Hatch
Secretary

ASSEMBLY

AGENDA FOR COMMITTEE ON AGRICULTURE.....

THURSDAY

Date FEBRUARY 26..... Time 3:00 P.M. Room 222.....

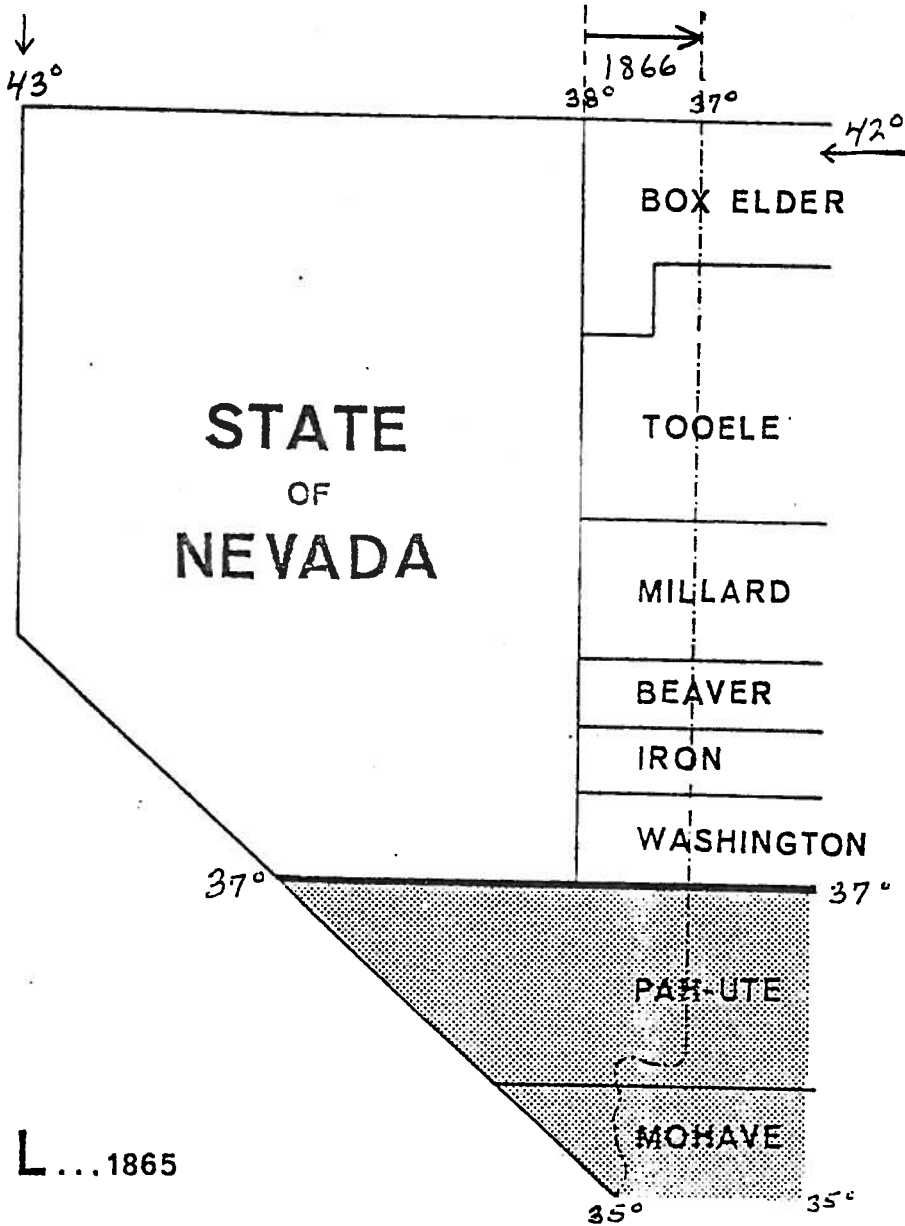
Bills or Resolutions to be considered	Subject	Counsel requested*
AB-10	Increases and redistributes proceeds of beef promotion tax.	
SB-46	Creates metric system advisory council.	
AB-80	Requires certificate of inspection for certain imported bees.	
AB-81	Expands requirement for certificate of brand inspection clearance.	
AB-82	Makes administrative changes to law relating to control of pests.	
AB-130	Creates Nevada Beef Council.	
AB-176	Reduces number of acres needed to qualify elector to vote in elections of irrigation districts and provides system of weighted voting.	
AJR-24 of the 60th Session	Proposes constitutional amendment to conform constitutional state boundary to actual boundary.	

*Please do not ask for counsel unless necessary.

GUEST LIST

Date: February 26, 1981

PLEASE PRINT YOUR NAME	PLEASE PRINT WHO YOU REPRESENT	I WISH TO SPEAK		
		FOR	AGAINST	BILL NUMBER
Mr. [unclear]	North [unclear] [unclear]			AB 130
Mr. [unclear]	North [unclear] [unclear]			AB 130
MARKET [unclear]	Self Rancher		X	AB 176
Bob [unclear]	Self Employed Rancher		X	AB 176
DAVE [unclear]	Self - Auditor			AB 176
Mr. [unclear]	Self (NCP) - [unclear]			
Mr. [unclear]	Self			176
Jim Weishaupt	WALKER RIVER IRRIGATION DIST.			AB 176
Mr. [unclear]	Walker River Irrigation Dist. [unclear]	X	X	AB 176
Chuck [unclear]	Walker River Irrigation Dist.			
Don [unclear]	Off of Acc. Upl. [unclear]			
W. Hunter	Off of Food [unclear]			
Steve Mahoney	MEM. DEPT. OF AGRICULTURE			AB 81 ✓
WILL CARVER	FALLON	X		176
W. [unclear]	FALLON	X		176
Mr. [unclear]		X		



L ... 1865

MAP L

1865—Pah-Ute County, Arizona Territory, created from northern Mohave County.

PROPOSED AMENDMENTS

AB 10

Assembly Bill 10, Section 2, paragraph 2(b) be amended to provide that the 20% be accounted for in an account in the Beef Promotion Fund.

AB 130

Assembly Bill 130, Section 7 be amended to provide:

1. That the executive director of the State Department of Agriculture be responsible for the administration of the beef council's monies.
2. That the executive director of the State Department of Agriculture deposit all such monies with the State Treasurer for credit to the beef council account in the Beef Promotion Fund.
3. That claims against the beef council account be paid as other claims against the State are paid.

A.B. 10

Marty Morris

This legislation is designed to benefit the Nevada Cattle Industry by increasing the industry's contribution to National promotion, research, consumer education and therefore increasing the effectiveness of these programs. The programs are conducted by the Beef Industry Council and the National Livestock and Meat Board.

Beef - the product our industry producers is being threatened in the consumer marketplace by competition from the white meats (poultry and fish), from pork, by a National trend to eat less red meats, an increase in vegetarianism and by the diet health publicity tying red meat consumption to heart and circulatory disease and colon cancer.

The beef industry of Nevada has addressed these threats on several occasions and each time has expressed the willingness to meet the challenges facing us by contributing more money to be used in the areas of promotion, research and education. We have twice, overwhelmingly, supported a National Beef Referendum. We have passed association resolutions in our trade organizations to increase our promotion tax to one dollar. Nevada Cattlemen's Association has surveyed it's membership and the results have shown general support of moving to the dollar per head contribution to these programs.

On the National level both the Beef Industry Council and the National Cattlemen's Association are striving for one dollar per head contribution as rapidly as possible. There are five

A.B. 10

Page - 2 -

states in the process of moving directly to a dollar. The Doans Survey of the nation's cattlemen taken last spring also demonstrated strong support for the dollar with 50% responding in favor of one dollar or more.

The proposed legislation (A.B. 10) allows for the movement of the producer contribution to the dollar level. It also provides for refunding all or part of the contribution for those producers not desirous of supporting the program or for those willing to support but at a lesser degree. It, therefore, has the capability of maximumizing our industrys' contribution to its own market development program.

With an industry goal of increasing the consumer demand for beef it is necessary to compare the beef industrys' advertising budget with some of the more successful commodities. Using the state of California as an example because of their consuming population. The Cling Peaches spend 6¢ per person, Raisins 22¢ per person, Milk 61¢ per person and Beef 2¢ per person. (Source: California Beef Council).

To obtain a level of effectiveness in our beef programs which are directed to the consuming public we need to collect about one dollar per head. We believe this kind of program is for the good of our industry over the long term - allowing the development and implantation of long term promotion, education and meat research programs.

A.B. 10

Page - 3 -

Our responsibilities as industry leaders are to utilize the information we are exposed to in the best interests of our industry as a whole. It will not please everyone, especially beef producers with their sense of independence. We as an industry cannot afford the luxury of prolonging the economic responsibilities of our beef products beyond our loading chutes. The results of this would be a further erosion of the demand for our product in the marketplace and a longer uphill fight to regain lost ground.

For the best interest of our Nevada Cattle Industry, please support A. B. 10.

Respectfully submitted,



Marty Morris

MM:dlh

A.B. 130

Marty Morris

This legislation is designed to form a Nevada Beef Council similar to those located in the surrounding Western States. It is structured to represent the complete cattle industry within Nevada. It is intended to be 100% self funded.

The functions of this entity are:

1. To coordinate national programs at the state level.
2. To serve as a communication media from the grass roots producer of National Programs and vice-versa.
3. To develop and select representatives to the Beef Industry Council of the Meat Board.
4. To support and fund beef promotion, research and education activities within the state of Nevada.

In short it will develop into the body which will be accountable to the producer for the beef promotion dollars raised within the state.

There appears to be very broad support for this concept from our state industry. The Beef Industry Council of the Meat ^{200 2050} supports the concept. It is working well throughout the producing states.

Please give it your support.

Respectfully submitted,



Marty Morris

AB 10 and AB 130

MR. CHAIRMAN, MEMBERS OF THE AGRICULTURAL COMMITTEE, MY NAME IS DAVID FULSTONE, I AM A RANCHER FROM LYON COUNTY, AND I AM ALSO VICE PRESIDENT OF THE NEVADA FARM BUREAU FEDERATION. I AM HERE TODAY SPEAKING ON BEHALF OF THE NEVADA FARM BUREAU FEDERATION. WE ARE THE LARGEST GENERAL FARM AND RANCH ORGANIZATION IN NEVADA WITH OVER 5,000 MEMBERS THROUGHOUT THE STATE. THE NEVADA FARM BUREAU IS CONCERNED ABOUT SOME PROVISIONS IN A.B. 10 AS IT IS CURRENTLY WRITTEN. UNDER SECTION 1, LINE 10, IT SAYS 3 PERCENT OF THE NEVADA BEEF PROMOTION FUND IS TO GO TO MEETING EXPENSES OF THE REPRESENTATIVE TO THE NATIONAL LIVESTOCK AND MEAT BOARD. WE RECOMMEND THAT THE 3 PERCENT FIGURE BE RE-EXAMINED. IF THE BEEF PROMOTION TAX IS INCREASED TO \$1 IT WOULD INFLATE THE TRAVEL AND EXPENSE BUDGET BY 1,000 PERCENT UNDER THE CURRENT PROVISIONS, SO ANOTHER CRITERIA MIGHT BE USED FOR ESTABLISHING THAT EXPENSE BUDGET. ANOTHER ONE THAT WE HAVE A QUESTION ON IS THE INTENT OF SECTION 2, LINES 5 THROUGH 9; WE FEEL THIS IS UNCLEAR. THE BEEF INDUSTRY COUNCIL IS A DEPARTMENT OF THE NATIONAL LIVESTOCK AND MEAT BOARD. DOES THIS PROVISION MEAN THAT 80 PERCENT OF NEVADA'S BEEF PROMOTION TAX WILL GO TO A NATIONAL ORGANIZATION? THE ORGANIZATION THAT THE REMAINING 20 PERCENT OF THE PROMOTION TAX IS TO BE AWARDED IS NOT SPECIFIED. HOW DOES THE PROPOSED NEVADA BEEF COUNCIL FIT IN WITH THIS BILL? THE NEVADA FARM BUREAU WOULD ALSO LIKE TO RECOMMEND THAT THE LANGUAGE UNDER SECTION 3, LINE 13, BE CHANGED TO INCLUDE A RATE NOT TO EXCEED \$1 PER HEAD THAT WAS SET FOR; THIS WOULD GIVE SOME FLEXIBILITY. WE ARE ALSO CONCERNED ABOUT THE METHOD OF TAX ASSESSMENT FOR THE BEEF PROMOTION TAX IN THE FUTURE BECAUSE THE INVENTORY TAX IS BEING PHASED OUT. PERHAPS A NEW BASIS OF CATTLE ASSESSMENT FOR THE PROMOTION TAX SHOULD BE INCLUDED IN A.B. 10. THE NEVADA FARM BUREAU FEDERATION APPRECIATES THE OPPORTUNITY TO SPEAK ON A.B. 10 HERE. ON A.B. 130, WE WOULD LIKE TO TELL YOU THAT THE NEVADA FARM BUREAU IS IN FULL SUPPORT OF THE NEVADA CATTLEMEN'S EFFORT TO ESTABLISH A NEVADA BEEF COUNCIL. THANK YOU.

SB 46

MR. CHAIRMAN AND MEMBERS OF THE AGRICULTURE COMMITTEE, MY NAME IS DAVID FULSTONE AND I AM SPEAKING FOR THE NEVADA FARM BUREAU FEDERATION AGAIN ON SB 46. THE NEVADA FARM BUREAU OPPOSES THE CREATION OF A METRIC SYSTEM ADVISORY COUNCIL. FARM BUREAU POLICY WHICH IS THE BASIS FOR OUR POSITION REGARDING THIS COUNCIL IS DEVELOPED THROUGH A PROCESS WHICH ORIGINATES WITH THE INDIVIDUAL FARMER AND RANCHER. THE POLICY IS THEN APPROVED AT THE COUNTY, STATE AND NATIONAL LEVELS DEPENDING UPON ITS COUNTY, STATE AND NATIONAL IMPACT. THROUGH THIS PROCESS THE FARM BUREAU HAS ADOPTED THE FOLLOWING POLICY ON THE METRIC SYSTEM, "WE OPPOSE THE USE OF METRIC SYSTEMS AS A STANDARD OF WEIGHTS AND MEASURES FOR THE UNITED STATES. WE OPPOSE THE USE OF GOVERNMENT FUNDS TO PROMOTE OR LOBBY FOR ADOPTION OF THE METRIC SYSTEM."

IN ADDITION TO CREATING THE METRIC SYSTEM ADVISORY COUNCIL SENATE BILL NUMBER 46 WOULD INDUCE THE TRANSITION BY NEVADA TO THE METRIC SYSTEM. THE BILL ALSO LAYS THE GROUNDWORK FOR STATE FUNDING ALTHOUGH NO SPECIFIC APPROPRIATION HAS BEEN MADE. THE NEVADA FARM BUREAU FEDERATION IS ALSO OPPOSED TO THE STRUCTURE OF THE ADVISORY COUNCIL'S REPRESENTATION. THIS COUNCIL IS TO BE CREATED WITHIN THE DEPARTMENT OF AGRICULTURE, YET, OUT OF THE FIVE INTERESTS THAT ARE REPRESENTED, NO ONE REPRESENTS AGRICULTURE. WE CANNOT SUPPORT THE USE OF STATE FUNDS TO CREATE THIS COUNCIL OR THE BASIC MAKEUP OF THE COUNCIL AS STATED IN THIS BILL.

THANK YOU AGAIN FOR THE OPPORTUNITY TO SPEAK WITH YOU.

HEARING ON AB-176
FEBRUARY 26, 1981
ROOM 204C
LEGISLATIVE BUILDING
CARSON CITY, NEVADA

THIS PAPER IS PREPARED FOR A HEARING OF ASSEMBLY BILL NUMBER 176 WHICH REDUCES THE NUMBER OF ACRES NEEDED TO QUALIFY AN ELECTOR TO VOTE IN ELECTIONS OF IRRIGATION DISTRICTS.

LADIES AND GENTLEMEN OF THE COMMITTEE: MY NAME IS JIM WEISHAUP AND I AM THE MANAGER OF THE WALKER RIVER IRRIGATION DISTRICT AND CHIEF DEPUTY COMMISSIONER FOR THE U.S. BOARD OF WATER COMMISSIONERS FOR THE WALKER RIVER SYSTEM.

TO DEFINE THE QUALIFICATIONS OF AN ELECTOR THAT MAY VOTE IN AN IRRIGATION DISTRICT GENERAL OR BOND ELECTION WE MUST FIRST UNDERSTAND THE ROLE OF THE ELECTED REPRESENTATIVES. ² ALLOW ME TO DESCRIBE THE INDIVIDUAL FUNCTION OF A DIRECTOR IN THE WALKER RIVER IRRIGATION DISTRICT. WHEN A DIRECTOR FIRST COMES ABOARD AND BEGINS MAKING POLICY HE MUST DO THE FOLLOWING:

- HE MUST BECOME VERY FAMILIAR WITH THE LOCAL RULES AND REGULATIONS AND POLICY CONCERNING DELIVERY OF WATER;
- HE MUST BECOME TOTALLY AWARE OF THE RELATED LEGAL PARAMETERS THAT AFFECT HIS WATER, THAT IS HE MUST BECOME VERY FAMILIAR WITH THE OPERATING DECREES, CONTRACTS AND AGREEMENTS BY WHICH WATER IS MADE AVAILABLE TO THE USERS THAT HE REPRESENTS;
- HE MUST BECOME KNOWLEDGEABLE OF THE UPSTREAM STORAGE RESERVOIRS AND ASSOCIATED RECREATIONAL RESPONSIBILITIES.
- HE MUST BECOME VERY FAMILIAR WITH THE ECONOMICS OF THE DISTRICT. A DIRECTOR FOR THE W.R.I.D. FORMULATES POLICY COMPARABLE TO THAT OF A LARGE BUSINESS. THE PRESENT BUDGET IS APPROXIMATELY \$360,000.

ALONG WITH THE MANY TALENTS THAT HE MUST HAVE, A DIRECTOR MUST BE ABLE TO TIE THESE VARIOUS FUNCTIONS INTO THE MAIN SCHEME OF AN IRRIGATION DISTRICT AND THAT IS TO PRESERVE AND MAINTAIN AGRICULTURAL PRODUCTION AT ITS HIGHEST POTENTIAL. A DEFINITE LINE MUST BE DRAWN BETWEEN THE HOBBY FARMER, GENTLEMAN FARMER, ONE WHO USES IRRIGATION WATER FOR LUXURY CONSUMPTION, AND THAT FARMER GROWING FOOD FOR HUMAN CONSUMPTION.

DURING THE LAST SESSION OF THE LEGISLATURE THE W.R.I.D. BOARD FELT THAT FORTY (40) ACRES SHOULD BE THE MINIMUM QUALIFICATION TO HAVE AN AGRICULTURE INTEREST. WE CONCEDED TO THE TWENTY (20) ACRE LIMIT.

GENTLEMEN OF THE COMMITTEE ON AGRICULTURE, THE WALKER RIVER IRRIGATION DISTRICT SUPPORTS AB-176 WITH RESERVATIONS, HOWEVER, IT IS PROBABLY A WORKABLE SOLUTION AT THIS TIME.

TRUCKEE-CARSON IRRIGATION DISTRICT

NEWLANDS PROJECT
P.O. BOX 1356
FALLON, NEVADA 89406
TELEPHONE (702) 423-2141

FEBRUARY 26, 1981

RICHARD S. LATTIN
Project Manager

DORIS J. MORIN
Secretary-Treasurer

BOARD OF DIRECTORS

JOE SERPA, JR., President
ERNEST C. SCHANK, Vice President
THOMAS W.M. COOK, Director
TED J. deBRAGA, Director
LARRY R. MILLER, Director
ELBERT L. MILLS, Director
REX L. WORKMAN, Director

ATTN: HEARING - ASSEMBLY AGRICULTURE
COMMITTEE
ROOM 204C
RE: AB-176 - VOTING IN IRRIGATION
DISTRICTS

GENTLEMEN:

THE TRUCKEE-CARSON IRRIGATION DISTRICT HAS REVIEWED AB 176 WHICH BRIEFLY, REDUCES THE NUMBER OF ACRES NEEDED TO QUALIFY AN ELECTOR TO VOTE IN ELECTIONS OF IRRIGATION DISTRICTS AND PROVIDES A SYSTEM OF WEIGHTED VOTING.

FROM THE VIEWPOINT OF REPRESENTING ALL OF THE WATER USERS ON THE NEWLANDS PROJECT, THE DISTRICT FINDS NO OBJECTION TO THAT PORTION OF THE BILL WHICH REDUCES THE ACREAGE REQUIREMENT FROM TWENTY TO FIVE ACRES, WITH WATER RIGHT APPURTENANT THERETO.

HOWEVER, IT IS THE POSITION OF THIS DISTRICT THAT IF VOTING IS TO BE WEIGHTED TO ALLOW THE WATER USER TO REPRESENT HIS WATER RIGHT ACREAGE IN AN ELECTION, IT SHOULD BE DONE ON AN EQUAL BASIS. ON THE NEWLANDS PROJECT A REVIEW OF AVERAGE OWNERSHIP OF WATER RIGHT ACREAGE REVEALS THAT 68% OF THE WATER USERS FALL IN THE CLASS OF TWENTY ACRES OR LESS WHILE THOSE WITH MORE THAN TWENTY ACRES REPRESENT ONLY 32%. IT MAY BE READILY SEEN THAT WEIGHTING VOTING IN THE MANNER PROPOSED WOULD NOT BE EQUITABLE.

HEARING - ASSEMBLY AGRICULTURE COMMITTEE
PAGE TWO
FEBRUARY 26, 1981

THE DISTRICT'S PREFERENCE IN THE MATTER WOULD BE ONE VOTE FOR EACH FIVE ACRES OF LAND OWNED WITH WATER RIGHT APPURTENANT THERETO WITHOUT THE FIVE VOTE LIMITATION IN ALL IRRIGATION DISTRICT ELECTIONS. OR, FAILING THAT APPROACH, A RETURN TO THE SAME PROCEDURES AS WERE IN EFFECT PRIOR TO THE 1979 MODIFICATION.

CERTAINLY, THE DISTRICT HAS NO OBJECTION TO THE WEIGHTING OF VOTES; HOWEVER, IT SHOULD BE ACCOMPLISHED IN A MANNER WHICH DOES NOT PROVIDE AN ADVANTAGE TO EITHER THE LARGER OR THE SMALLER WATER USER.

SINCERELY YOURS,

TRUCKEE-CARSON IRRIGATION DISTRICT



RICHARD S. LATTIN,
PROJECT MANAGER

D

RESOLUTION 80-26

RE: THE NUISANCE LIABILITY OF AGRICULTURE OPERATIONS

WHEREAS, there is an ever increasing conflict between agriculture and urban interests; and

WHEREAS, urbanizing areas and their residents, more often than not, are infringing upon pre-existing agriculture operations and their right to continue operations; and

WHEREAS, when non-agriculture land uses extend into agricultural areas, agricultural operations often become the subject of nuisance suits occasionally forcing agricultural operations to cease operations; and

WHEREAS, it should be the State's policy to conserve, protect and encourage the development and improvement of its agricultural land for the production of food, fiber and other agricultural products;

NOW, THEREFORE, BE IT RESOLVED that the Nevada Association of Counties request the 1981 Legislature to amend the Nevada Nuisance Statutes to specifically exempt agriculture when conducted in accordance with generally accepted agricultural practices; and

BE IT FURTHER RESOLVED that exemption of agriculture from the Nevada Nuisance Statutes will be specifically recognized as a "right to farm" and that whatever minor nuisance caused by such activities is more than offset by the benefits from farming to the neighborhood and community, and to society in general.

PASSED AND ADOPTED this 15th day of November, 1980.

Jack R. Petitti
JACK R. PETITTI, PRESIDENT

ATTEST:

Thalia M. Dondero
THALIA M. DONDERO, SECRETARY

NEVADA
ASSOCIATION OF
COUNTIES

PRESIDENT
JACK R. PETITTI
CLARK COUNTY

VICE-PRESIDENT
SAMMYE UGALDE
HUMBOLDT COUNTY

BOARD OF DIRECTORS

- JERALD ALLEN
- EDWARD ARNOLD
- DONALD BARNETT
- PETER L. BENGOCHEA
- HENRY BLAND
- SAM BOWLER
- JAMES F. BURKE
- JOHN C. CARPENTER
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- BERT GANDOLFO
- DOUGLAS HAWKINS
- JOHN HAYES
- KENNETH KJER
- MARIO PERALDO
- JOHN PGLI
- CHARLES A. VACCARO

EXECUTIVE SECRETARY
THALIA M. DONDERO
VALLEY BANK PLAZA
SUITE 1111
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

AFFILIATES

NEVADA DISTRICT ATTORNEYS ASSOCIATION
ROBERT MILLER, PRESIDENT

NEVADA FISCAL OFFICERS ASSOCIATION
W. GALLOWAY, PRESIDENT

SUMMARY--Provides for protection of agricultural activities from lawsuits. (BDR 3-362)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to agriculture; changing the definition of "nuisance"; providing for the protection of agricultural activities conducted on farmland from litigation as nuisances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 40.140 is hereby amended to read as follows:

40.140 [Anything] 1. Except as otherwise provided in this section, anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance, and the subject of an action. Such an action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance; and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. Any agricultural activity conducted on farmland, if consistent with good agricultural practice and established before surrounding nonagricultural activities, is presumed to be reasonable and does not constitute a nuisance unless the activity has a substantial adverse affect on the public health and safety. If that agricultural activity does not violate a federal, state or local law, ordinance or regulation, it is presumed to be good agricultural practice and not to affect adversely the public health and safety.

Sec. 2. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the state.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted

without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor [shall be] is conducted, or any article, apparatus or device useful therefor [shall be] is kept;

(b) Wherein any fighting between animals or birds [shall be] is conducted;

(c) Wherein any dog races are conducted without a license as provided by law;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or

(e) Where vagrants resort,
is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) [Shall annoy, injure or endanger] Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) [Shall offend] Offends public decency;

(c) [Shall unlawfully interfere with, defoul, obstruct or tend to obstruct, or render] Unlawfully interferes with, defouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) [Shall in any way render] In any way renders a considerable number of persons insecure in life or the use of property,
is a public nuisance.

4. Agricultural activity conducted on farmland is not a public nuisance and is not a crime against the order and economy of the state, if consistent with good agricultural practice and established before surrounding nonagricultural activities, unless it has a substantial adverse affect on the public health and safety. If

that agricultural activity does not violate a federal, state or local law, ordinance or regulation, it is presumed to be good agricultural practice and not to affect adversely the public health and safety.

Sec. 3. NRS 575.030 is hereby amended to read as follows:

575.030 1. It [shall be] is unlawful for any sheep to be penned, housed or fed for the purpose of being sheared, or to be sheared, within the ordinary limits of any city or town of this state during any period of the year. This [shall] does not apply to any place not within one-half mile of a residence [.] or to any agricultural activity conducted on farmland, if consistent with good agricultural practice and established before surrounding nonagricultural activities.

2. Any person, corporation or agent, being the owner of or having control or charge of any sheep, who [shall willfully violate] willfully violates any of the provisions of this section [shall be] is guilty of a misdemeanor.