

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON NATURAL RESOURCES

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
March 25, 1981

The Senate Committee on Natural Resources was called to order by Chairman Norman D. Glaser at 1:35 p.m., Wednesday, March 25, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Norman D. Glaser, Chairman  
Senator Wilbur Faiss, Vice Chairman  
Senator James H. Bilbray  
Senator Lawrence E. Jacobsen  
Senator Joe Neal

COMMITTEE MEMBER ABSENT:

Senator Floyd R. Lamb

GUEST LEGISLATORS:

Senator Sue Wagner  
Senator Virgil M. Getto

STAFF MEMBERS PRESENT:

Robert E. Erickson, Senior Research Analyst  
Azalea Reynolds, Committee Secretary

The Chairman said that there were four bills to be heard, in addition to five bills requiring further consideration and/or action.

The Chairman said that some of the items on the Agenda would be taken out of order as Senator Wagner, who was the principal sponsor of Senate Bill No. 403, Senate Bill No. 404 and Senate Bill No. 405, would be commenting briefly on these bills, but would not be able to stay as she was required at another meeting. The Chairman asked Senator Wagner to speak on the bills proposed.

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SENATE BILL NO. 403

SENATE BILL NO. 404

SENATE BILL NO. 405

Senator Wagner (Senate District No. 1 - Washoe County) explained that she had been requested by the Nevada Humane Society to introduce these bills for consideration by the Committee. These bills had been introduced in the previous Session but time did not permit in getting legislation into Committee for action.

Regarding Senate Bill No. 404 which would require daily visits to traps, Senator Wagner stated she could not support this and had told the introducers of the bill that some compromise would have to be worked out as it was obviously not feasible for trappers to visit traps on a daily basis. Furthermore, it was understood that there were groups present at the meeting today that would perhaps be agreeable to visitations every 72 hours, and that the Department of Wildlife would also support this amendment if a provision were included to exclude their personnel. Also, the Farm Bureau were represented here today, and believe it would be amenable to the 72 hour visitation. These compromises were conveyed to the Humane Society and no doubt there will be some members of the public who will disagree.

Chairman Glaser asked Senator Wagner to provide him with the amendment referred to and was told that it would be given to him in a few moments, and this was subsequently given to the Chairman.

Chairman Glaser thanked Senator Wagner for her comments, and said that these bills would be dealt with in greater depth later in the meeting and meantime reverted to the bills as set out in the Agenda.

ASSEMBLY BILL NO. 156

Bill Parsons, of the Department of Wildlife referred to the first reprint of this bill which relates to the amendment of the Nevada Boat Act, that is administered and enforced by the Department.

Mr. Parsons referred to Section No. 1 which relates to the types of equipment that are authorized for use on water crafts or on vessels, and the recommended change was that the term 'water boat' be expanded to include 'vessel', which in essence is the life saving devices that must be used on a motor boat or sailboat. At the present time this is a requirement by the Commission Regulation, but the Department would like to have this written into the statute.

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Referring to line 7 of Assembly Bill No. 156, the terminology 'motor boat' should be changed to apply to all classes of water craft. Under the equipment that is carried on a motor boat, the fire extinguishers must be of a marine type, numbered and have been approved by the U.S. Coast Guard.

Mr. Parsons in referring to sub-section 3 of the same section on equipment, the Legislative Council changed the wording inflammable to flammable, which was considered a better use of the meaning. Under Section 2, the Department of Wildlife is authorized to issue permits for the conduct of races, regattas, and marine parades. Under the present statute 15 days' notice is required for such events, and it was suggested that this now be extended to 30 days, thus providing more time to arrange the necessary safety services. On page 2, line 35, making it mandatory that no person may operate a motor boat unless a member of the American Power Boat Association or the National Outboard Association, or of some affiliated group therewith, should not now be limited to these specific groups.

Under Section 3, which goes outside the jurisdiction of the Nevada Boat Act, a key function of the Department, Mr. Parsons referred to NRS. 108.670 which relates to liens. There have been a number of occasions where a boat was found abandoned or beached on private property, and it was necessary to remove it. The Department until now has not had a directive on how to inform the public in dealing with such instances. It is now suggested that liens should be invoked for all debts in the moving or storage of a vessel; if found on any property, this lien should be expanded to cover warehousing, storage, wharfage, anchorage or towing of a vessel within the State of Nevada. This suggestion was discussed and had the concurrence of the Attorney General.

Chairman Glaser inquired whether a canoe or a kayak would be termed a vessel and Mr. Parsons replied that they would.

Chairman Glaser said this concluded the hearing on Senate Bill No. 156.

SENATE BILL NO. 403

Chairman Glaser said that this bill increases the penalty for dog fighting from the present penalty of a misdemeanor to a felony level crime, and said that proponents of the bill would be heard first.

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Stewart White, a member of the Board of Directors of the Nevada Humane Society then testified. He wished to thank Senator Sue Wagner for making it possible to have the bills introduced for hearing before the committee.

Mr. White reported that the incidence of dog fighting in the State of Nevada was growing and the bill introduced was to have the penalty from the present misdemeanor increased to a felony level crime. Although dog fighting was illegal in all 50 States, the penalty was still a misdemeanor in most of them, and Mr. White explained that this cruel 'sport' primarily prospered primarily because there was a lack of enforcement. It was now estimated that some 10,000 people are actively engaged in the United States in dog fighting and, unfortunately, as it is a clandestine activity, it is serving as a gathering place for other social evils such as prostitution, trafficking in narcotics, etc. For example, a case was cited where a raid, conducted by the Humane Society, in the State of Arkansas, law enforcement officers caught some 250 spectators, some from as far away as California and Nevada; this raid resulted in the confiscation of 50 hand guns, knives, and significant quantities of cocaine, marijuana and hashhish - in addition to 7 dogs. The handlers and spectators were found to be carrying a total of approximately \$500,000 in cash. However, in view of the low penalties, convictions are of little consequence when compared with the thousands of dollars involved in a single day's activity.

Mr. Martin McGuire, Field Investigator for the Nevada Humane Society then testified and amplified what Mr. White had said. Mr. Martin concurred that enforcement was difficult and many people would not report the incidence of dog fighting because of the calibre of the people engaged in this activity and many feared repercussions. Because of the rural areas it was sometimes very difficult to detect as a lot of undercover work was involved and personnel was limited.

Senator Faiss inquired as to how many cases could be documented.

Mr. McGuire said that within a recent three-month period five cases had been taken to court, but this was just in a limited portion of Northern Nevada and did not cover other parts of the State. Many cases, however were not taken to court because of difficulties of enforcement and with such a low-level penalty the activity was not being taken seriously enough. Mr. McGuire felt that if stiffer penalties were enforced, more people would be willing to come forward and give evidence. Mr. McGuire handed out a report to the Committee on the cruelty of dog fighting. (See Exhibit C).



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Senator Bilbray asked how could a felony be enforced if a misdemeanor could not.

Mr. McGuire reiterated that the Society felt that with stiffer penalties the courts and law enforcement would be more inclined to impose the fines.

Mr. McGuire then explained the cruelty to the dogs involved and how the fighting was conducted. He also told of the amount of undercover work involved and although local officials co-operated they could not release officers for the surveillance over a period of time. Another problem was that in rural areas it was quite difficult to keep the undercover work secret and many times local people who were involved would know of their activities and thus a lot of work would be wasted.

Senator Jacobsen asked if there would be any harrassment to the farmer or ranchers and would they possibly be victims of circumstances.

Mr. McGuire said this would not be the case, as it would not involve dog fighting which involved betting and not merely dogs fighting, which takes place even in the cities. He pointed out that the bill was worded in such a manner that it would apply to dog fighting for profit.

Mr. Donald Molde, recently elected to the Board of Directors of the Humane Society of Southern Nevada in Clark County. This bill was discussed with the Board Chairman and he wanted to place on record that the Board was in full concurrence with Senate Bill No. 403.

The Chairman thanked the proponents of the bill and as there were no opponents to the measure, hearing on Senate Bill No. 403 was concluded.

SENATE BILL NO. 404

Chairman Glaser said that Senate Bill No. 404 requires daily visits to traps which trap animals alive and that the proponents would be heard first and opponents afterwards.

Mr. Stewart White, Nevada Humane Society of Reno said that the bill appears to have aroused a good deal of interest. As it now stands the Statute NRS 503.570 provides that traps need only be visited on a weekly basis, but a realistic approach must be made in the realization that it would create hardship and be almost impossible to implement. However, the Society would be amenable to a 3-day visitation.

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Mr. White said the amendment was considered feasible, and hoped that the State Farm Bureau and the Department of Wildlife, as well as others, would accede to this compromise. He said it was unnecessarily cruel for any animal to be trapped for a period of one week and more frequent visitations would minimize this fact. Moreover, trapped animals were prone to predatory attacks from other animals, particularly when they were weakened by lack of food and water, or by weather conditions.

Senator Jacobsen asked if Mr. White had ever done trapping, and the latter replied he had not.

Mr. Don Molde, speaking on behalf of the Southern Nevada Humane Society supported the amendment of increased visitations as proposed by the Society.

In opposition to the bill, the following testified.

Mr. Chuck White, Executive Vice President of the Nevada Farm Bureau testified that although the 72-hour visitation had a lot of validity, it was doubted whether this could be enforced. He explained that there were a lot of part-time trappers who only serviced traps on week-ends, as well as a lot of students who trapped for supplemental income. The policy of the Farm Bureau would only recommend the 72 hours as a compromise measure, and would prefer no change at all.

Mr. Bill Parsons, of the Department of Wildlife testified that there would be no objection to the amendment of 72 hours as proposed and indicated by Senator Wagner, however, he agreed that it would be a difficult matter to enforce.

Senator Jacobsen inquired whether there had been any complaints about trapping someone's pet animal in an urban area.

Mr. Parsons replied that he could not document any off-hand, but there had been some complaints about traps being set indiscriminately. Also, there were some complaints about traps not being visited frequently enough.

Mr. Parsons explained that monitoring a trap over a period of time was difficult, especially with the staff available, but there had been cases where this had been done.

Senator Jacobsen inquired whether there was any entrapment of protected specie of wildlife.

Mr. Parsons said there had been, but could not give specifics.

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Mr. Matt Benson, representing the Nevada Cattlemen Association then testified. He reiterated there were a lot of part-time trappers and that some 30 to 40 miles a day travel time between traps, in addition to perhaps 60 or 70 miles from where he resides and the cost of gasoline would involve about \$175-\$200 a day, and if that trapper came up empty-handed it was easy to understand that the proposed limit of 72 hours would prove economically impossible. He pointed out that economics would determine visitation to traps and said that conditions were different in other states where a trapper had only to travel a few miles. He said that unless the State could come up with funding there would be no sense in enacting laws that could not be enforced. Senator Faiss asked if to his knowledge Mr. Benson knew of any domestic animals that had been trapped. Mr. Benson replied this was very rare - one of his dogs had been caught, but had been rescued.

Senator Jacobsen asked if the animals being trapped were detrimental to the cattle or sheep business.

Mr. Benson replied that the coyote was the worst offender on the destruction of cattle and sheep. He said that if limitations were imposed on trapping, particularly the coyotes would be difficult to control.

Senator Glaser asked if Mr. Benson had ever found animals in traps that suffered dehydration and Mr. Benson said to his recollection this had only occurred once.

Mr. Tom Ballow, Executive Director of the State Department of Agriculture, said that he had been asked by Mr. Dave Fullstone, Jr. a member of the Predatory Animal and Rodent Control Committee and representative of the State Department of Agriculture, to speak on the latter's behalf. Mr. Ballow said that many of the animals being trapped, such as rodents, coyotes, bobcats, rabbits, squirrels, were destroying important agricultural crops. Furthermore, some of the animals, particularly coyotes and bobcats also attacked many domestic animals and if the visitation requirements were changed it would preclude many people from trapping and the resultant loss in agricultural crops and livestock would greatly increase. He said that enforcement would entail more personnel and funding would have to be provided, and this would probably not be available from either Federal or State sources. The enforcement would be the responsibility of the Fish and Game Wardens.

Mr. Ballow recommended that the bill remain for weekly visitations, but would compromise if necessary with the 72 hours.

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Mr. Mike Casey, a private citizen, said he was a professional trapper and that if the imposition of daily visits were enforced it would prove very expensive. He said that by visitation to traps on a daily or even a 72 hour basis would force many weekend trappers to trap closer to congested areas and this would then create problems for domestic animals and human beings, as the latter were very curious.

Senator Faiss asked how often traps were checked.

Mr. Casey replied that he would check the traps when first set out about every 4 days and judging by the signs could determine if there were sufficient animals in the area, and if not he would have to set them in a different location. He averaged about 300 miles a day and trapped primarily for bobcats which varied from \$150.00 to \$350.00 per pelt.

Senator Bilbray asked if the traps could be readily seen or were they hidden sufficiently from passerbys.

Mr. Casey said that he put them under bushes and out of sight so that they could not be easily seen and by law the traps were marked. He said that he tried to put his traps in hidden areas and 95 per cent were placed in wilderness areas and that he had had many traps destroyed, and some animals had been stolen from his traps.

Mr. Dick Biggs, representing Nevada Wildlife Federation respectfully submitted objection to Senate Bill No. 404 on behalf of the Federation.

Mr. John Swettland, Vice Chairman of the Board of the Nevada Wildlife Commissioners said that for the record, a meeting was held on Assembly Bill No. 219, details of which are recorded in the Commission minutes. This matter was discussed at great length with a cross section of ranchers, farmers, conservationists, and others, and this is how the figure of 84 hours evolved. The only other point Mr. Swettland wishes to make was the recommendation that employees of the Department of Agriculture and the U.S. Fish and Wildlife be exempted from this bill, and suitable language be inserted into the bill accordingly.

Senator Jacobsen asked why should these personnel be exempted when it referred to cruelty to animals.

Mr. Swettland replied that this was not the question in point - it referred to when their personnel were called in on special depredation cases, such as sheep and other livestock. and to avoid any problems they should not be restricted.



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Senator Jacobsen inquired that in such cases would this involve predators per se and Mr. Swettland replied it was.

Senator Jacobsen inquired as to what proof would be required to enforce a case in court, and Mr. Swettland said that in the initial stages it would be difficult due to shortage of staff.

Senator Faiss remarked that it appeared that irrespective of whether the bill was passed or not, it would make very little change in the enforcement of the law.

Mr. Swettland said he could not speak on that point, but Mr. Parsons was the head of the law enforcement section and would be able to explain the ramifications.

Chairman Glaser asked Mr. Parsons to testify and if he would explain how enforcement of 72, 84 hours, or weekly visitations could be conducted with the crew in his department.

Mr. Parsons, of the Department of Wildlife admitted that his department did not have the capability of enforcement of visitation to traps, but only if they could get evidence, or a complaint filed with the District Attorney, otherwise daily visits would be very difficult. The 72-hour visitation would be more easily enforced. Mr. Parsons also stated that one major concern was the entrapment of protected or endangered species and was becoming a growing problem. The species referred to were eagles and other types of birds that are attracted to traps by the bait used.

Mr. Dennis Rechel, a private citizen and a professional trapper, testified that he opposed the bill as it was literally impossible to cover the long distances involved. Mr. Rechel said he travels some 1200 miles a week and twice that would be uneconomical, particularly with increased gasoline prices and the decline in pelt prices for coyotes and bobcats.

Mr. Lawrence Smith, representing Nevada Trappers Association then testified that the rationale behind the Humane Society's introduction of the bill was impracticable and that his association would not support the bill. Mr. Smith said that if it became necessary the 84-hour visitation would be acceptable, but it was preferred that no change be made in the present law.

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Mr. Fred Fullstone, Jr. representing the Nevada Wool Growers said that in order to stay in the sheep business it was mandatory that control of the coyote be maintained. He reported that the sheep industry could not continue in business with the type of losses presently being sustained - he said that last year he had lost 1500 lambs and 400 sheep and this amounted to some 150,000 live lamb and \$40,000 for replacement of breeding stock each year. Within a period of four days he had lost 44 lambs to coyotes and this fact was prevalent with all the sheep farmers and many had been forced to find alternate incomes to stay in business. Mr. Fullstone gave an article on coyotes (See Exhibit D).

Mr. Fullstone also said that coyotes were very destructive killers and did not always kill for food. The discontinued use of 1080, non-poisonous to humans, but deadly to coyotes, and the fact that restrictions had been imposed on pelts being exported to Europe had added to the problem. He also pointed out that the depredation problems greatly decreases the quality of rural life and also caused considerable damage to the range lands, as sheep had to be brought into shelters each night. Mr. Fullstone said that if a statewide program were instituted by giving assistance to trappers and providing the use of helicopters, it would help, however, the use of aircraft was quite expensive - \$150.00 an hour.

Mr. G.L. Morrey of U.S. Fish and Wild Life Service and Predator and Rodent Control program of Nevada said that their members should be exempt from the 72 or 84 hour trap visitation, as they simply do not have either the personnel or the resources - there were only 17 service people with 1 federal employee, in addition to one part time employee who helped about six/seven months in the Eastern part of Nevada to assist in the problem that region was having with lions.

Senator Jacobsen asked if there was any indication of budget cut-backs for the Department and Mr. Morrey said the only budget cut so far had been in the curtailment of travelling.

Senator Jacobsen asked permission of Chairman Glaser to be excused so that he could attend another meeting for a short period of time.

Chairman Glaser explained that although testimony could still be heard, no vote could be taken without a quorum present.

Ms. Claudie Casey, a private citizen, said her only concern was the trapping of birds by leaving food exposed, although she realized it was illegal to do so, she wanted to bring this to the attention of the Committee.

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The Chairman said that as no further witnesses were present to testify this concluded the hearing on Senate Bill No. 404.

SENATE BILL NO. 405

Mr. Chuck White, representing Nevada Farm Bureau, stated that they had no problem with this bill which provides for the seizure, care and disposition of animals being cruelly treated. However, it was suggested that an exemption stating "all commercial agricultural operations" should be included in the bill.

Chairman Glaser commented that there was a case some time ago in Elko where some animals had been neglected and nothing could be done through normal channels and was apprehensive such an exemption might be abused.

Mr. White said he did not understand how nothing could be done and suggested that perhaps the District Attorney, who refused to prosecute, had not implemented the statutes which provided for such cases. He further stated that he did not believe that the Humane Society wanted to hurt the cattle, but the objection was that they can actually come on the property and sometimes under certain circumstances this could be misinterpreted.

Chairman Glaser agreed and said that as indicated, the bill in general referred to domestic animals, such as cats and dogs and pleasure horses, but felt that the District Attorney or someone should be allowed some latitude to handle cases of obvious abuse.

Mr. White said while not disagreeing on this point, he felt that some other section of the law could address this issue.

Mr. Don Molde, speaking for the South Nevada Humane Society affirmed the Society's support for the bill and quoted a case where a judge had sentenced an offender four months in jail for abusing a dog. Following this case a tremendous amount of mail was received commending the judge's sentence and expressing that even a stiffer sentence should have been imposed.

Mr. Matt Benson, speaking for the Nevada Cattlemen's Association testified on some of the apparent cruelties imposed on livestock to an inexperienced rancher, and felt that more harm than good could come out of the bill and objected to its implications.

In reply to Chairman Glaser's suggestion to make the proposed amendment applicable to commercial ranching and farming operations

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under customary practices, Mr. Benson questioned how such an amendment could be enforced. Owners of small parcels of land would consider themselves as ranchers, in addition, the Humane Society personnel had no knowledge of the many facets and requirements of agriculture or ranching and on many occasions this could lead to gross misinterpretation.

Senator Bilbray said that as it was more of an urban problem, perhaps these people should be excluded, but he thought it would be better to cover everyone so that in special cases the law could be applied.

Mr. Benson though it would be very difficult to come up with an amendment, but if one could be found, he would go along with it.

Mr. Tom Ballow, Executive Director of the State Department of Agriculture stated that it was his Department's responsibility to enforce the laws relating to all animals classed as livestock. In cases where animals were taken by a Police Officer, the Department had to be notified within five days and turned over to them. In this respect he did not think the language excluding commercial agriculture would solve the problem, and suggested the exclusion of all animals classified as livestock under the brand laws. In any case the Department was still responsible for these animals, even if an individual owner only owned one animal, and the list includes horses, cows, pigs.

Chairman Glaser asked if that excluded saddle horses within the urban area, as there was concern for mistreatment of these animals.

Mr. Ballow stated that regardless of any amendment, there were other statutes that required turning over horses to the Department of Agriculture. The Department had the responsibility of their care and to return it to the rightful owner, but the bill as it stands now would require the animal to be destroyed. Mr. Ballow stated that animals under their jurisdiction, such as horses and cows, that are strays, there was a requirement to advertise for a period of time after which the Department could sell the animal and this money was put into escrow for one year. If during that time the owner did not claim the proceeds, the money went into the Livestock Inspection Fund.

Mr. Chuck White said that in the definition of a farm the usage of the language under the Green Belt Law would be the best to use.

Chairman Glaser instructed Mr. Bob Erickson to include the State Department requirement regarding their jurisdiction of strays.



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Chairman Glaser said that as there were no further witnesses to testify, this concluded the hearing on Senate Bill No. 405.

SENATE BILL NO. 64

Chairman Glaser said this bill limits transfer of water rights affecting irrigation districts and referred to the suggested amendments.

Senator Virgil M. Getto then went through the suggested amendments and said that what is being done is placing some sub-sections:

Section 1, page 1, line 5, delete where the 'pro' and put back 'the'.

(a) would be "is where" and would be the proposed use or change does not tend to impair the value of existing rights or to be otherwise detrimental to the public welfare.

(b) would be "The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the district's efficiency in its delivery or use of water".

On page 2, delete lines 38 through 41. The new language in sub-section 3 - "The State Engineer shall not approve any applications to change the place of diversion or manner, or manner of use, or place of use."

Senator Jacobsen said that he spoken with Senator Dodge, who had checked with David Small, District Attorney in Carson City and that he was in agreement with the amendment.

Senator Bilbray moved that Senate Bill No. 64 as amended be approved. (See Exhibit E).

Senator Jacobsen seconded the motion.

The motion carried unanimously. (Senator Lamb was absent for the vote).

Bob Erickson asked the Chairman if he could make a short announcement, while both Senator Getto and Assemblyman Dini were present. The Chairman gave his approval. April 15th was selected for a tour of Lake Lahontan and then the committee would proceed to Mason Valley Wild Life area.

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Chairman Glaser said that there were three bills, Senate Bill No. 381, Assembly Concurrent Resolution No. 19 and Assembly Joint Resolution No. 20, all pertaining to the MX Missile System and suggested that as Senator Jacobsen already had one bill on the MX on his desk, that the three bills mentioned should go down on general file, so that they could all be moved up together on general file.

SENATE BILL NO. 381

Senator Bilbray said it had been suggested that a Committee be set up instead of putting it under Government control. He suggested a seven-man committee comprising four Assemblymen and three Senators.

Chairman Glaser suggested that representatives should be from the impacted areas, three from the counties, three from the cities, one schoolboard member, three state representatives, and three from the Department of Defense.

Senator Bilbray suggested putting a Select Committee together would in effect be taking it out of the legislature when it was not in session and giving the matter to a committee who are not known and that it would be better to come up with a committee which would be accountable to the next legislature and would have some input back into the legislature, instead of people who may no longer be there.

Senator Jacobsen said he would have some reservations of such a committee and preferred that the Oversight Committee, which had done a lot of the ground work, representing the school districts and with the county commissioners in the seven counties. They have the knowledge and has been functioning since the beginning of the concept, and are the people who are going to be living with the matter in their respective areas.

Senator Glaser said that he liked the idea of the State MX Impact Mitigation Board, which was different from the Oversight Committee, as this group of people are on the ground and who are going to determine the impact of the MX on the school districts, the counties, the recreation facilities and the cities and counties and they would make a good representation on the matters that were essential.

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After further discussion it was agreed that the State MX Impact Mitigation Board be composed of eleven member representatives of the area impacted - three county, three city, two school districts and three State representatives.

As there was some difficulty in deciding which Departments should be represented, Senator Bilbray suggested that the Governor should decide on this point.

Bob Erickson asked if the amendment should be worded that the city representatives should come from the missile deployment area.

Senator Bilbray thought that the wording should be 'deployment and base areas', as at the moment it was not known which areas would be impacted.

Bob Erickson said that in the previous testimony it was suggested that the funds were approved back in Washington and these should not have to go back through this committee but directly to the State MX Impact Mitigation Board for distribution.

Bob Erickson then referred to the second page, line 31, the words "and shall be distributed upon proper authorization by the State MX Impact Committee" should be changed to "and shall be distributed by authorization of the MX Impact Mitigation Board". He also said that a suggestion had been made to include an exemption from the spending caps and asked if this should be incorporated into the bill.

Chairman Glaser said this could cause a problem because counties are going to be under a spending revenue cap and can only collect and spend a certain amount of money, so when they receive the impacted money they would not be able to spend it.

Senator Bilbray suggested that this exemption be included and then send it to the Finance Committee.

Chairman Glaser thought that the Taxation Committee would be the ones to handle this and Bob Erickson was instructed to put the exemption clause in and this would be passed to Taxation Committee. Meantime, together with Bob Erickson, he would be in contact with Will Crockett along the lines discussed and then bring the amendments back to Committee for a final approval.

SENATE BILL NO. 241

Bob Erickson explained that this bill was discussed previously and

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that Mr. Russ McDonald had meantime worked on the amendments which had been received, but time had not permitted to peruse the changes.

Senator Bilbray moved that Senate Bill No. 241 be held over to a later date so that further study could be made of the proposed amendments.

Senator Faiss seconded the motion.

The motion was carried unanimously. (Senator Lamb was absent for the vote).

ASSEMBLY CONCURRENT RESOLUTION NO. 19

Chairman Glaser said that this was one of the MX bills that would be sent down to general file, but would be held until the two other bills dealing with the MX System were ready to go down to general file, viz. Senate Bill No. 381, and Assembly Joint Resolution No. 20.

Senator Bilbray moved that Assembly Concurrent Resolution No. 19 be approved. (See Exhibit F).

Senator Faiss seconded the motion.

The motion carried unanimously. (Senator Lamb was absent for the vote).

ASSEMBLY JOINT RESOLUTION NO. 20

Chairman Glaser said that this bill refers to the beneficial use of water declared for public use, on eminent domain.

Senator Bilbray moved that Assembly Joint Resolution No. 20 be approved. (See Exhibit G)

Senator Faiss seconded the motion.

The motion carried unanimously. (Senator Lamb was absent for the vote).



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ASSEMBLY BILL NO. 156

Chairman Glaser said this bill referred to certain changes in the Nevada Boat Act, and there appeared to be no opposition from the public.

Senator Bilbray moved that Assembly Bill No. 156 be approved. (See Exhibit H)

Senator Faiss seconded the motion.

The motion carried unanimously. (Senator Lamb was absent for the vote).

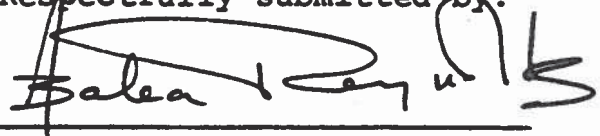
SENATE BILL NO. 403

Senator Bilbray said this bill which increases the penalty to a felony charge for dog fighting appeared to pose some reservations.

Chairman Glaser said that discussion on Senate Bill No. 403, Senate Bill No. 404 and Senate Bill No. 405 should be put forward to another day.

There being no further business, the meeting adjourned at 4:45 p.m.

Respectfully submitted by:



Azalea Reynolds, Secretary

APPROVED BY:



Senator Norman D. Glaser, Chairman

DATE: April 8, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Natural Resources, Room 323.

Day Wednesday, Date March 25, Time 1:30 P. M.

A. B. No. 156--Makes certain changes in the Nevada Boat Act.

S. B. No. 403--Increases penalty for dog fighting.

S. B. No. 404--Requires daily visits to traps which trap animals alive.

S. B. No. 405--Provides for seizure, care and disposition of animals being cruelly treated.

FURTHER CONSIDERATION AND/OR ACTION

S. B. 381--Directs governor to contract with Federal Government for money to ameliorate financial effects of "MX" missile project. Discussion of amendments needed.

A. C. R. No. 19--Directs state engineer to impose certain conditions upon permits for appropriation of water for uses related to "MX" missile system.

A. J. R. No. 20--Requests Congress to recognize necessity of applying for water rights pursuant to state law for "MX" missile project.

FINAL ACTION

S. B. No. 241--Provides for temporary water permits for construction purposes, grants additional powers to political subdivisions and municipal corporations. Amendments.

S.B. No. 64--Limits transfer of water rights affecting irrigation districts. Amendments.





OF THE UNITED STATES  
**THE Humane Society**  
CLOSE-UP REPORT

EXHIB  
C



## Major Dogfight Raided

**250 People  
Caught at Secret Site**

In mid-December, moments before an illegal dogfight was about to start, agents from The HSUS, the International Society for the Protection of Animals (ISPA), the Organized Crime Task Force operating in Arkansas and Tennessee, the county Prosecuting Attorney's Office, the Arkansas State Police, and the U.S. Department of Agriculture swooped in on a rural barn in Arkansas and halted the evening's "entertainment." The HSUS developed the leads and organized and participated in the raid.

Two hundred and fifty people were gathered to watch several fights where pit bull terriers were expected to tear each other limb from limb. The people and dogs had come together for the sole purpose of gambling on the fighting skill of the dogs.

Men, women, and even children are known to attend dogfights where 50 to 300 people may gather for an evening's *sport*. A dogfighting subculture exists which supports several underground magazines, breeders, fighters, handlers, gamblers, and equipment dealers. Every year, millions of dollars are waged at secret dogfighting sites all over the country. The fighting dogs are injured, suffer, and frequently die because the dogfighting subculture has absolutely no concern for the animals they are exploiting.

Illegal in all 50 states and by federal law, dogfighting is one of the most deplorable, desensitizing pastimes ever contrived. The dogs are pitted against one another in a senseless combat where the weapons are their teeth and jaws. They rip flesh, break bones, and tear the skin off each other for the sadistic pleasure of owners, spectators, and bettors.



## What a Dogfight is Like

Before the fight, the dogs are usually washed to eliminate any poisonous substances which may have been put on their bodies by owners. The dogs are then brought into the pit in such a way as to prevent them from seeing each other. At the command of the referee "Face your dogs," the handlers turn the animals around so they can see each other. Then the referee yells, "Let go."

The dogs rush at each other in an attempt to get a bite hold on one another. Some dogs will go for the nose, throat, or ears. Others will go for legs and stomachs. Some are conditioned to do this by being "blooded" on small animals such as kittens and rabbits.

The dogs rip and tear at each other. Blood spatters on the walls of the pit and the trousers of the referee. Hardly a sound is heard. The dogs rarely growl or bark. They are intent on chewing up their opponent. Once in a while you can hear the sound of breaking bones.

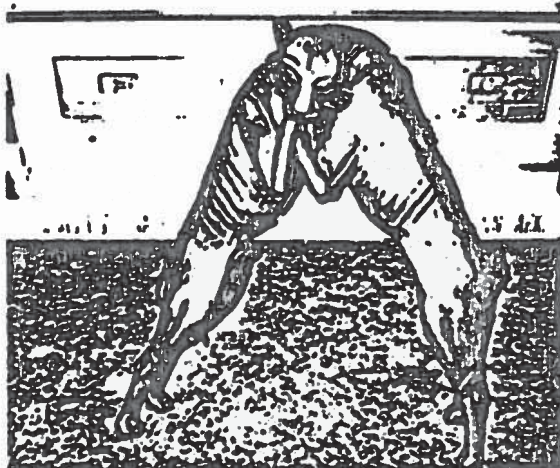
A slimy mixture of blood, urine, and saliva soon covers the floor of the pit. Once in a while, the dogs are parted with a "parting stick," taken back to their corners and wiped down. Then, the fight begins again.

Meanwhile, the spectators are yelling and screaming for their favorites. "I'll take one hundred on the red one," a spectator yells. Then, from across the pit you might hear the reply, "You're on." Fifties and hundreds are the common denominations in ringside betting.

One dog may tire. The referee will then part the dogs and allow the handlers a short period to revive the animal. Then it begins again. The bloody bout goes on until one of the dogs no longer shows aggressive behavior by crossing the imaginary "scratch line" on the floor in the pit.

Obviously, there can and will be disagreements about which one is the winning dog. Nearly every issue of the dogfighting magazines has letters from winners and loser defending or opposing the decisions of referees.

Few people outside the circle of dogfighters can tell you how long a dog may be able to fight. However, one well-known breeder who advertises in all the magazines lists the fighting history of the dogs he has sold. According to the ads, few dogs ever engage in more than six convention fights in their entire life.



This bronzed plaster of paris statue was to be given to the best fighting dog at the convention.  
—HSUS

## Dogfight Prevented

*Marked Tree, Arkansas* — Dogs were scheduled to fight. A grotesque statue depicting two fighting dogs in a biting embrace awaited the convention's winning dog. A large crowd was gathered in a back country barn complete with bleachers and a carpeted fighting pit.

The pit bull terriers were prepared like gladiators awaiting the start of the fights. Ever alert to the possibility of a police raid, the fighters monitored police calls with a radio scanner. A loudspeaker

broadcast the calls for all to hear. The spectators had been waiting more than four hours.

Everyone was jittery. One of the dog handlers remarked that the police were using strange codes in their broadcasts. Suddenly, a fight organizer stepped into the dimly lit fighting pit and announced "We understand there are people here who shouldn't be here. Look around. Point out people you don't know."

When she was questioned, The HSUS undercover agent was prepared and successfully avoided detection.

Like everyone else in the barn, our agent had paid her \$35 to enter the illegal arena. More than \$7,000 had been collected at the gate that night.

The crowd represented people from all walks of life — young and old, blue collar, and white collar. The Raid

Organized by HSUS Chief Investigator Frantz Dantzler and ISPA Investigator John Walsh, the raiders "hit" the barn before any blood was spilled.

The tip-off, like others in the past, had developed from a slip of the tongue by a dogfighter in a roadside bar. An informant let HSUS know the date and the locality. Then, we went to work.

Our first step was to notify the U.S. Department of Agriculture. The USDA is the agency charged with the enforcement of the Federal Animal Welfare Act. Unfortunately, at this point the USDA demonstrated little interest. Therefore, we went to the prosecuting attorney in the area and sought his assistance.

The FBI was notified in the beginning and assisted in the investigation. Later, the FBI withdrew because they did not have a cooperative agreement with the USDA. The investigation by HSUS and local authorities continued.

A policeman, posing as a rabbit hunter, walked the backroads near the Marked Tree area and pinpointed suspected sites. Another agent checked the various motels in the area and soon discovered pickup trucks carrying dog cages parked at one. It was soon determined that this motel was the central gathering place of the conspirators.

Traditionally, only a few people are let in on the exact location of a dogfight. Those people then lead a convoy of cars to the site. CB radios and spotter cars are used to determine if the convoys are being followed. The pit bull terriers are always taken from the trucks and kept in the motel rooms with their owners and handlers. At an appointed time, everyone is quickly assembled and led to the site in groups of convoys leaving the motel at staggered times.

Agents kept watch on the motel while a contingent of Arkansas State Police was kept on alert. While the agents observed the motel, dogs and handlers were seen leaving the rooms at different times to give the dogs exercise.

Dogfighters usually sign contracts for the fights well in advance of the date. The contracts list the weight of the dogs. When the fight takes place, the weight must be exactly what the contract states. So, the handlers have to run some of the dogs prior to a fight in order to take off excess weight that may have developed during the trip to the site.

The state police managed to make video tapes of the dogfighters running their dogs around the motel. Meanwhile, the prosecuting attorney's office was using a light plane to try and spot large gatherings of cars in some of the places pinpointed by the "rabbit hunter" agent.

Using about 60 vehicles, the law enforcement authorities and HSUS agents surrounded the secret site. Inside the raiders found "professional-looking" bleachers and a 20 x 20 fighting pit.

The raid was made possible by a search warrant obtained by David Burnett, the Prosecuting Attorney for the Second Judicial District in Osceola, Arkansas. The entire raid was conducted as a function of the Organized Crime Task Force operating out of Memphis, Tennessee.

After securing the grounds and entering the barn, the state police required all the people to put their hands over their heads. Then, an officer asked the people to hand over any weapons they were carrying. Approximately 50 handguns, an unknown number of knives, and quantities of cocaine, marijuana, and hashish were confiscated. In addition, seven dogs were seized.

Lt. John Talley, a member of the Organized Crime



Two of the seized dogs mysteriously disappeared from a truck parked at the local sheriff's office while the arrested persons were being booked.

—HSUS

Task Force said, "I've participated in a lot of drug raids...but I've never seen as much illegal drugs as we found at that barn. When we busted in and everybody put their hands up, the sound of pistols dropping to the floor was like rain falling on a tin roof."

One by one, the people were questioned. Many were released because it was determined that they were spectators and not actual handlers or owners of dogs. Under Arkansas law, the spectators could not be arrested. Among the spectators were people from Texas, Oklahoma, Tennessee, Arkansas, Virginia, California, Mississippi, Kentucky and Nevada.

According to news sources, the spectators and handlers were found to be carrying about \$300,000 in cash. One source reported that up to \$40,000 may have been bet on one of the fights. According to Sgt. Fred Odom of the Arkansas State Police, "There were some very wealthy people among those arrested."

Eventually, 20 people were arrested on charges of gambling, owning gambling devices (the dogs), possession of controlled substances (drugs), and concealed weapons.

A rule book and contracts for the dogfights were confiscated at the barn. Our agents explained that the fights are run similar to a boxing match: complete with contracts and rules. The dogs are released from opposite corners in the pit by their handlers. A dog that appears unwilling to fight and fails to cross a "scratch line" on the floor is returned to his corner. The handlers have 25 seconds to get the dog ready to fight again. If the dog is still unwilling to fight, it loses the match.

The dogs usually fight until one of them becomes too tired or injured to continue. It's not unusual for a fight to continue for two hours or more.

Owners of losing dogs frequently sell and sometimes shoot their animals at the end of a fight. Apparently their egos cannot stand the strain of losing.

#### The Law is Not Enforced

According to HSUS Chief Investigator Frantz Dantzler, "In the more than three years that the USDA has had the responsibility for enforcing the Animal Welfare Act, there has not been a single fed-



eral prosecution for animal fighting."

Unfortunately, for law enforcement purposes no one was caught actually fighting dogs in this raid. The dogs were fortunate this time.

The State of Arkansas is putting at least five people on trial in early 1980 on charges ranging from the possession of marijuana to possessing dogs as gambling devices. In addition, the person who owned the property where the fight was to take place will be going on trial in March for "keeping a gaming house."

The U.S. Government has filed a civil suit to gain permanent custody of the dogs so that they cannot be returned to their owners who would probably use them for fighting purposes.

As this report went to press, U.S. Government attorneys were not at liberty to tell The HSUS if they are conducting further investigations or if any other persons will be charged as a result of the raid.

Dantzler pointed out one of the problems in enforcement. "Too many people," he said, "think that dogfighting is a once-in-a-while thing. They treat it as though it were a minor offense like getting a parking ticket. The fact is dogfighting is a big business in this country. It's going on all the time. Main-

ly, the fights are staged in the south and southwest. But, encouraged by lax law enforcement, it's spreading."

"Another real problem," said Dantzler, "is the seeming unwillingness and apathy of agents to track down and arrest the criminals. In one issue of one of the underground dogfighting magazines, you can get enough names and addresses to keep you busy investigating people for a year."

Many states treat dogfighting as a misdemeanor. The penalties are small. "What they don't think about," Dantzler said, "is the huge amounts of money that are wagered at dogfights, the drugs, the weapons, and the fact that organized crime will move in on dogfighting once they see the possibilities for profits."

Murder has also crept into the circles of dogfighters. Several years ago, two dogfighters were murdered near Dallas in an apparent dispute over the ownership of a dog.

"This is a violent, brutal, inhumane activity that breeds more violence," Dantzler said. "The state and federal authorities have got to take it seriously before it gets totally out of control."

## USDA Fails to Enforce The Animal Welfare Act

Since 1976 when the animal fighting provisions (Section 26) of the Animal Welfare Act were passed, until the closing months of 1979, the HSUS has been unable to detect any serious undertaking by the U.S. Department of Agriculture to enforce it. This visible unwillingness in the past can be directly traced to a distressing lack of commitment of this federal agency to enforce the Animal Welfare Act.

It has been only recently, after HSUS staff held a series of meetings with USDA officials, that we have begun to feel USDA is considering taking its responsibility toward Section 26 seriously. There are signs that the attitude of the agency is improving, and that this will be translated into positive action. Nevertheless at publication time, we still cannot say that the USDA has taken any aggressive action, nor is there any guarantee that this will occur in the near future. The HSUS will continue to work with USDA and exert a maximum amount of pressure on the agency to foster a more vigorous policy that should result in an adequate enforcement effort. Although USDA agents were present at Marked Tree, and a follow-up investigation has been mounted, the success of that operation can only be credited to the groups mentioned earlier in this report.

This past failure by the USDA to fulfill the congressional mandate to take action against the cruel and barbaric practice of animal fighting can be attributed to the following factors:

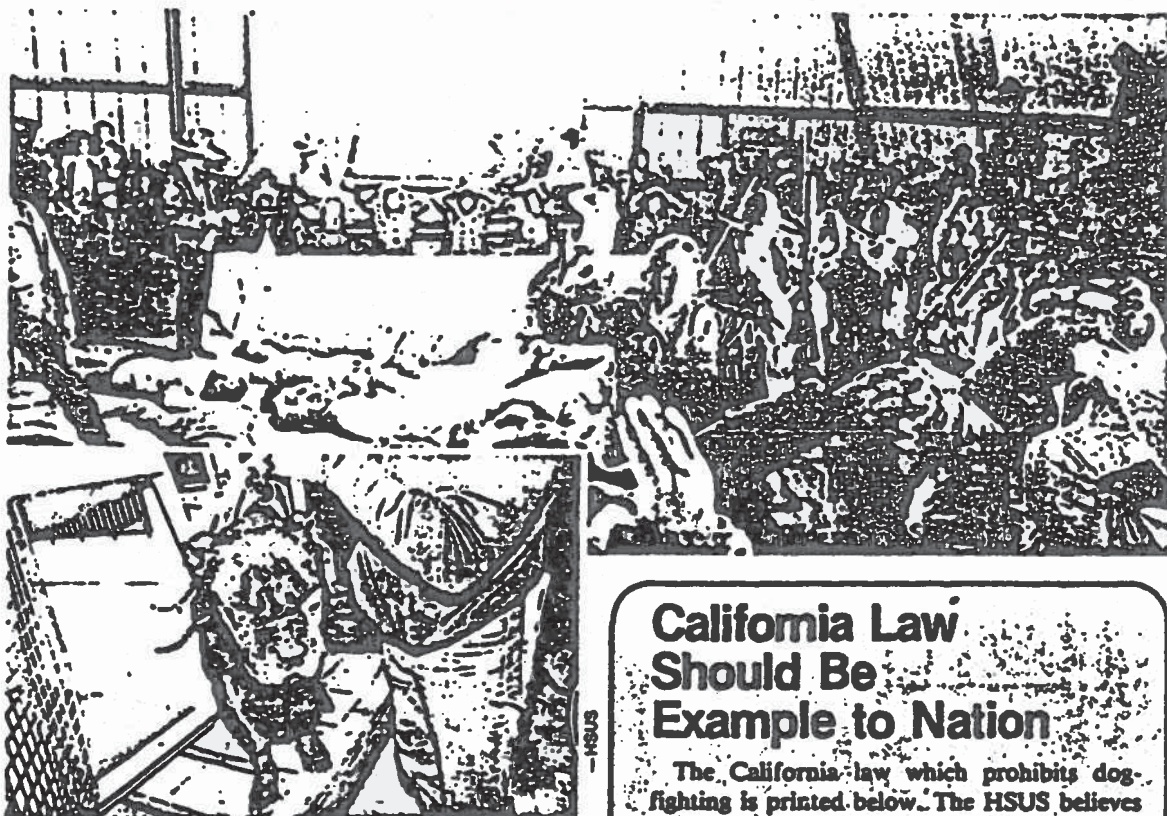
**Money** — The U.S. Congress has never appropriated any funds for enforcement of the animal fighting

provisions. The fault lies more with USDA than Congress since the Department has never included within its detailed budget plans that are submitted to Congress any funding request specifically for this purpose. This continuing failure only increases our belief that the entrenched bureaucrats within USDA have no serious intention of enforcing Section 26.

**Manpower** — As a result of funding limitations and the freeze on federal hiring, there are not sufficient agents to enforce all of the provisions of the Animal Welfare Act. There is also a critical lack of agents within USDA who possess criminal investigative qualifications and therefore are capable of doing a thorough job of tracking down and gathering evidence on dogfighting rings.

**Inter-agency cooperation** — Congress, in passing the animal fighting provisions, was aware that USDA might face problems and wisely provided for the use of other federal law enforcement agencies such as the FBI and the Department of Justice. Also, criminal prosecutions of dogfighting must be conducted by individual U.S. Attorneys under the Department of Justice. This potential for sharing investigative and prosecutorial responsibility should be established in practice by USDA. Yet, the USDA has not established the necessary inter-agency cooperative agreements with the other relevant federal agencies. This pitiful record is a clear indictment of the failure of USDA to meet its responsibility to enforce the animal fighting section of the Animal Welfare Act.

Approximately 40 federal and state law enforcement officials joined The HSUS in the raid. Two hundred and fifty people were caught at the dogfight site. Twenty were arrested on charges ranging from drug possession to possessing dogs as gambling devices.



An HSUS agent holds one of the seized pit bull terriers. All of the dogs were taken to a veterinarian's shelter. They are in the temporary custody of the U.S. Department of Agriculture.

## The Animal Welfare Act (Animal Fighting Section)

Section 26. (a) It shall be unlawful for any person to knowingly sponsor or exhibit an animal in any animal fighting venture to which any animal was moved in interstate or foreign commerce.

(b) It shall be unlawful for any person to knowingly sell, buy, transport, or deliver to another person or receive from another person for purposes of transportation, in interstate or foreign commerce, any dog or other animal for purposes of having the dog or other animal participate in an animal fighting venture.

(c) It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any interstate instrumentality for purposes of promoting or in any other manner furthering an animal fighting venture except as performed outside the limits of the United States.

## California Law Should Be Example to Nation

The California law which prohibits dogfighting is printed below. The HSUS believes that this law is one of the nation's best. It makes dogfighting a felony and makes it a misdemeanor to be a spectator at a dogfight. After reading the law, you may want to compare it with your state's law.

If you think your state's law should be modeled after California's, send a copy to your legislator, governor, or attorney general.

§ 597.5 [Fighting dogs.] (a) Any person who does any of the following is guilty of a crime and is punishable by imprisonment in a state prison not to exceed one year and one day, or by imprisonment in a county jail not to exceed one year, or by a fine not to exceed fifty thousand dollars (\$50,000), or by both such fine and imprisonment:

(1) Owns, possesses, keeps, or trains any dog, with the intent that such dog shall be engaged in an exhibition of fighting with another dog.

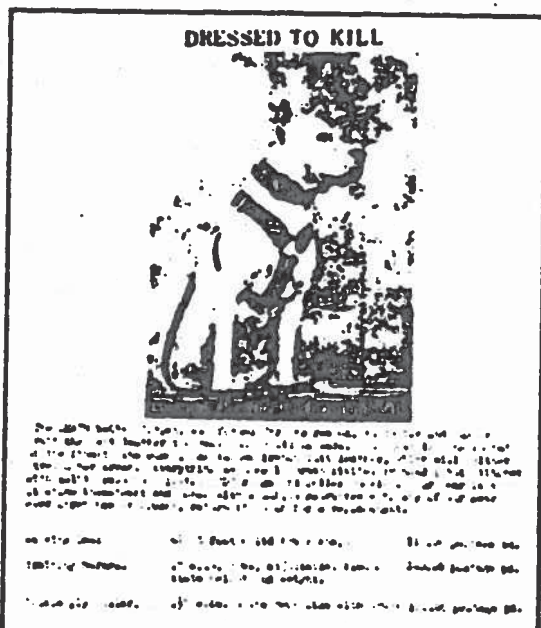
(2) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other.

(3) Permits any act in violation of paragraph (1) or (2) to be done on any premises under his charge or control, or aids or abets any such act.

(b) Any person who is knowingly present, as a spectator, at any place, building, or tenement where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in paragraph (2) of subdivision (a), with the intent to be present at such exhibition, fighting, or injuring, is guilty of a misdemeanor.



This is an ad for dogfighting paraphernalia from one of the dogfighting magazines.



## What You Can Do To Stop The Spread of Dogfighting

● Listen to gossip, rumor, and local talk. If you suspect that dogfighting is taking place in your area, contact The HSUS. Please be cautious — weapons, drugs, and violence are part and parcel of the dog-

fighting subculture.

● If a dogfight arrest takes place in your area, send a clipping to your State Legislator, Governor, or Attorney General. Ask them to strengthen your state laws and support active law enforcement.

● If you see TV shows, movies, or read magazine articles that glamorize dogfighting, write the media people and tell them how inhumane dogfighting is. Tell them to stop promoting the illegal, bloody so-called sport. Ask them to take a position against such activities.

● Give copies of this report to your friends. Write to HSUS requesting copies.

● Support HSUS efforts to end dogfighting by sending a contribution today. Use the postage paid envelope accompanying this report to make your tax-deductible gift.

## GEO Magazine Helps HSUS Fight Dogfighting

In a recent issue of the prestigious magazine, *GEO*, an article entitled "The Savage Pit," exposed the dogfighting subculture for the barbaric group they are. Prompted by Roger Caras, contributing editor for *GEO* and well-known correspondent for ABC television, *GEO* contacted HSUS for assistance in developing the article and established a fund, asking its readers to contribute to HSUS efforts to end dogfighting. *GEO* launched the fund with a contribution of \$1,500.

HSUS recommends the *GEO* article (Nov. 1979) to all members. It is a detailed view, from the inside of the gore within the dogfighting sport.

## Support HSUS Efforts to End Dogfighting

If you believe as we do that this barbaric sport should be stopped now, show your support through your contribution to The HSUS. At the present time The HSUS and some other humane organizations are the only ones really doing anything about investigating dogfighting. The law enforcement authorities have yet to be convinced that the problem requires their special attention. We must establish through our investigations, that the scope of dogfighting is pervasive throughout the nation.

Your support is essential if The HSUS is to demonstrate, through investigations, that this vile pastime requires stiffer penalties and zealous law enforcement on the part of state and federal authorities.

Use the postage paid envelope to send your tax-deductible contribution to The HSUS today. Remember, just saying you like animals is not enough!



How can anyone take a dog like this and train it to kill its own kind?

—HSUS



2100 L Street, N.W., Washington, D.C. 20037  
(202) 452-1100

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# Crackdown on Dogfighting

by Julie Rovner

A new Ohio law and a large scale investigation which involved state and local law enforcement authorities and The HSUS has resulted in a major crackdown on the brutal "sport" of dogfighting in that state. Thirty-nine confiscated animals are currently in custody and forty indictments have been handed down against twenty people on charges ranging from promoting dogfighting to participating in or watching dogfights.

The new law, which was signed last June, makes it a felony not only to fight dogs or to promote dogfights, but also to be a spectator at a fight, to own or train a fighting dog, or to accept money for admission to a dogfight. The maximum penalty under the new law is five years in jail and a \$2,500 fine.

Ohio's law is one of the best in the nation, according to Frantz Dantzler, HSUS director of field service and investigations. Dantzler, who has spent the past several years trying to end this bloody sport, testified in favor of the bill at a hearing last spring.

The investigation was initiated shortly after the new law took effect and was a joint venture by the Columbus Police department Organized Crime Unit, the state Department of Agriculture, the state Division of Crime Prevention, and HSUS.

Working over a period of months, an undercover investigator managed to penetrate the secretive dogfighting fraternity in the state. According to Dantzler, at first the investigator was invited only to "puppy rolls," so-called training sessions to find out how "game" or aggressive, young dogs are.

Later, after gaining the trust of suspicious dogfighters, the investigator was invited to major dogfights. It was testimony about these fights which resulted in indictments



An injured fighting dog found restrained with a logging chain on the property of a suspected dogfighter.



A treadmill used for training dogs.

being handed down in five separate counties.

Dantzler said the round-up was a major success. "This was a series of small raids which together should effectively end dogfighting in the state of Ohio—at least for a period of time."

It was clear the dogfighters did not take this affront on their recreational activity lightly. Shortly after several raids were made, someone broke into the Capital Area Humane Society in Columbus, where the confiscated dogs were being kept in anticipation of their being used as evidence in upcoming trials. The burglars took two pit bull terriers which had been purchased by the investigator as part of his cover. The two dogs were later recovered unharmed, and all are now being kept under guard in an undisclosed location for their protection. Three other

dogs, stolen from the Hamilton County SPCA, have not yet been recovered, and officials are not optimistic about finding them.

The first of the cases was scheduled to come to trial in December. Great Lakes Regional Director Sandy Rowland estimates it could be months before all the cases are resolved. In recognition of the seriousness of the crime of dogfighting, it was decided that those charged under the dogfighting law would not be eligible for the state's diversionary program. The program permits first-time offenders who commit nonviolent crimes to have their cases handled without having a court record made. If the offender lives up to the conditions of his or her probation, no permanent criminal record will be maintained.

However, the nine-member commission charged with deciding who will be eligible for the program found that while dogfighting is legally a nonviolent crime, those who engage in it show a "perversity of character, and the person should be prosecuted to the fullest extent of the law."

The fate of the 39 dogs, all of whom are American Pit Bull Terriers, the "breed of choice" for dogfighting, remains uncertain. It will be up to the courts to decide whether the animals will be returned to their owners, euthanized, or rehabilitated and placed in new homes.

In addition to the dogs, many of whom bear scars of previous fights, other evidence expected to be used against the indicted dogfighters includes confiscated treadmills (to exercise the dogs), scales (for weighing before fights), parting sticks (to separate fighting dogs), large stocks of antibiotics and other drugs (to treat dogs after a fight), and even three wooden fighting rings, all stained with the blood of dogs who had fought there.

Dantzler said he was pleased the new law produced results so quickly. He feels the best tools to end dogfighting are "good effective state laws which are enforced."

While dogfighting is a felony in several states, including New York, Massachusetts, Michigan, and California, enforcement varies. Dogfighting may persist because the persons involved have little to fear in the way of capture or prosecution.

In some states, dogfighting is not even explicitly outlawed, although it is considered to be illegal under state anti-cruelty statutes. However, the lack of specificity and weak penalties make prosecution quite difficult.

In 1976, the federal Animal Welfare Act was amended to specifically prohibit dogfighting. However, the departments of Agriculture and Justice have consistently failed to enforce, or even set up a mechanism to enforce those provisions of the act. Last August, The HSUS sued the two departments in an effort to make them enforce the law.

The suit charges that dogfighting is one of the "most overtly barbaric phenomena in American society today," and that the departments of Agriculture and Justice are "flatly incapable of responding with any meaningful enforcement measures in the field even when supplied with reliable advance information. As a

result, dogfighting activity in general has continued to prosper and numerous specific dogfighting events have occurred and continue to occur which defendants could have directly interdicted or deterred."

The suit is still in the pre-trial stage. In the meantime, according to Dantzler, the lead in bringing this horrible practice to an end must be assumed by the states. "A number of states are watching Ohio with great interest," he said. What is needed is not only strong laws, but people interested in making those laws work. In Ohio, both elements seem to be present.

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Photo 1. In our tests, any sheep which ran from coyotes usually were pursued and attacked. Coyotes generally select lambs over ewes if they have a choice.



Photo 2. Our coyotes usually attacked by running alongside fleeing sheep and biting them behind and below the ear. Then they braced their feet to stop the sheep from running. In this picture two 2-year-old coyotes are attacking a 90 lb. ewe.

## Cover story

EXHIBIT D

# How Coyotes Kill Sheep

By Robert M. Timm and  
Guy E. Connolly

COYOTE PREDATION is a serious problem for many sheep ranchers in North America, but the act of predation is seldom witnessed under range conditions. Therefore, the sheep-killing behavior of wild coyotes has received little study. In experiments with captive animals, we

obtained photographs which illustrate what we believe to be the usual mode of coyote attack on sheep. The resulting wounds are characteristic of coyote predation, even though dogs or other predators may sometimes inflict similar wounds.



Photo 3. The throat attack pattern of coyotes leaves characteristic lesions which may or may not be externally visible. This coyote-killed ewe showed few external wounds, but sub-cutaneous examination revealed extensive tissue damage and hemorrhaging in the larynx region. Tooth punctures can often be found in the overlying skin.

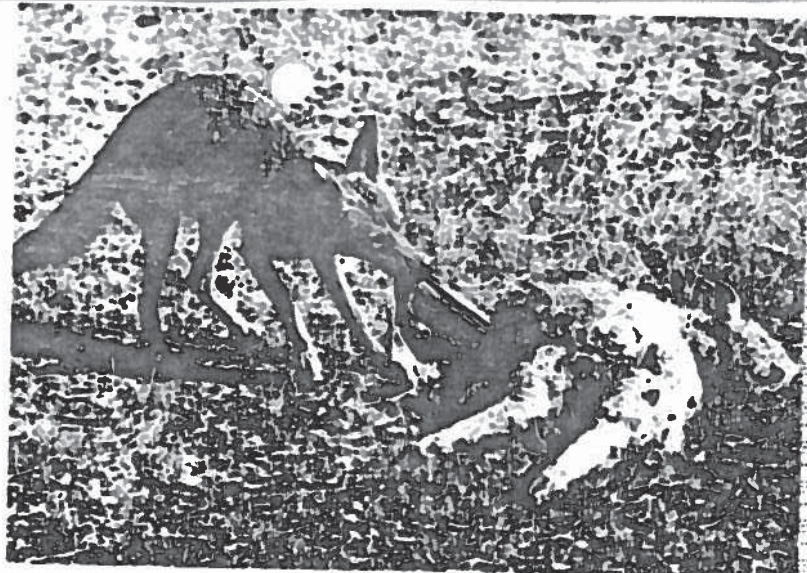
The 12 coyotes used in this study were all captured as pups or young in captivity. At the time of these photographs the animals were 2 years old and four were trailings, most had previous hunting or prey-killing experience. Nevertheless, two of these coyotes killed and fed upon lambs at the first opportunity. Three more coyotes, which did not attack sheep

Robert M. Timm is currently Extension wildlife specialist, University of Nebraska, Lincoln; and Guy E. Connolly is wildlife research biologist, U.S. Fish and Wildlife Service, Wildlife Research Station, Twin Falls, Idaho. The research was done when both authors were at the University of California, Davis. The report is a contribution of Western Regional Research Project W-123, "Evaluating Management of Predators in Relation to Domestic Animals". The work was supported in part by the USDA, Agricultural Research Service, Western Regional Laboratory. The authors thank D. A. Wade, W. E. Howard, W. M. Longhurst, R. Teranishi, and E. Murphy for advice and support; A. H. Murphy, D. T. Torell, and A. Hulbert for sheep; M. Vann and C. Berry for coyote pups; J. Fammatre for assistance; and M. Beaucage for photograph number 4. Reprinted from RANGEMAN'S JOURNAL, August 1977, by permission of the Society of Range Management.





**Photo 3.** As soon as the coyotes arrested the flight of the sheep, they shifted their bite toward the sheep's throat. Once a firm grip was secured in the larynx region, the coyote simply held on and waited for the sheep to succumb. This manner of attack appeared to cause death primarily by suffocation, although blood loss and severe tissue damage also occurred. The time from onset of attack to death of the sheep or beginning of feeding, which ever occurred first, averaged 13 minutes. In 24 of the 25 fatal attacks, the neck and throat region was the main point of attack.



**Photo 4.** As soon as the sheep stopped struggling, the coyote(s) began feeding. On 9 of 21 kills where feeding was observed, the coyotes entered the body cavity and ate intestines and other viscera. They also fed upon the rump or hind leg (10 cases), the neck (7), front leg and shoulder (7), head (6), and other sites. On the average, each coyote fed for 25 minutes and ate about 4 pounds. Coyotes fed just before tests killed sheep but did not feed on them.

at first, did so in later tests. Of the 11 coyotes which were tested singly against individual 30 to 70-lb. lambs, eight killed the lambs.

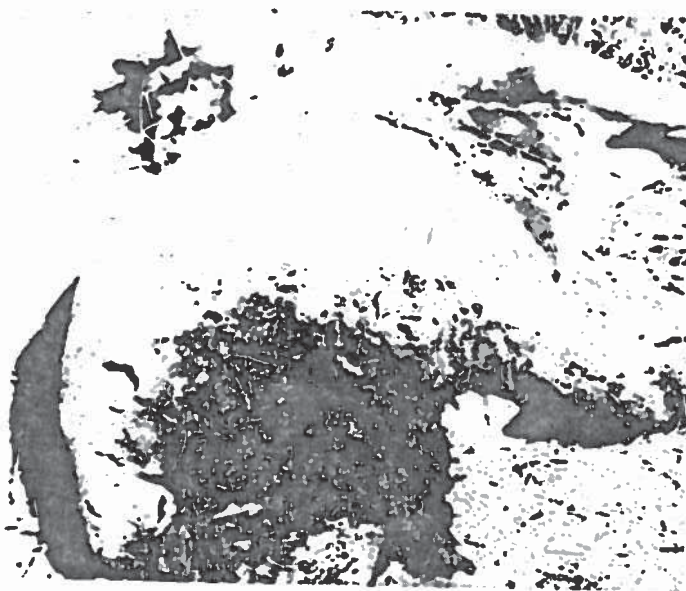
In our tests, one to four coyotes were released into a 0.4-acre pen with 1 to 6 sheep, usually for 2 to 5 hours. The coyotes killed one or more sheep in 22 of the 46 tests. For the tests in which a fatal attack occurred, the time from release of coyotes to onset of attack varied from 1 to 154 minutes, with an average of 47 minutes. Of the coyotes tested individually with single lambs, the dominant animals (2-year-old males and the females paired with them) attacked most frequently. Yearling males attacked less frequently, and the two unpaired females did not attack sheep.

While we cannot be sure that wild coyotes will sheep in exactly the manner we observed with captive animals, the wounds resulting from our tests resembled those reported by many workers who studied coyote predation under range conditions. Therefore, we believe that the killing patterns we saw are generally representative of coyote predation on sheep.

On ranges where mountain lion, black bear, and bobcat predation is improbable, tissue damage, tooth marks, and hemorrhage in the larynx

region on sheep carcasses is commonly indicative of coyote predation. However, coyotes sometimes attack the hindquarters of sheep. Dog-inflicted wounds seem to be more variable than those caused by coyotes. It is reported that dogs tend to attack the hindquarters, flanks, head, and/or abdomen of

the sheep and seldom kill as cleanly as do coyotes. Wounds caused by dogs can usually be recognized as such, but at times they are indistinguishable from those made by coyotes. In such cases, tracks and other evidence at the scene often indicate which species of predator caused the damage.



**Photo 6.** A coyote consumed about 5 pounds from the rump of this 70 lb. lamb without killing it. We have seen range sheep with similar wounds. Of 25 coyote kills we observed, this was the only case in which the attack was not directed primarily to the neck and throat area of the sheep. Extensive feeding on the rump and hind leg, as shown here, also occurred on about half of the sheep killed with the customary throat hold.



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 64

EXHIBIT E

SENATE BILL NO. 64—SENATOR GETTO

JANUARY 22, 1981

Referred to Committee on Natural Resources

SUMMARY—Limits transfer of water rights affecting irrigation districts. (BDR 48-3)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to waters; limiting the transfer of certain water rights; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 533.370 is hereby amended to read as follows:  
2 533.370 1. Except as provided in [subsections 2 and 6,] *section 2*  
3 *of this act*, the state engineer shall approve all applications made in proper  
4 form where all fees, as provided in this chapter, have been paid which  
5 contemplate the application of water to beneficial use, and where [the] :  
6 (a) *The proposed use or change does not tend to impair the value of*  
7 *existing rights, or to be otherwise detrimental to the public welfare [.] ;*  
8 *and*  
9 (b) *The proposed use or change, if within an irrigation district, does*  
10 *not adversely affect the cost of water for other holders of water rights in*  
11 *the district or lessen the district's efficiency in its delivery or use of water.*  
12 2. [Based upon the public interest and the economic welfare of the  
13 State of Nevada, the state engineer may in his discretion approve or dis-  
14 approve any application of water to beneficial use or any application  
15 which contemplates a change in the place or beneficial use of water to a  
16 use involving the industrial purpose of generating energy to be exported  
17 out of this state.  
18 3.] The state engineer shall either approve or reject each application  
19 within 1 year from the final date for filing protest; but:  
20 (a) Action can be postponed by the state engineer upon written author-  
21 ization to do so by the applicant or, in case of a protested application, by  
22 both the protestant and the applicant; and  
23 (b) In areas where water supply studies are being made or where court  
24 actions are pending, the state engineer may withhold action until such  
25 time as it is determined there is unappropriated water or the court action  
26 becomes final.



1 [4.] 3. Where there is no unappropriated water in the proposed  
2 source of supply, or where its proposed use or change conflicts with exist-  
3 ing rights, or threatens to prove detrimental to the public interest, the  
4 state engineer shall reject the application and refuse to issue the permit  
5 asked for.

6 [5.] 4. The refusal or approval of an application shall be endorsed  
7 on a copy of the original application, and a record made of such endorse-  
8 ment in the records of the office of the state engineer. The copy of the  
9 application so endorsed shall be returned to the applicant. If the applica-  
10 tion is approved, the applicant [shall be] is authorized, on receipt thereof,  
11 to proceed with the construction of the necessary works and to take all  
12 steps required to apply the water to beneficial use and to perfect the pro-  
13 posed appropriation. If the application is refused, the applicant shall take  
14 no steps toward the prosecution of the proposed work or the diversion  
15 and use of the public water so long as such refusal [shall continue] con-  
16 tinues in force.

17 [6. The state engineer shall not approve any application nor issue  
18 any permit to appropriate the waters of the Colorado River, which waters  
19 are held in trust by the division of Colorado River resources of the depart-  
20 ment of energy pursuant to NRS 538.171, except after approval of such  
21 application by the administrator of that division. The administrator and  
22 the state engineer may adopt such joint regulations as may be necessary  
23 for the purpose of carrying out the provisions of this subsection.]

24 SEC. 2. Chapter 533 of NRS is hereby amended by adding thereto a  
25 new section which shall read as follows:

26 1. *Based upon the public interest and the economic welfare of the*  
27 *State of Nevada, the state engineer may approve or disapprove any*  
28 *application of water to beneficial use or any application which contem-*  
29 *plates a change in the place or beneficial use of water to a use involving*  
30 *the industrial purpose of generating energy to be exported out of this*  
31 *state.*

32 2. *The state engineer shall not approve any application or issue any*  
33 *permit to appropriate the waters of the Colorado River held in trust by*  
34 *the division of Colorado River resources of the department of energy*  
35 *except after approval of the application by the administrator of that*  
36 *division. The administrator and the state engineer may adopt such joint*  
37 *regulations as may be necessary for the purpose of carrying out the pro-*  
38 *visions of this subsection.*

39 SEC. 3. NRS 538.171 is hereby amended to read as follows:

40 538.171 1. The administrator may receive, protect and safeguard  
41 and hold in trust for the State of Nevada all water and water rights, and  
42 all other rights, interests or benefits in and to the waters of the Colorado  
43 River and to the power generated thereon held by or which may accrue  
44 to the State of Nevada under and by virtue of any Act of the Congress of  
45 the United States or any compacts or treaties between states to which  
46 the State of Nevada may become a party, or otherwise.

47 2. Applications to appropriate such waters [shall] must be made in  
48 accordance with chapter 533 of NRS and [shall be] are subject to  
49 approval by the administrator as set forth in NRS 533.370 [.] and sec-  
50 tion 2 of this act.



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ASSEMBLY CONCURRENT RESOLUTION NO. 19—  
ASSEMBLYMAN SCHOFIELD

FEBRUARY 13, 1981

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Referred to Committee on Economic Development and  
Natural Resources

**SUMMARY**—Directs state engineer to impose certain conditions upon permits for appropriation of water for uses related to “MX” missile system. (BDR 1447)

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**EXPLANATION**—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

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**ASSEMBLY CONCURRENT RESOLUTION**—Directing the state engineer to consult with local governments and impose conditions upon permits for the appropriation of water for uses related to the construction and operation of the “MX” missile system.

- 1     **WHEREAS**, The construction and operation of the “MX” missile sys-  
2 tem is a project of a magnitude unequalled in history; and  
3     **WHEREAS**, This project will necessarily involve effects and burdens  
4 adverse to the people of Nevada of a corresponding magnitude and these  
5 effects and burdens far exceed the ability of the state’s resources to atten-  
6 uate them; and  
7     **WHEREAS**, The construction and operation of the “MX” missile system  
8 will place a heavy demand on Nevada’s natural resources and seriously  
9 limit their availability for other competing uses; now, therefore, be it  
10 *Resolved by the Assembly of the State of Nevada, the Senate concur-*  
11 *ring*, That the Nevada legislature hereby directs the state engineer to:  
12     1. Consult with affected and interested state agencies and local gov-  
13 ernments to determine the conditions which are necessary to impose  
14 upon permits for the appropriation of water for uses related to the con-  
15 struction and operation of the “MX” missile system because of the likely  
16 adverse effects resulting from that construction and operation; and  
17     2. Impose those conditions on all such permits;  
18 and be it further  
19 *Resolved*, That the state engineer not issue any permit for the appro-  
20 priation of water for uses related to the “MX” missile system until the  
21 applicant has committed money sufficient to attenuate the financial effects,  
22 as determined by the affected local governments, of the increase in  
23 demand upon the public schools and other public services resulting from  
24 the construction and operation of the “MX” missile system.



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ASSEMBLY JOINT RESOLUTION NO. 20—  
ASSEMBLYMAN SCHOFIELD

FEBRUARY 13, 1981

Referred to Committee on Economic Development and  
Natural Resources

SUMMARY—Requests Congress to recognize necessity of applying for water rights pursuant to state law for “MX” missile project. (BDR 1446)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Requesting the Congress to recognize the necessity of applying for water rights pursuant to state law for construction and operation of the “MX” missile project and to provide water for Nevada from other sources as compensation for the water appropriated for the “MX” missile system.

- 1 WHEREAS, The water of the State of Nevada is a scarce and valuable  
2 resource which is appropriated on the basis of beneficial use; and  
3 WHEREAS, The State of Nevada has developed a comprehensive  
4 scheme for the allocation of water to effectively meet the many demands  
5 for water within the state; and  
6 WHEREAS, The amount of water which the Federal Government will  
7 require for the construction and operation of the “MX” missile system  
8 will greatly reduce the availability of water for other beneficial uses; and  
9 WHEREAS, Agencies of the Federal Government have publicly recog-  
10 nized the necessity of applying for water rights pursuant to state law so  
11 as not to disrupt the comprehensive nature of the water law; now, there-  
12 fore, be it  
13 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*  
14 That the Nevada legislature respectfully requests the Congress of the  
15 United States to recognize and express its intent that water used by  
16 federal agencies for purposes of constructing and operating the “MX”  
17 missile system within this state may only be obtained by appropriation  
18 pursuant to the water law of the State of Nevada; and be it further  
19 *Resolved,* That the Congress direct all federal agencies seeking to  
20 acquire water rights for the purposes of constructing or operating the  
21 “MX” missile system within Nevada to apply for a permit for those  
22 rights pursuant to the water law of this state; and be it further

1 **Resolved, That the Congress make provisions for water from the Colo-**  
2 **rado River which has been allocated to California or Arizona to become**  
3 **available for use within Nevada to help compensate for the federal**  
4 **demand upon the unappropriated water of Nevada; and be it further**

5 **Resolved, That Congress recognize that any permit to use water in the**  
6 **construction or operation of the "MX" missile system expires when the**  
7 **construction is completed or the operation ceases in accordance with**  
8 **the doctrine of beneficial use which requires that when the necessity for**  
9 **the use ceases, the right to use the water expires; and be it further**

10 **Resolved, That a copy of this resolution be immediately transmitted**  
11 **by the legislative counsel to the President of the United States, the Vice**  
12 **President as presiding officer of the Senate, the Speaker of the House of**  
13 **Representatives and to each member of the Nevada congressional delega-**  
14 **tion; and be it further**

15 **Resolved, That this resolution shall become effective upon passage and**  
16 **approval.**



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 156

EXHIBIT H

ASSEMBLY BILL NO. 156—COMMITTEE ON ECONOMIC  
DEVELOPMENT AND NATURAL RESOURCES

FEBRUARY 13, 1981

Referred to Committee on Economic Development and  
Natural Resources

SUMMARY—Makes certain changes in the Nevada Boat Act. (BDR 43-197)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to watercraft; providing for the disposal of abandoned vessels and for warehouse liens; clarifying requirements for equipment; increasing the requirement of notice for regattas, marine parades and races; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 488.193 is hereby amended to read as follows:  
2 488.193 1. Every [motorboat shall] *vessel must* carry at least one  
3 life preserver, lifebelt, ring buoy, *buoyant vest or buoyant cushion of a*  
4 *type approved by the United States Coast Guard* or other device of the  
5 sort prescribed by the regulations of the commission for each person on  
6 board, *and any persons being towed*, so placed as to be readily accessible.  
7 Every [motorboat] *vessel* carrying passengers for hire [shall] *must* carry  
8 so placed as to be readily accessible at least one life preserver of the sort  
9 prescribed by the regulations of the commission for each person on  
10 board.  
11 2. Every motorboat [shall] *must* be provided with such number,  
12 size and type of fire extinguishers, capable of promptly and effectually  
13 extinguishing burning gasoline, as may be prescribed by the regulations  
14 of the commission. [ , which] *The* fire extinguishers [shall be at all  
15 times] *must be of a marine type which has been approved by the United*  
16 *States Coast Guard and kept in condition for immediate and effective use*  
17 and [shall] *must* be so placed as to be readily accessible.  
18 3. Every motorboat [shall] *must* have the carburetor or carburet-  
19 ors of every engine therein, except outboard motors, using gasoline as  
20 fuel, equipped [which] *with* such efficient flame arrestor, backfire trap



1 or other similar device as may be prescribed by the regulations of the  
2 commission.

3 4. Every motorboat and every vessel, except open boats, using as  
4 fuel any liquid of a volatile nature, [shall] *must* be provided with such  
5 means as may be prescribed by the regulations of the commission for  
6 properly and efficiently ventilating the bilges of the engine and fuel tank  
7 compartments to remove any explosive or [inflammable] *flammable*  
8 gases.

9 5. The commission may make regulations modifying the equipment  
10 requirements contained in this section to the extent necessary to keep  
11 these requirements in conformity with the provisions of the Federal  
12 Navigation Laws or with the navigation rules promulgated by the United  
13 States Coast Guard.

14 SEC. 2. NRS 488.305 is hereby amended to read as follows:

15 488.305 1. The department may authorize the holding of regattas,  
16 motorboat or other boat races, marine parades, tournaments or exhibi-  
17 tions on any waters of this state. The commission shall adopt regulations  
18 concerning the safety of motorboats and other vessels and persons  
19 thereon, either observers or participants.

20 2. Whenever a regatta, motorboat or other boat race, marine parade,  
21 tournament or exhibition is proposed to be held, the person in charge  
22 thereof shall, at least [15] 30 days prior thereto, file an application with  
23 the department for permission to hold [such] *the* regatta, motorboat or  
24 other boat race, marine parade, tournament or exhibition. *It may not be*  
25 *conducted without the written authorization of the department.*

26 3. The application [shall] *must* set forth the date, time and location  
27 where it is proposed to hold [such] *the* regatta, motorboat or other boat  
28 race, marine parade, tournament or exhibition, and it shall not be con-  
29 ducted without the written authorization of the department.

30 4. The provisions of this section do not exempt any person from  
31 compliance with applicable federal law or regulation, but nothing con-  
32 tained [herein] *in this section* requires the securing of a state permit  
33 pursuant to this section if a permit therefor has been obtained from an  
34 authorized agency of the United States.

35 [5. No person may operate any motorboat in any race on the waters  
36 of this state unless such person is a member of the American Power Boat  
37 Association or the National Outboard Association or of some organiza-  
38 tion affiliated therewith.]

39 SEC. 3. NRS 108.670 is hereby amended to read as follows:

40 108.670 1. Every boat or vessel used in navigating the waters of  
41 this state or constructed in this state is subject to a lien:

42 (a) For wages due to persons employed, for work done or services  
43 rendered on board [such] *the* boat or vessel.

44 (b) *For all debts due for the moving and storage of the boat or vessel*  
45 *if it is found to be abandoned on any property.*

46 (c) For all debts due to persons, firms or corporations by virtue of a  
47 contract, express or implied, with the owners of a boat or vessel, or with  
48 the agents, contractors or subcontractors of [such] *the* owner, or with  
49 any person having them employed to construct, repair or launch [such]  
50 *the* boat or vessel, [on account of] *for* labor done or materials furnished



1 by mechanics, tradesmen or others in the building, repairing, fitting and  
2 furnishing or equipping [such] the boat or vessel, or [on account of]  
3 for stores or supplies furnished for the use thereof, or [on account of]  
4 for launchways constructed for the launching of [such] the boat or  
5 vessel.

6 [(c)] (d) For all sums for *warehousing, storage, wharfage, anchor-*  
7 *age or towage of [such] a boat or vessel within this state.*

8 [(d)] (e) For all costs incurred in enforcing [such] the lien.

9 2. Any person, firm or corporation entitled to a lien as provided in  
10 subsection 1 may, without process of law, detain [such] the boat or  
11 vessel at any time it is lawfully in his possession until the sum due to him  
12 is paid.

13 3. The classes of claims specified in subsection 1 [shall] have pri-  
14 ority according to the order in which they are enumerated.