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## Health and Welfare; Transportation of Livestock

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the Division was punishable as a misdemeanor.<sup>5</sup> Chapter 390 increases the penalty by providing that an offender who wilfully abuses a client is chargeable with a gross misdemeanor.<sup>6</sup> If, however, the abuse results in substantial bodily harm to the client, the offender may be punished by imprisonment for not less than one or more than six years, by a fine not exceeding \$5,000, or by both a fine and imprisonment.<sup>7</sup>

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5. 1975 Nev. Stat. c. 745, §57, at 1599 (amending NEV. REV. STAT. §433.554).

6. See NEV. REV. STAT. §433.554(2) (amended by 1983 Nev. Stat. c. 390, 1(2), at 933).

7. See *id.*

### **Health and Welfare; the mentally retarded**

NEV. REV. STAT. §278.— (new).

AB 34 (Committee on Health and Welfare); 1983 STAT. Ch 61

Existing law provides that the governing bodies of cities, counties, or regions may designate zoning districts and regulate the construction and use of buildings and land in each district.<sup>1</sup> Chapter 61 removes obstacles imposed by zoning ordinances that prevent mentally retarded persons from living in normal residences.<sup>2</sup> Any ordinance using the term "single-family residence" must now include within that definition a home in which six or fewer unrelated mentally retarded persons live with one or two other related or unrelated persons who act as house parents or guardians.<sup>3</sup> Governing bodies remain free to regulate homes that are operated on a commercial basis.<sup>4</sup>

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1. NEV. REV. STAT. §278.250(1).

2. 1983 Nev. Stat. c. 61, §1(1), at 221.

3. *Id.* c. 61, §1(2), at 221. This provision does not prohibit a broader definition that allows more persons to reside in the home. *Id.* c. 61, §1(3), at 221.

4. *Id.* c. 61, §1(3), at 221.

### **Health and Welfare; transportation of livestock**

NEV. REV. STAT. §565.080 (repealed); §§565.090, 571.210 (amended).

AB 149 (Committee on Natural Resources, Environment and Agriculture); 1983 STAT. Ch 404

Under existing law, it is unlawful for any person to remove animals<sup>1</sup>

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1. NEV. REV. STAT. §565.010(1) (definition of animals).

from a brand inspection district<sup>2</sup> until the animals have been inspected and a brand inspection clearance certificate has been issued.<sup>3</sup> This clearance certificate is not required when a written permit has been issued by the Nevada Department of Agriculture (hereinafter referred to as the Department) authorizing the movement without a brand inspection.<sup>4</sup> Prior to the enactment of Chapter 404, common carriers were prohibited from transporting any animals before a brand inspection clearance certificate was issued.<sup>5</sup> Chapter 404 repeals this provision<sup>6</sup> and allows common carriers to transport animals without a brand inspection if a written permit has been issued.<sup>7</sup>

Under existing law, it is a misdemeanor to violate the laws regarding brand inspections.<sup>8</sup> Chapter 404 creates additional penalties for violations of these provisions.<sup>9</sup> Upon a first violation, the animals will be subject to an immediate brand inspection by the Department.<sup>10</sup> Moreover, the expenses incurred by the Department for mileage and time, as well as the usual fees for a brand inspection<sup>11</sup> will be assessed upon a violator.<sup>12</sup> Upon a second and subsequent violation, the violator will no longer be eligible for a permit to move any livestock<sup>13</sup> without a brand inspection until the State Board of Agriculture is satisfied that any future movement will be in compliance with the statutes and regulations.<sup>14</sup>

Furthermore, under existing law, livestock not subject to special quarantine<sup>15</sup> may be brought into Nevada in compliance with regulations adopted by the state quarantine officer.<sup>16</sup> Chapter 404 strength-

2. *See id.* §565.040 (creation of brand inspection districts).

3. *Id.* §565.090(1) (amended by 1983 Nev. Stat. c. 404, §1, at 1008).

4. *Id.*

5. *Compare id.* §565.080 (repealed by 1983 Nev. Stat. c. 404, §3, at 1009) with 1961 Nev. Stat. c. 304, §173, at 541 (amending NEV. REV. STAT. §565.080).

6. 1983 Nev. Stat. c. 404, §3, at 1009 (repealing NEV. REV. STAT. §565.080).

7. NEV. REV. STAT. §565.090(1) (amended by 1983 Nev. Stat. c. 404, §1, at 1009).

8. *Id.* §565.170.

9. *Id.* §565.090 (amended by 1983 Nev. Stat. c. 404, §1(5), at 1009).

10. *Id.* §565.090(5)(a) (amended by 1983 Nev. Stat. c. 404, §1(5)(a), at 1009).

11. *See id.* §565.070 (the Department is authorized to collect fees for brand inspection).

12. *Id.* §565.090(5)(a) (amended by 1983 Nev. Stat. c. 404, §1(5)(a), at 1009).

13. *See id.* §571.015 (livestock includes cattle, horses, mules, burros, asses, swine, goats, poultry, dogs, and cats).

14. *Id.* §565.090(5)(b) (amended by 1983 Nev. Stat. c. 404, §1(5)(b), at 1009).

15. *Id.* §571.210 (amended by 1983 Nev. Stat. c. 404, §2, at 1009) (the special quarantine may be issued by the state of Nevada, the Federal Government, or any state, territory, or district of the U.S.); *see also id.* §571.050. Under Nevada Law, any quarantine issued by the state quarantine officer may (1) consist of a complete embargo against the transportation of any quarantined livestock into or through the state, or (2) provide for the importation into or transportation through the state of quarantined livestock according to the rules and regulations set forth at the time the quarantine is issued. Any quarantine issued remains in force until removed or modified by the state quarantine officer. *Id.*

16. *Id.* §§571.015(4) (definition of a quarantine officer), §571.210 (amended by 1983 Nev.

ens existing law by prohibiting persons, agents, or employees from bringing livestock into Nevada without a health certificate showing the livestock to be free from a contagious disease or exposure to a contagious disease.<sup>17</sup> A health certificate is not required, however, for livestock with an accustomed grazing or pasturing range on both sides of the Nevada border that are being transported from one portion of the range to another merely for purposes of pasturing or grazing.<sup>18</sup>

Finally, under Chapter 404, no person may alter a health certificate<sup>19</sup> or divert livestock from the destination stated on the certificate without notifying the state quarantine officer within seventy-two hours after the diversion of the livestock.<sup>20</sup> Failure to provide notice may cause the livestock to be seized, destroyed, or sent out of the state by the state quarantine officer within forty-eight hours.<sup>21</sup> In addition, the expense incurred by the state quarantine officer in taking this action must be paid by the owner of the livestock.<sup>22</sup>

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Stat. c. 404, §2(1), at 1009); see also *id.* §571.045(2) (no quarantine may be issued which will conflict with any provisions of the U.S. Constitution or any Act of the Congress of the U.S.).

17. *Id.* §571.210(3) (amended by 1983 Nev. Stat. c. 404, §2(3), at 1009) Contagious disease includes infections or parasitic diseases or exposure thereto. The state quarantine officer is to adopt regulations concerning the form of the certificate. *Id.*

18. *Id.*

19. *Id.* §571.210(4)(a) (amended by 1983 Nev. Stat. c. 404, §2(4)(a), at 1009).

20. *Id.* §571.210(4)(b) (amended by 1983 Nev. Stat. c. 404, §2(4)(b), at 1009).

21. *Id.* §571.210(5) (amended by 1983 Nev. Stat. c. 404, §2(5), at 1009).

22. *Id.* (the expense incurred becomes a lien on the livestock unless it was destroyed).