

Assembly

GOVERNMENT AFFAIRS COMMITTEE

1-0016

MINUTES OF THE MEETING

FEBRUARY 10, 1975

MEMBERS PRESENT: CHAIRMAN DINI
VICE-CHAIRMAN MURPHY
ASSEMBLYMAN MAY
ASSEMBLYMAN HARMON
ASSEMBLYMAN SCHOFIELD
ASSEMBLYMAN FORD
ASSEMBLYMAN YOUNG

MEMBERS ABSENT: ASSEMBLYMAN CRADDOCK
ASSEMBLYMAN MOODY

ALSO PRESENT: Dan Quinan, State Fire Marshal
Robert Bast, State Fire Marshal
Robert Warren, Nevada League of Cities
Bill Adams, City of Las Vegas
Don Paff, Division of Colorado River Resources
John Crossely, Legislative Counsel Bureau,
Audit Division
Roland D. Westergard, State Engineer
Elmo DeRicco, Department of Conservation
Richard Bunker, Clark County
Herbert S. Penrose, Penrose Country Club Estates

Chairman Dini called the meeting to order at 9:05 A.M. He then proceed to A.B. 56, which authorizes local governments to inspect factory-built housing and manufactured buildings and which is a bill that he introduced personally on behalf of the Lyon County Building Inspection Department and which Chairman Dini informed the committee was brought about by some disputes about factory built housing in the Lyon County area. He informed the committee that the language in the bill may not be what they were looking for, and Mr. Dini asked Mr. Dan J. Quinan, State Fire Marshal to testify on the bill.

Mr. Quinan stated that the factory built housing law was enacted in 1971, but that it did not get off the ground until the latter part of 1972. He stated that it became an assignment to his division from the Department of Commerce. He also stated that very few states in our area were busy with this activity of manufactured buildings, and stated that it began to pick up in the latter part of 1972. He informed the committee that the law delegates the responsibility of inspecting these units as they

1- 0047

arrive on the site for obvious damage in transit. The local building department then contacts the fire marshal's office and they see to it that the manufacturer makes the necessary corrections. He stated that the reason for having a state agency control the manner in which the project built is that the local people may be assured that the project is being built to acceptable codes and standards and it eliminates the necessity for tearing into units and inspecting for hidden defects in perhaps the plumbing or electrical wiring. The program peaked out in early 73, and has been very fragmented since then. He stated that Boise Cascade is the largest in this area and that there was a factory in Reno that put together a wall system. He further stated that this is the only part that is factory built. The marshal's office had allowed the Reno Building Department to act as an inspection agency for the marshal's office because they were right there and also because the factory had agreed that the Reno Building Department may inspect their factory periodically. The marshal's office charges the factory for their travel, for their inspection and for the Seal of Compliance. This seal guarantees that the factory buildings are up to all building codes.

Mr. Quinan stated that at the present time there is a factory in Lyon county near Yerington. He informed the committee that they inspect three stages of assembly, namely, the foundation stage, the framing stage and the finished project. They also inspect the unit when it arrives on site to make sure that obvious defects are taken care of. Mr. Quinan stated that he did not know whether he was for or against A.B. 56. He also stated that having the local department inspect the factory buildings too, was just a duplication of the activities of the state. Mr. Quinan then read from Section 17 of the Regulations of the State Fire Marshal entitled Local Enforcement Agency Prospectus. He stated that the importance of that is that the factor and the local enforcement agency are agreeing that they want to sign an agreement for inspection and when this is done the marshal's office can allow the local enforcement agency to make the inspections. Mr. Quinan stated that with regard to Boise Cascade, the Salt Lake City Building Department takes care of them.

He further stated that this type of factory housing is now picking up in the State of Nevada and he further stated that the assembly and construction is done by people who are not required to be journeymen. Mr. Quinan said that there are plans being submitted for motels, nursing homes and schools. He further stated that the local agencies have every right to check these people to see that they are up to the building codes.

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Mr. Dini asked Mr. Quinan if right now, under the regulations, he had the privilege of delegating these inspections to local building inspectors.

Mr. Quinan replied that he did. He further stated that it is important that the factory and the agency get together and agree that they will accept each other. He stated that this is an area where the state agency has to maintain a rapport with the factory.

Mr. Dini asked if there were any questions and then asked if any of the cities or counties wanted to speak or testify.

Mr. Bill Adams of the City of Las Vegas testified next with regard to A.B. 56. The bill, as he reads it, is what the city is interested in accomplishing. All of the codes should be enforced by one building office. He stated that there would be two ways of accomplishing this. One by the fire marshal's office and the second by the Research Committee through the uniform building people. He stated that the Research Department normally goes through an extensive examination of all the projects involved. He stated that there is only one problem and it could be more serious in the future. He further stated that it would be more acceptable if the work was allowed to be done in the city areas.

Mr. Dini asked if there were any questions from the committee.

Mr. May asked if on line 12 Mr. Adams read the two words "on site" as on the construction site or on the site of manufacture.

Mr. Adams stated that it was strictly within the city, and further stated that it had been the way that they were reading it.

Mr. Dini asked if there were any further questions or comments.

Mr. Bob Warren testified next. He stated as the marshal pointed out that the reason for "on site" inspection is that this activity will pick up substantially. He feels that if it were made a responsibility of the state, it could have a fiscal impact upon the state. He further stated that if the state is assisted on the local level, the local authorities will have to assume this cost. It would therefore be merely an extension of the existing services.

Mr. Dini asked if there were any further questions.

Mrs. Ford asked if the committee were to pass this bill the way it is now that we were really leaving the compliance with the fire marshall, but simply adding that local government could hold inspections. She inquired if there was any way that we could avoid the duplication. She further informed the committee that she saw a problem of no one knowing what the other person is going to do.

Mr. Dini then informed the committee that the counties concurred with Mr. Adams and asked if anyone else wanted to speak.

Mr. Quinan then stated that he had some more comments for the committee. He stated that if funds become available in the way of state grants, that he presumed they would come to the state agency. He assumed it would be the Department of Commerce. Mr. Quinan then read from Section 461.260 and in conjunction thereto read Section 165 of their regulations. He informed the committee that their regulations were adopted on June 26, 1972.

Mr. Dini asked Mr. Quinan if he thought that three inspections on a factory built home were enough.

Mr. Quinan stated that ordinarily yes, three were enough.

Mr. Dini further stated that the real aim of this bill is to avoid the controversy in Lyon County.

Mr. Bast of the State Fire Marshal's Office then testified that he was not either for or against the bill. He stated that a cost of about \$1,500 could be added to the cost of the factory built building when both authorities had to inspect them.

Mr. May then read from Section 461.170. He then stated that "off site means on the construction site.

Mr. Dini asked if there were any questions.

Mr. Bob Warren then testified. He stated that the Mayors of cities and the City Commissioners take the responsibility for inspection. He further stated that as a consequence, he felt that they should have that responsibility and not for the fire marshal to be able to delegate this. He stated that they should not have to go to the fire marshal for clearance.

Mr. Schofield asked if this was occurring right now.

Mr. Warren stated yes.

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Mr. Schofield then asked if this bill clarified what he wanted and Mr. Warren acknowledged that it did.

Mr. Herbert Penrose then testified next by way of distributing to the committee members a copy of a letter (said letter is attached to these minutes). The committee took a few moments to read the letter and Mr. Penrose stated that he would be glad to answer any questions that the committee may have.

Mr. Dini asked if there were any questions. There were no questions and Mr. Dini stated that the committee would take no action on this bill today and that the committee would deliberate on A.B. 56 and he placed a hold on A.B. 56.

Mr. Dini next proceeded to the next two bills on the agenda - A.B. 179 and A.B. 180

A.B. 179 permits administrator of division of Colorado River Resources of state department of conservation and natural resources to contract for water and means of water delivery from Colorado River. Mr. Dini informed the committee that Jim Gibson gave him an amendment to the bill.

Mr. Paff of the Division of Colorado River Resources and Mr. DeRicco both testified on these bills. A copy of the testimony given by Mr. Paff of the Department of Conservation and Natural Resources was distributed to all of the committee members together with a graph and other various exhibits, which are attached to these minutes and made a part hereof. Mr. Paff stated that the key point is that other sources are very helpful in meeting the supplemental needs as outlined on the chart. He stated that the Colorado River sources did not fill all the needs. Mr. Paff then read a portion of the attorney general's letter attached to his testimony and dated March 3, 1959, indicating that it was satisfactory that they acquire power and energy from any source. Their proposed legislation would clarify the authority and responsibility. Mr. Paff stated that the attorney general's opinion letter had been reconfirmed.

Several of the committee members had questions on the graph which Mr. Paff answered.

Mr. Dini asked if there were any other questions, and inquired of Mr. Westergard if he had any comments. He said that he had none.

Mr. May made a motion for the committee to hold A.B. 179, which was seconded by Mrs. Ford. All of the committee members were in favor of the motion and it was unanimously carried by the committee, with the exception of Mr. Craddock and Mr. Moody who were not present at the meeting.

1-0051

Mr. Dini then proceeded to A.B. 180 and Mr. Roland Westergard testified together with Mr. John Crossely who stated that this bill would provide for the elimination of the hydrographic fund.

Mr. Young questioned the amount of money in the fund and Mr. Westergard stated that it was approximately -\$5,000, and that it was a revolving fund.

Mrs. Ford questioned what the average survey costs. Mr. Westergard stated that it ran between \$300 and \$400 for each survey.

Mr. Crossely stated that the fund was created in 1913 and he stated that it was not in use very much and that it was not necessary to maintain the fund.

Mrs. Ford questioned the procedures on the surveys.

Mr. Westergard stated that once a survey is done, it need not be redone again.

Mrs. Ford questioned Mr. Westergard by stating that would not everything eventually be surveyed.

Mr. Westergard said that it would.

Mr. Dini asked if there were any further questions.

Mr. Dini then stated that with regard to A.B. 56, the committee would hold this bill until it had time to study it. He stated that the committee would also be holding A.B. 179.

Chairman Dini then asked for a motion on A.B. 180. A motion was made for a "do pass" by Mrs. Ford, which was seconded by Mr. Young. All of the committee members were in favor of the do pass motion and the motion was passed unanimously with the exception of Assemblymen Craddock and Moody who were not present at the meeting.

Chairman Dini then adjourned the meeting at 10:45 A.M.

Respectfully submitted,

Barbara Gomez,
Committee Secretary

ASSEMBLY

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS
Monday,
Date February 10, 1975 Time 9:00 A.M. Room 214

|- 0045

Bills or Resolutions
to be considered

Subject

Counsel
requested*

- | Bills or Resolutions
to be considered | Subject | Counsel
requested* |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| A.B. 56 | Authorizes local governments to inspect factory-built housing and manufactured buildings. | |
| A.B. 179 | Permits administrator of division of Colorado River resources of state department of conservation and natural resources to contract for water and means of water delivery from Colorado River. | |
| A.B. 180 | Abolishes hydrographic fund. | |

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF COLORADO RIVER RESOURCES

Testimony Regarding Assembly Bill No. 179

Assembly Committee on Government Affairs

February 10, 1975

Mr. Chairman and members of the Committee. My name is Don Paff, and I am the Administrator of the Division of Colorado River Resources, formerly known as the Colorado River Commission. My testimony is in support of the concepts of AB-179 and to suggest for your favorable consideration modifications to AB-179.

AB-179 (BDR 48-433) was drafted to clarify and allow the State through the Division to continue to take affirmative action for the acquisition of additional water and electric power and energy for maximum possible benefit to the people of the state using and building on the current authorities relating to and limited to the Colorado River resource base and its relationship with the federal government and other Colorado River Basin States. We believe the current and future electric power and energy source and economic situation and the forecasted future water needs dictate that every means available should be employed to assist in helping solve these two important resource problems.

Since the original drafting of AB-179 we have given it further consideration and now recommend that the bill be modified into two bills in accordance with the attached two drafts. One bill amending, for clarification, the authorities of the Division relating to the acquisition of electric power and one bill amending the Department of Conservation and Natural Resources' authorities to parallel the amendment to the Division's authorities and express an intent of the State in addressing overall resource matters including water deficiencies.

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ELECTRIC POWER AND ENERGY

Acting in behalf of the State, the Division has current contracts with the federal government to purchase and deliver in bulk quantities to users within the state a portion of the hydropower and energy generated from Colorado River sources. These sources, currently and in the future fall far short of meeting all of the demands of these contractors, exclusive of Nevada Power Company, as shown on the attached graphs depicting actual and projected capacity (megawatts = 1,000,000 watts) and energy (million kilowatt-hours).

To meet a portion of the current and future deficiencies the Division has, using its authorities, as clarified by an Attorney General's Opinion, acquired some supplemental power and energy and delivered it to

these hydro contractors from out-of-state sources, i.e. Salt River Project, Arizona and Public Service Company of New Mexico. We believe that, using these contractual authorities, these acquisitions should be continued and where economically feasible be vigorously pursued.

The proposed draft clarifies the Division's authority to continue this effort in the acquisition by contractual arrangement of bulk quantities of electric power and energy for use in Nevada.

GENERAL RESOURCES

Water demands like electric power and energy, but without the intensity of the current economic and source problems, is of concern. We believe that the proposed draft bill initiates considerations towards addressing potential future resource deficiencies in the State by an expression of the legislature acting through the Department of Conservation and Natural Resources because of the very long time periods required and the complex relationships both within and outside the state for meeting projected deficiencies and formulating resource developments. We believe this expression and intent is now appropriate.

I urge your favorable consideration of the proposed two drafts as amending but keeping in the concept of AB-179.

I would be pleased to answer any questions you may have.

SUMMARY--Permits administrator of division of Colorado River resources of state department of conservation and natural resources to contract for power and means of power delivery from out of state. Fiscal Note: No. (BDR 48-344 REDO 1-31-75)

AN ACT relating to interstate waters; permitting the administrator of the division of Colorado River resources of the state department of conservation and natural resources to contract for the use or exchange of power and power service facilities; and providing other matters properly relating thereto.

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

Section 1. NRS 538.161 is hereby amended to read as follows:

538.161 The duties of the administrator shall be:

1. To collect and arrange all data and information connected with the Colorado River and its tributaries which may affect or be of interest to the State of Nevada.
2. To represent and act for the State of Nevada in the negotiation and execution of contracts, leases or agreements for the use, [or] exchange and purchase of power from any source and for [the use of] participation in electrical generating [machinery] and power transmission [lines]

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capability, both within and outside of the State of Nevada, [but for use within] for maximum possible benefit to the State of Nevada, and to present the same through the director to the governor for his information and approval. The administrator may contract for the supply of electric energy to any corporation or cooperative created under the laws of the State of Nevada that is being operated principally for service to Nevada citizens and may be serving incidental energy to citizens of other states contiguous to its service area in the State of Nevada.

3. To represent the State of Nevada in such interstate or other conferences or conventions as may be called for the consideration of the development of reclamation and power projects connected with the Colorado River or its tributaries, or in connection with Hoover Dam or other federally operated dams.

4. To render the friendly cooperation of the State of Nevada to such constructive enterprises as look to the conservation of the waters of the Colorado River and its tributaries and the development of power thereon.

5. To render friendly cooperation to and to negotiate with, cooperate with, and invite industries for the purpose of establishing the same within the State of Nevada.

6. To negotiate with the representatives of other states and the United States in an endeavor to settle equitably and define the rights of the states and of the United States in the water of the Colorado River and its tributaries.

7. To make and enter into agreements, compacts or treaties between the State of Nevada and the States of Arizona, California, Colorado, New Mexico, Utah, Washington, Oregon, Idaho and Wyoming, either jointly or severally, which agreements, compacts or treaties, however, will not become binding upon the State of Nevada until ratified and approved by the legislature and

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governor of the State of Nevada.

8. To report through the director to the governor such measures and legislative action as may be deemed necessary to secure to the people of Nevada all possible benefits from the water of the Colorado River allocated to or contracted by the State of Nevada and the power allocated to or contracted by the State of Nevada to be generated at Hoover Dam or elsewhere within the Colorado River stream system or from any [private or federal] power

development [upon other rivers] in the western United States for [use in] maximum possible benefit to the State of Nevada.

9. To cooperate with and to establish, conduct and maintain, in conjunction with other states or federal agencies, power, water and irrigation projects.

BILL DRAFTING AND AMENDMENT REQUEST

[Please use separate sheet for each request]

To the Legislative Counsel:

From _____

Date _____

Please prepare a bill/amendment as follows:

1. Amend NRS 232.070 (4) by adding:

It is the intent of the legislature that the power,
 authority and duty granted herein may be delegated
 by the Director to the administrator of the division
 within the department to which the resource most
 directly pertains so that every opportunity is
 pursued which would result in eliminating, forestalling
 or relieving actual, anticipated or possible resource
 shortages within the state.

I HEREBY CONSENT TO RELEASE
 OF THIS INFORMATION TO ANY
 LEGISLATOR BY THE LEGISLATIVE
 COUNSEL.

 REQUESTER

232.070 Powers and duties of director.

1. As executive head of the department, the director shall direct and supervise all administrative and technical activities of the department. He shall devote his entire time to the duties of his office, and shall follow no other gainful employment or occupation.

2. The director may, within such limitations as may be provided by law, organize the department into various divisions and, from time to time, alter such organization and reassign responsibilities and duties as he may deem appropriate.

3. The director shall:

(a) Formulate the policy of the department and the various divisions thereof.

(b) Coordinate the activities of the various divisions of the department.

(c) From time to time adopt, amend and rescind such rules and regulations as he may deem necessary for the operation of the department.

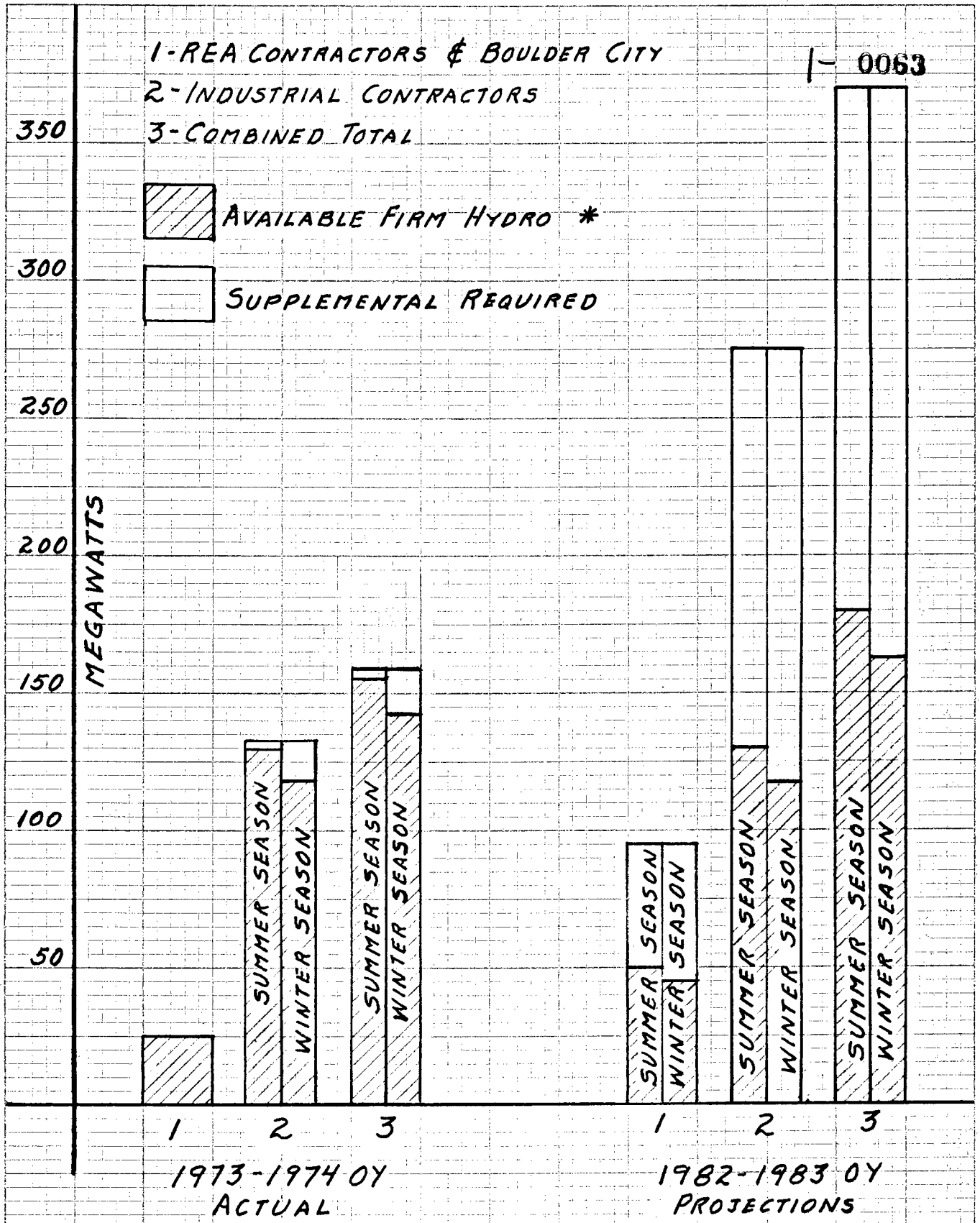
(d) Plan such studies and investigations as he may deem appropriate and carry out the same in conjunction with the various divisions.

(e) Coordinate all studies in the State of Nevada concerned with the supply, development, use and conservation of water.

(f) Prepare and deliver to the governor, on or before October 1 in the year preceding a regular session of the legislature, and at such other times as may be required by the governor, a full report of the work of the department, and the divisions thereof, including a detailed statement of the expenditures of the department and any recommendations the director may have.

4. The director may, with the approval of the governor, enter into cooperative agreements with any federal or state agency or subdivision thereof, or any public or private institution located in or outside the State of Nevada, or any person, corporation or association, in connection with studies and investigations pertaining to waters, lands or other matters related to the development or conservation of natural resources.

(Added to NRS by 1957, 647; A 1959, 193; 1967, 417)



STATE OF NEVADA
CONTRACTORS CAPACITY PROJECTIONS

* ASSUMING NO DIMINISHMENT OF PARKER-DAVIS



2/10/75

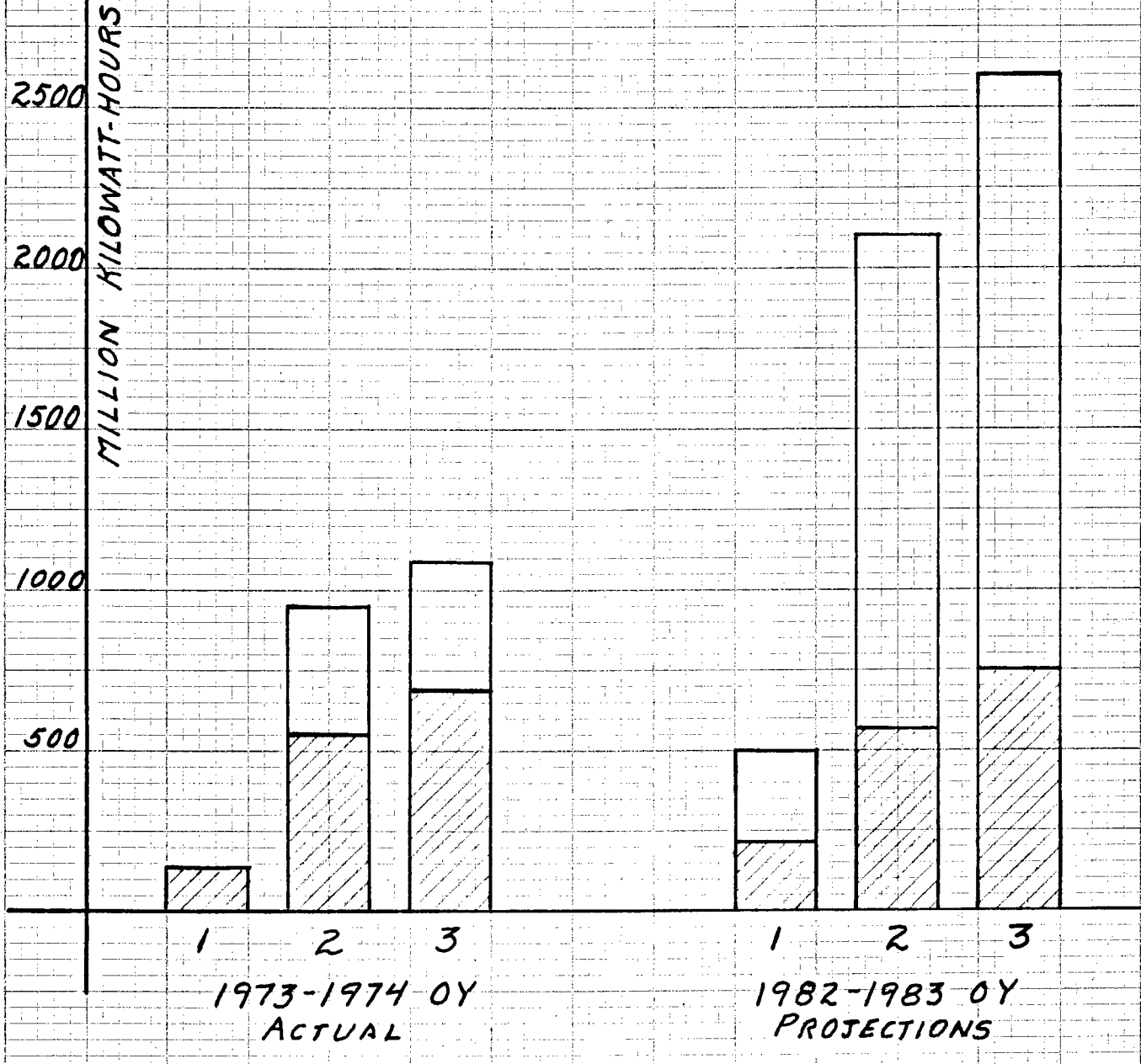
46 0780

10 X 10 TO THE INCH • 7 X 10 INCHES
KEUFFEL & ESSER CO. MADE IN U.S.A.

0064

- 1 - REA CONTRACTORS & BOULDER CITY
- 2 - INDUSTRIAL CONTRACTORS
- 3 - COMBINED TOTAL

 AVAILABLE FIRM HYDRO *
 SUPPLEMENTAL REQUIRED



STATE OF NEVADA
 CONTRACTORS ENERGY PROJECTIONS

*ASSUMING NO DIMINISHMENT OF PARKER-DAVIS

2/10/75

Filed
C.R. 3-13-59
C.B.

0065

LAW OFFICES
JOHN W. BONNER
SUITE 305 NEVADA BUILDING
109 SOUTH THIRD STREET
LAS VEGAS, NEVADA
PHONE DU 2-2310

RECEIVED

MAR 4 - 1959

COLORADO RIVER COMMISSION
OF NEVADA

March 3, 1959

Mr. A. J. Shaver, Chief Engineer
Colorado River Commission
State Building
Las Vegas, Nevada

Dear Mr. Shaver:

An opinion has been requested as to the duty and authority in obtaining power by the Commission from sources other than at Hoover and Davis for new industries requesting same.

Sec. 538.160 N.R.S. provides, inter alia:

The duties of the Commission shall be: (Emphasis added)

2. To represent and act for the State of Nevada in the negotiation and execution of contracts, leases or agreements for the use or exchange of power and for the use of electrical generating machinery and power transmission lines both within and outside of the State of Nevada, but solely for use within the State of Nevada, and to present the same to the governor for his information and approval.

4. To render the friendly cooperation of the State of Nevada to such constructive enterprises as look to the conservation of the waters of the Colorado River and its tributaries and the development of power thereon.

5. To render friendly cooperation to and to negotiate with, cooperate with, and invite industries for the purpose of establishing the same within the State of Nevada.

8. To report to the governor such measures and legislative action as may be deemed necessary to secure to the people of

Nevada all possible benefits from the water of the Colorado River allocated to or contracted by the State of Nevada and the power allocated to or contracted by the State of Nevada to be generated at Boulder Dam or elsewhere within the Colorado River stream system or from any private or federal power development upon other rivers in the western United States for use in the State of Nevada.

9. To cooperate with and establish, conduct and maintain, in conjunction with other states or federal agencies, power, water and irrigation projects.

It would appear from the foregoing sections that it is the duty of the Commission to use every reasonable means available to obtain power for new industries requesting same.

A problem which arises in connection with the same inquiry is: Should the Commission obtain out-of-state power for such persons if available, when a local supply is available, although the local supply may carry a higher rate than the out-of-state supply.


It would appear that the Commission has the authority to purchase power from whatever source power is available. However, N.R.S. 538.180 sub-divisions 4 and 5 provide:

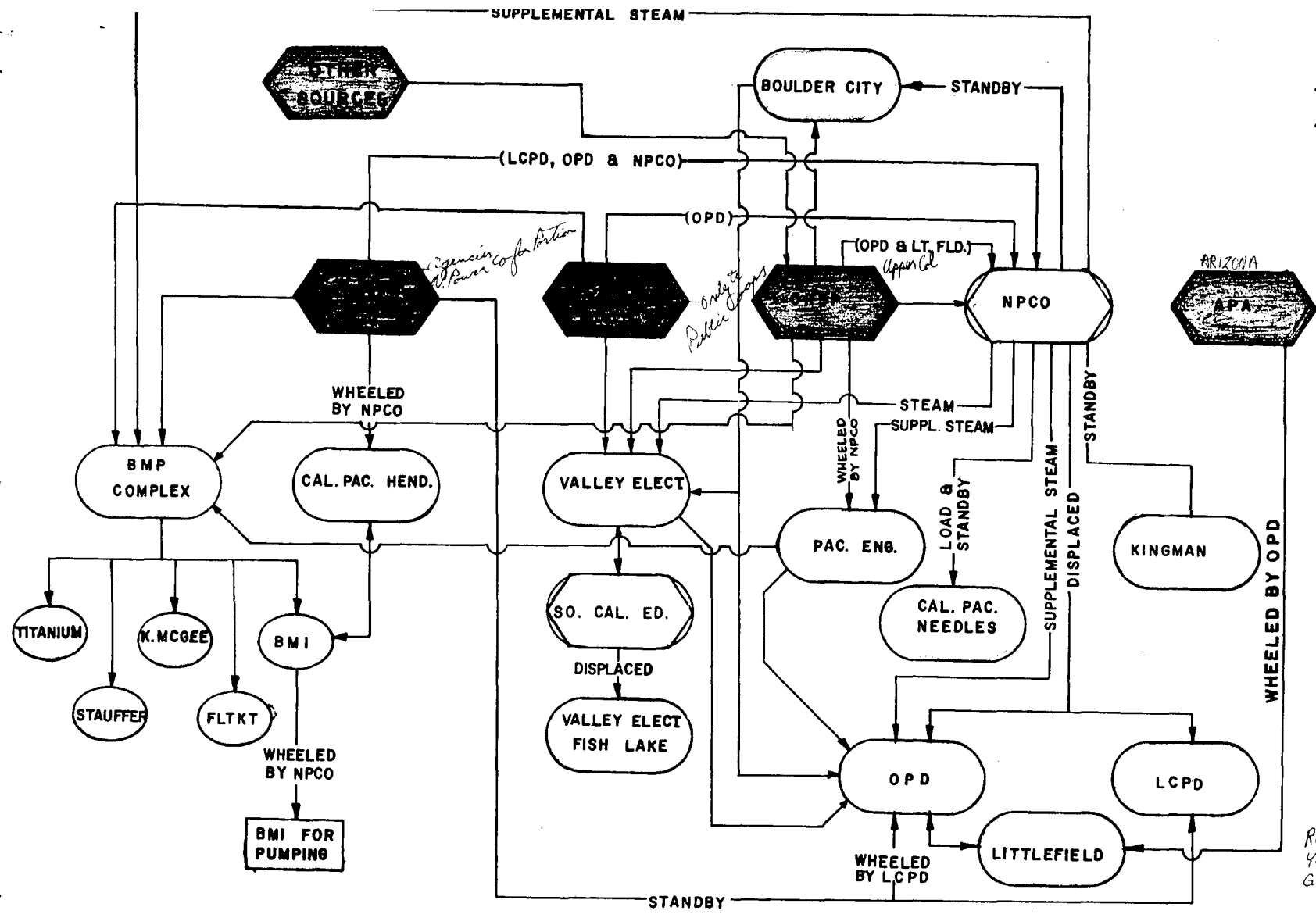
4. Before any such sale or lease is made, the same shall be advertised in two papers of general circulation published in the State of Nevada for a period of once a week for 2 weeks; and the Commission shall require any person desiring to make objections thereto to file the objection with the secretary of the Commission within 10 days after the date of the last publication of the notice. If any objection shall be filed pursuant to such notice then the Commission shall set a time and place for a hearing of the objection not more than 30 days after the date of the last publication of the notice.

5. Any such lease, sublease, contract or sale, either of the water or power mentioned in NRS 538.040 to 538.260, inclusive, shall not become binding upon the State of Nevada until ratified and approved by the governor.

If power was purchased from outside the state and a contract entered into with a new contractor for the purchase thereof, then, if the Southern Nevada Power Co., desired to, it would appear that they could file objections to the letting of the contract and the Commission would be required to conduct a hearing on the matter. Any matters affecting the cost, it would appear, could be brought out at the hearing.

Very truly yours,


 JOHN W. BONNER
 Special Ass't. Attorney General
 Colorado River Commission



1/31/75

STATE OF NEVADA
POWER CONTRACT OBLIGATIONS

RED/PURPLE - SOURCE
YELLOW - CONSUMER
GREEN -

Herbert S. Penrose

PENROSE ESTATES, YERINGTON, NEVADA 89447

1- 0068

February 7, 1975

Committee on Government Affairs
Nevada State Legislature
Carson City, Nevada

I have read the bill (A.B. 56) and it's amendment carefully and have concluded that the second sentence of the amendment line (12) that the definitions in line 12 does not change the authority on inspections in any respect. However, it is obvious that the amendment would not have been initiated without some intent therefor I believe the word "onsite" should be made clear that the inspections are continued to be made by local authorities at their option where the manufactured buildings are permanently located and not any other interpretation subjugating the State Fire Marshalls office and authority during construction.

I strongly oppose this amendment for the following reasons:

1. Manufactured buildings by nature and statute is and has been of state wide concern because these buildings can be constructed in one state or county and then delivered to another state or county. Bill AB. 56 in it's present form without the amendment does give broad jurisdiction to local authorities and further authority seems to subjugate the Fire Marshalls office.
2. This would subject the builder to a dual submission of plans to authorities that would result in additional costs to construction and work time lost.
3. If this amendment was approved it could create a conflict between the state fire marshalls office and the county officials with the interpretation of NRS 461-170 that could result in additional costs.
4. The passage of the proposed amendment could result in one county imposing authority on another. Since counties differ on local ordinances beyond NRS 461-170 the builder could be in conflict with three authorities for construction plan approval.

In summary it is my opinion that this proposed amendment appears to be special interest legislation directed solely at Modcraft Homes, Yerington, Nevada, and I believe it is not in the best interests of the general public. Evidence to substantiate this opinion is enclosed and made a part of this letter.

Sincerely,


Herbert S. Penrose

- Enclosures: 1. Letter from Fire Marshall
2. Letter from Victor Perry, Attorney
3. Order Nevada State Supreme Court

HERBERT S. PENROSE,

No. 7520

Petitioner,

vs.

LYON COUNTY BOARD OF COUNTY COMMISSIONERS, LYON COUNTY SHERIFF, LYON COUNTY DISTRICT ATTORNEY, and FIRST JUDICIAL DISTRICT COURT IN AND FOR THE COUNTY OF LYON,

Respondents.

FILED
NOV 16 1973
C. R. DAVENPORT
CLERK OF SUPREME COURT
By *Judith McCulloch*
DEPUTY CLERK

ORDER GRANTING THE PEREMPTORY WRITS OF PROHIBITION AND MANDAMUS

Having considered the data submitted in this original proceeding in prohibition/mandamus, and it appearing that respondents have failed to show arguable cause against the issuance of the writs; we conclude that respondents concede petitioner is entitled to the relief sought. Accordingly, we

ORDER the issuance of a peremptory writ of prohibition, forthwith, restraining the Sheriff, District Attorney and the Board of County Commissioners of Lyon County from taking any action against petitioner incident to or arising out of the Stop Work Order issued by the Lyon County Building Inspector on October 15, 1973. NRS 34.330. We further

ORDER the issuance of a peremptory writ of mandamus, forthwith, compelling the Lyon County Sheriff to renew petitioner's business license. NRS 34.160.

Thompson, C. J.
Thompson

Mowbray, J.
Mowbray

Gunderson, J.
Gunderson

Batjer, J.
Batjer

VICTOR ALAN PERRY

ATTORNEY AND COUNSELLOR AT LAW

410 SOUTH CARSON STREET
CARSON CITY, NEVADA 89701
(702) 883-0227

LAW OFFICES

12 NORTH MAIN STREET
P. O. BOX 428
YERINGTON, NEVADA 89447
(702) 463-3581

REPLY TO: Carson City, Nevada

November 8, 1973

Dan J. Quinan
Nevada State Fire Marshal
813 North Plaza Street, Rm. 1
Carson City, Nevada 89701

Dear Mr. Quinan:

Re: Modular Building Inspection in Lyon County.

As you are aware my client, Mr. Penrose, has been having some difficulties with Lyon County Authorities in the construction and manufacturing of his modular buildings. We have found it necessary to apply to the Supreme Court for extraordinary remedies and feel confident that the matter will be resolved in our favor shortly. Our problems have arisen as a result of the unwarranted attitude of Lyon County Officials in what appears to be a conscious, deliberate effort to sabotage, frustrate and break my client.

For some reason I have the feeling that Lyon County will be shortly applying to your office for a written contract to perform the state inspection of Mr. Penrose's modular buildings. If this, in fact, occurs I would strenuously object to the State entering into such an agreement for the following reasons:

1. This is a new project and the State is the best source to supervise such a new installation, especially when it is one of its type in the State. Valuable experience can be gained which will assist in future regulation of similar facilities.
2. Lyon County Officials have displayed in their dealings with Mr. Penrose a complete disregard for the clear intent of the law and have continually sought to frustrate his efforts at every step of the way. To give said officials state authority would certainly make it virtually impossible for Mr. Penrose to continue his legitimate efforts should the local officials continue in their present attitude.

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1-0070

Dan J. Quinan
VICTOR ALAN PERRY

November 8, 1973

ATTORNEY AND COUNSELLOR AT LAW

410 SOUTH CARSON STREET
CARSON CITY, NEVADA 89701
(702) 883-0227

I would appreciate being kept advised as to the State's position should Lyon County make such a request for a written contract to perform the State's inspection. In closing I want to thank you and the members of your staff for the assistance in clarifying and solving some of the problems that we have had in the past. It is a pleasure to work with competent personnel such as yours.

With kindest personal regards, I remain,

Sincerely yours,

Victor Alan Perry

VAP:mm

CC Mr. Penrose

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