

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 13, 1981

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman
Senator James N. Kosinski, Vice Chairman
Senator Richard E. Blakemore
Senator Wilbur Faiss
Senator Virgil M. Getto
Senator James H. Bilbray

GUEST LEGISLATORS:

Assemblyman Paul Prengaman

STAFF MEMBERS PRESENT:

Connie S. Richards, Committee Secretary

SENATE BILL NUMBER 640

Mr. Dick Wright, Washoe County School District told the committee Senate Bill No. 640 is the result of a request made by the Washoe County School District and said he supports the bill which would repeal NRS 393.085 which requires a rather extensive rehearing process of the action taken by the board of trustees and a single resident of the county can require that process to be initiated and a reconsideration of that process with the final decision in the hands of the state board of education. The existing statute does not address some concerns of the school district itself, such as in situations in which an older school building that was once in a residential area but in recent years, the surrounding properties have been zoned for commercial use have lost all but a fraction of the school's population and the school is forced to bus students in from other areas of the district.

Mr. John Hawkins, Nevada School Boards Association spoke in support of Senate Bill No. 640 as well as Mr. Wright's comments on the bill. He said school boards find it difficult to close schools because it is such an emotional issue of parents of children who attend the school. When economic and education indications are such that a school

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should be closed or relocated, there should be a workable process through which this may be done.

Senator Kosinski asked why the legislation that is currently in the statutes was ever introduced.

Mr. Wright replied that the legislation was introduced in 1971 to save a school in Washoe County that was being closed after architectural studies indicated the building was hazardous and should be removed. That school has since been rebuilt.

The Chairman presented a letter from Mr. Richard F. Brown, Executive Director, Nevada Association of School Administrators stating that the association is in agreement with the testimony provided by the Washoe and Clark County School Districts (see Exhibit C).

ASSEMBLY BILL NUMBER 412

Mr. Wayne Tetrault, Administrator, Manufactured Housing Division, Department of Commerce spoke in support of Assembly Bill No. 412. He explained that sections 2 through 26 of the bill provide for minimum standards to safeguard the life and health of residents of mobile homes. The bill will allow for the adoption of standards for the use in occupancy in mobile homes through the abatement of substandard mobile homes, further construction, and the alteration of mobile home parks. The standards will be based on national standards for mobile home parks as well as the uniform housing code. Currently, local governments regulate the use of conventional housing pursuant to the uniform housing code, however this code does not apply to mobile homes because they are not built to the uniform building code and there is no authority by which a city or county can abate a substandard mobile home. Assembly Bill No. 412 would provide this authority so that a substandard mobile home may be brought up to acceptable life safety standards. He pointed out that the bill sets strict procedural requirements that must be followed by the city, county, or state.

Mr. Tetrault said there will be no fiscal impact on the state, and provided a copy of the fiscal note for the committee's review (see Exhibit D).

Mr. Tetrault explained sections 27 and 28 are concerned

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with chapter 118 of the Nevada Revised Statutes which is the mobile home landlord-tenant law. Those sections are relative to closed mobile home parks and give authority to the public service commission to test or examine utility distribution lines within a park for proration of utility charges by a park landlord and sets up a procedure whereby a mobile home tenant can file a complaint with the public service commission if he is overcharged by the park owner.

Mr. E. W. Hanmer, Deputy Attorney General spoke in support of section 27 of Assembly Bill No. 412 which would prohibit a mobile home landlord from requiring any tenant or prospective tenant to purchase a mobile home from him or any other person as a condition to renting a mobile home lot to that individual. Under current anti-trust federal law, when there is sufficient interstate commerce impacts, and to a degree under the current Nevada anti-trust law, NRS 598A, this type of conduct comprises a tying arrangement. To the extent that the landlord and the seller of the mobile home are the same organization or related organizations, such conduct would be presently barred by NRS 598A as an anti-trust violation to the extent that the landlord of the mobile home park and the seller of the mobile home are not related, they would not be covered under NRS 598A. It is the attorney general's intent in supporting this legislation to close this portion of the law, so that it would prohibit tying arrangements to unrelated third parties.

Mr. Keith Holland, Carson City Building Department spoke in support of Assembly Bill No. 412 which gives the department the necessary tools to abate or "clean up" some of the existing substandard mobile homes in the area. The department currently has no control over any aspect of a mobile home other than the initial set-up. The department can do nothing even when it is aware of substandard quality in mobile homes to cause such substandard items to be corrected.

Mr. Bob Shelley, Senior Managing Analyst, Clark County Building and Zoning Department spoke in support of Assembly Bill No. 412. Mr. Shelley suggested the following amendments for Assembly Bill No. 412:

page 5, line 17 change "at each exit" to "in a conspicuous place" (this change was made in the Assembly throughout the bill, but this particular line was missed)

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page 8, lines 31 and subsequent lines: "and regulations adopted pursuant to it" speaks to the issue of the local jurisdictions adopting the state standards as the state manufactured housing division standards. He said the county should be able to adopt regulations either "more or less stringent", not merely more stringent or equal to.

The Chairman asked Mr. Shelley why the department desires to have the ability to adopt regulations less stringent than those of the state.

Mr. Shelley replied that such an ability would give the department the flexibility to perceive and respond to needs and input of the various segments of the particular community.

The Chairman observed that the issue is "livability". He said that would not change from one county to the next, as what is safe for human habitation in one county, will also be safe for human habitation in another, therefore standard regulations should be set for the entire state.

Mr. Shelley remarked that regulations sometimes go beyond the minimums, such as the requirement of recreational vehicle parking in the mobile home park.

Senator Kosinski asked whether the language on page 9, section 25, lines 1 through 3 mandate that gas service be provided in parks if available.

Mr. Tetrault replied that the intent of the subcommittee is to prohibit any further construction of parks with master metering of gas or electricity; each lot must be metered individually.

Senator Bilbray remarked that the wording should be amended so that an owner may have an all electric park if he so desires.

Mr. Shelley continued with his suggested amendments:

page 9, line 10, the word "shall" should be changed to "may" as in some cases the problem may be better handled through the use of a temporary restraining order OR delete lines 10, 11, and 12.

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page 10, line 25 (progressive disciplinary schedule)
As jail space problems exist in Clark County, imprisonment should not be a penalty.

page 11, add a subsection 9, which would allow the public service commission the ability to license or control master meter parks and require adequate service similar to that park master metering system being a quasi-municipal utility. Section 29, as written identifies testing, safety measures, methods of charging, and establishing fees, but does not provide for the adequacy of service.

The Chairman asked Mr. Shelley to supply the committee with a written copy of language for such a subsection.

Mr. Shelley replied that he will supply the language and in summation, feels that the concepts in the bill are good and does support the bill.

Assemblyman Paul Prengaman told the committee he was on the study committee and also on the Commerce Committee to consider Assembly Bills 30 and 31, whose provisions were written into Assembly Bill No. 412, which is a compromise. He said the language in this bill is considerably "watered down", referring to page 2, lines 43, 44, and 45. "The administrator shall adopt regulations to carry out the purposes of this chapter and to govern the use and occupancy of mobile homes and premises." thus narrowing the administrator's powers to adopt regulations concerning individual mobile homes within a park. The original language said he had the power to govern the parks. The interim subcommittee found that there is a "mishmash" of regulations; the subcommittee consolidated all the functions and provisions that body felt the administrator should have and placed them in Assembly Bill No. 31.

Mr. Tony Taormina, Chief Building Inspector, Washoe County spoke in support of Assembly Bill No. 412 because it will provide the law necessary to abate substandard mobile homes or attain necessary repairs. Currently, Washoe County is adopting the Uniform Building Code, which provides the abatement of substandard structures, but it is not applicable to mobile homes.

Mr. Heber Hardy, Commissioner, Public Service Commission and Mr. John Clark, Deputy Commissioner spoke relative

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to Assembly Bill No. 412 (see Exhibit E).

Ms. Vickie Demas, Representative, Homeowners League of Nevada spoke in support of Assembly Bill No. 412. She observed that there are approximately 3,000 mobile homes that are rented to tenants in the State of Nevada. The largest number of those are located in North Las Vegas. Ms. Demas noted that a bill passed out of the legislature during the sixtieth session of the Nevada State Legislature (1979 session) requiring the installation of smoke detectors in mobile homes has not worked and has been unenforceable.

Ms. Demas commented that the language on page 10, line 11 was being removed from the bill at the request of the subcommittee. She referred to page 11, line 10. She said it may be a hardship on landlords to notify tenants 60 days in advance of an increase in gas rates because they may not receive notice in time themselves, if such a provision were enforced, landlords will increase rents.

Ms. Demas explained there are three classes of mobile home parks relative to utilities:

1 class gets utilities directly from utility companies

2nd class is a master meter park in which the gas and/or electric is on one meter system which belongs to the park owner who is responsible for the system and charges made to tenants for the use of the system on the basis of each tenants' use as gauged by a sub-meter.

3rd class park has no sub-meters and each tenant is charged a flat rate for the use of the utility which is set by the park owner.

The Chairman asked interested parties to meet with a subcommittee consisting of Senator Bilbray and Senator Faiss to create amendments for Assembly Bill No. 412.

There being no further business, the meeting adjourned at 10:25 a.m.

Respectfully submitted:

APPROVED BY:



Senator Jeo Neal, Chairman



Connie S. Richards, Committee Secretary

DATE: May 22, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities, Room 323
Day Wednesday, Date May 13, Time 8:30 a.m.

S. B. No. 640--Specifies criteria for closing public school.

A. B. No. 412--Provides for regulation of condition of
manufactured housing.

S. B. No. 394--Creates Nevada Commission for the Blind--WORK SESSION

S. B. No. 575--Changes internal organization of rehabilitation
division in department of human resources--WORK SESSION.

S. B. No. 631--Creates division of visual and aural services
in department of human resources--WORK SESSION.

NEVADA ASSOCIATION OF SCHOOL ADMINISTRATORS

NASA

EXHIBIT C

May 13, 1981

Senator Joe Neal, Chairman
Human Resources and Facilities Committee
Nevada Legislature
Carson City, Nevada

Re: Senate Bill (SB 640)

Dear Senator Neal and Members of the Committee:

The Nevada Association of School Administrators (NASA) is in agreement with the testimony that will be provided by the Washoe and Clark County School Districts.

Our Association urges you to pass SB 640 in order that the most efficient use of school facilities can occur.

Very truly yours,

Richard F. Brown
Richard F. Brown,
Executive Director
Nevada Association of
School Administrators

MANUFACTURED HOUSING DIVISION

CAPITOL COMPLEX

CARSON CITY, NEVADA 89710

(702) 885-4298

ROBERT LIST
GOVERNORJAMES WADHAMS
DIRECTORA. WAYNE TETRAULT
ADMINISTRATOREXHIBIT D

M E M O R A N D U M

April 29, 1981

TO: Assemblyman Robert Robinson
FROM: A. Wayne Tetrault, Administrator *Wayne*
SUBJECT: AB 412 - Fiscal Note

AB 412 indicates a fiscal note effect on the state or on industrial insurance.

This is not the case. This bill will not require us to request any additional budget or personnel to administer the provisions of AB 412.

Please amend AB 412 so that it reflects a NO fiscal note.

Thank you.

cc: Assembly Commerce Committee members

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STATE AGENCY ESTIMATES Date Prepared 4-3-81

Agency Submitting Manufactured Housing Division

| Revenue and/or Expense Items | EXHIBIT D | | | |
|---------------------------------|------------------------|------------------------|------------------------|------------|
| | Fiscal Year 1980-81 | Fiscal Year 1981-82 | Fiscal Year 1982-83 | Continuing |
| | -0- | -0- | -0- | -0- |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Total | -0- | -0- | -0- | -0- |

Explanation (Use Continuation Sheets If Required)

Additional staff or funds are not needed because this legislation merely gives authority to this division and local building departments to respond to complaints and violations by requiring substandard mobile homes to be brought up to code. It does not require systematic regular inspections of mobile homes.

Local Government Impact YES NO
(Attach Explanation)

Signature [Signature]
Title [Title]

DEPARTMENT OF ADMINISTRATION COMMENTS

Date _____

Signature _____

Title _____

LOCAL GOVERNMENT FISCAL IMPACT
(Legislative Counsel Bureau Use Only)

Date _____

MEMORANDUM

EXHIBIT E

May 13, 19 81

To..... Chairman and Members of the Senate
Human Resources and Facilities Committee

From..... John L. Clark, Deputy Commissioner

Subject: A. B. 412 (Provides for Regulation of Condition of
Manufactured Housing)

Comment on subsections 2-4, inclusive, of Section 29:

While the Public Service Commission is certainly in favor of legislation which would insure safety in the maintenance, use and operation of electric and gas facilities in mobile home parks, the Commission must respectfully oppose subsections 2 through 4, inclusive, of Section 29. Those sections would require that the Commission examine and test electric and gas distribution lines and equipment within a mobile home park at the request of certain governmental agencies. The Commission neither has the personnel nor equipment to conduct the types of examination and testing contemplated by these subsections.

The Commission does have a pipeline safety inspector who is responsible for insuring that public utilities under the jurisdiction of the Commission comply with federal pipeline regulations in maintaining, using and operating their pipeline facilities. However, the nature of the enforcement carried out by the Commission's pipeline safety engineer does not include actual testing of gas pipeline facilities. Instead, the engineer monitors the inspection, testing and maintenance operations carried on by the pipeline operator. In the case of emergencies, the pipeline safety engineer supervises the operation necessitated by the emergency situation.

Further, under present law and budget constraints, the Commission's enforcement of federal pipeline safety standards does not extend to pipeline facilities which are located within mobile home parks served by master meter operators. The Commission has proposed legislation which would provide the Commission with limited pipeline safety jurisdiction over mobile home parks; however, the status of that legislation, as well as the status of the budget increases that would be necessary to carry out such legislation, is uncertain. Nevertheless, it is necessary to reiterate that even with passage of the bill and passage of the Commission's full budget, there would still be no provision for the personnel or equipment to examine and test electric or gas distribution lines and equipment within mobile home parks as contemplated by A.B. 412.

Comment on subsections 5 and 6 of Section 29:

The Commission has little objection to subsections 5 and 6 of Section 29. In fact, with the exception of the requirement that a landlord itemize the gas rate on the rent bill and provide tenants with 60 days' written notice of gas rate increases, the approved tariffs on file with the Commission are in substantial conformity with the provisions of those subsections. With regard to the Commission's regulatory affairs, the notice provision has no impact;

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TO: Chairman & Members of Senate
Human Resources & Facilities Committee

EXHIBIT E

FROM: John L. Clark, Deputy Commissioner

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however, the Commission does wish to point out that gas rate increases resulting from FERC purchased gas adjustments could quite likely result in gas rate increases upon less than 60 days' notice to the master meter operator.

Comment on Subsections 7 and 8 of Section 29:

It is the opinion of the Division of Consumer Relations of the Commission that the additional personnel provided under the Commission's proposed budget would permit the division to conduct the complaint investigation resolution processes contained in subsection 7. However, the Commission's limited jurisdiction over master metered operations would limit the ability of the division to fairly and efficiently resolve billing disputes. Since the Commission would have no jurisdiction over the installation and use of individual electric and gas meters, the division would be forced to assume that meter readings are accurate, and that neither the master meterer nor the tenant had tampered with the meter. (Again, it should be noted that the Commission neither has the personnel nor the equipment to conduct meter testing.) Therefore, the sole responsibility of the division would be to insure that the master meterer made no arithmetic errors in calculating the billing, and that the proper billing factor for the conversion of cubic feet of gas to therms is utilized.