

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

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 25, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 8:07 a.m., Monday, May 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 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 Patty Cafferata
Assemblyman Karen W. Hayes

STAFF MEMBERS PRESENT:

Connie S. Richards, Committee Secretary

ASSEMBLY BILL NUMBER 329 (EXHIBIT C)

Mr. Chuck Neely, Representative, Clark County School District spoke in support of Assembly Bill No. 329 which amends current law so each district may set the grade in which each child will be examined. He explained that current law requires students to be examined each year during the first two weeks of school. The examinations are not automatically necessary for every child every year, and there is no way that all examinations can be completed in the allotted time. Districts have not been conforming to this law.

The Chairman asked how scoliosis may be detected.

Ms. Pat Schank, Clark County School District told the committee scoliosis is an unnatural curvature of the spine that may be detected visually. In cases in which

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a school nurse detects such a disorder, the child is referred to his or her regular medical doctor for treatment.

Mr. John Hawkins, Representative, Nevada State School Boards Association spoke in support of the bill.

SENATE BILL NUMBER 702 (EXHIBIT D)

Mr. Chuck Neely, Clark County School District told the committee Senate Bill No. 702 was drafted at the request of the district so that term of office for officers might be one year rather than two if the district desires.

ASSEMBLY BILL NUMBER 329 (EXHIBIT C)

Assemblyman Patty Cafferata told the committee scoliosis may be corrected if caught early. She said most school districts are not currently in compliance with the law because they cannot examine all children every year in the first two weeks of school. The bill will save money.

Senator Bilbray asked whether the bill applies to public schools only. He said many private schools do not have the personnel.

Assemblyman Cafferata replied that the bill amends the law already in the NRS and applies to the same schools those laws apply to. If the private schools are not currently under compliance, neither will they be under the bill.

ASSEMBLY BILL NUMBER 412 (EXHIBIT E)

The committee reviewed the amendments to Assembly Bill No. 412.

Senator moved to "Amend and Do Pass" Assembly Bill No. 412 and re-refer to the Senate Committee on Human Resources and Facilities.

Senator Bilbray seconded the motion.

The motion carried unanimously.

SENATE BILL NUMBER 702 (EXHIBIT D)

Senator Kosinski moved to "Do Pass" Senate Bill No. 702.

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Senator Getto seconded the motion.

The motion carried unanimously.

ASSEMBLY BILL NUMBER 329 (EXHIBIT C)

Senator Blakemore moved to "Do Pass" Assembly Bill No. 329.

Senator Faiss seconded the motion.

The motion carried. (Senator Bilbray voted "No".)

SENATE BILL NUMBER 423

The committee reviewed the amendments submitted by the Assembly for Senate Bill No. 423.

Mr. Joe Midmore, Board of Pharmacy told the committee the only change in the bill is to remove Schedule II drugs from free distribution.

ASSEMBLY JOINT RESOLUTION NUMBER 41 (EXHIBIT F)

Assemblyman Karen W. Hayes said the bill is self-explanatory. She said several million people have been affected by nuclear testing throughout the United States and probably one half a million in the State of Nevada alone. She said many ailments other than cancer have been diagnosed as a direct cause from contact of the fallout of such testing.

Senator Blakemore said the language on lines 10-12, stating that the U. S. Government has failed and continues to fail makes accusations that cannot be proven. He asked what testimony was given pertaining to this.

Assemblyman Hayes replied that many people who were exposed and now have problems due to that exposure are going to court to get care. The victims are not being properly provided for.

Senator Blakemore replied that the bill doesn't say that.

Assemblyman Hayes replied that she would have no objection to a change in the language to make that clear.

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Ms. Pat Schank told the committee about some personal experiences due to fallout from nuclear testing.

Senator Getto moved to "Amend and Do Adopt" Assembly Joint Resolution No. 41 to change the wording so that it says the government "may" have failed.

Senator Kosinski seconded the motion.

The motion carried. (Senator Neal abstained from voting.)

SENATE BILL NUMBER 423

Senator Blakemore moved to "Do Concur" with amendments submitted by the Assembly for Senate Bill No. 423.

Senator Bilbray seconded the motion.

The motion carried unanimously.

SENATE CONCURRENT RESOLUTION NUMBER 66

The committee reviewed the amendment for Senate Concurrent Resolution No. 66 and agreed that it had been written as prescribed by the committee.

ASSEMBLY BILL NUMBER 628

Senator Blakemore said the bill is necessary for many small counties which are having problems keeping their hospitals running. He said the problem is in the fact that the bill also applies to the big counties, (Washoe and Clark Counties) where they have no financial problems and run smoothly. He asked whether an amendment could be drafted to allow the bill to apply only to counties with one hospital.

Senator Kosinski replied that an extra section of the NRS could be provided that applies only to counties with 1 hospital.

There being no further business, the meeting adjourned at 9:50 a.m.

Respectfully submitted:

APPROVED BY:



Connie S. Richards, Committee Secretary



Senator Joe Neal, Chairman

DATE: May 30, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities, Room 323 . .

Day Monday, Date May 25, Time 8:00 a.m.

A. J. R. No. 41--Memorializes Congress to assume responsibility for persons harmed by nuclear testing.

A. B. No. 329--Amends provisions for physical examination of pupils in schools.

S. B. No. 702--Requires boards of school trustees to fix terms of officers.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 329

ASSEMBLY BILL NO. 329—ASSEMBLYMAN CAFFERATA

MARCH 12, 1981

Referred to Committee on Health and Welfare

SUMMARY—Amends provisions for physical examination of pupils in schools. (BDR 34-1101)

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 the health of pupils in schools; amending various provisions concerning physical examination of pupils; 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 392.420 is hereby amended to read as follows:
2 392.420 1. [During the first 2 months of the school year, qualified]
3 *Qualified* health personnel provided in accordance with [the provisions
4 of] subsection [3] 5 shall [:
5 (a) Observe and examine every child regularly enrolled in school, sep-
6 arately and carefully, for symptoms of visual, auditory or physical defects.
7 (b) Where defects are believed to exist, notify the parents or guardian
8 of the child regarding the probability of the existence of the defects, rec-
9 ommending that proper medical or dental attention be secured for the
10 child.
11 2. All children enrolled in school after the second school month of
12 the school year shall be examined immediately upon their enrollment,
13 and, if necessary, their parents or guardians shall be notified as provided
14 in subsection 1.
15 3.] *plan for and carry out a separate and careful observation and*
16 *examination of every child who is regularly enrolled in a grade specified*
17 *by the board of trustees or superintendent of schools of the school district*
18 *to determine whether the child has scoliosis, any visual or auditory prob-*
19 *lem or any gross physical defect. The grades in which the observations*
20 *and examinations must be carried out are as follows:*
21 (a) *For visual and auditory problems, in at least two grades of the ele-*
22 *mentary schools, one grade of the middle or junior high schools and one*
23 *grade of the high schools; and*

1 (b) For scoliosis, in at least one grade of schools below the high
2 schools.

3 2. If any child is attending school in a grade above one of the speci-
4 fied grades and has not previously received such an observation and
5 examination, he must be included in the current schedule for observation
6 and examination. Any child who is newly enrolled in the district must be
7 examined for any medical condition for which children in a lower grade
8 are examined.

9 3. A special examination for a possible visual or auditory problem
10 must be provided for any child who:

11 (a) Is enrolled in a special program;

12 (b) Is repeating a grade;

13 (c) Has failed an examination for a visual or auditory problem during
14 the previous school year; or

15 (d) Shows in any other way that he may have such a problem.

16 4. The school authorities shall notify the parents or guardian of any
17 child who is found or believed to have a visual or auditory problem,
18 scoliosis, or any gross physical defect and shall recommend that appro-
19 priate medical attention be secured to correct it.

20 5. In any school district in which state, county or district public
21 health services are available or conveniently obtainable, [such services
22 shall be utilized] those services may be used to meet the responsibilities
23 assigned under the provisions of [subsections 1 and 2. However, at its
24 discretion, the] this section. The board of trustees of the school district
25 may employ qualified personnel to perform them.

26 [4. The state board of health shall:

27 (a) Prescribe rules for making examinations.

28 (b) Furnish to the superintendent of public instruction, for distribution
29 to the boards of trustees of school districts, copies of the rules, instruc-
30 tions, test cards, blanks and other useful appliances for carrying out the
31 provisions of subsections 1 and 2.

32 5.] 6. Any child [shall be exempt] must be exempted from the
33 examination if his parents or guardian files [,] with the teacher [,] a
34 written statement objecting to the examination.

S. B. 702

SENATE BILL NO. 702—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

MAY 21, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires boards of school trustees to fix
terms of officers. (BDR 34-2133)

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 boards of school trustees; requiring each board to fix the
terms of its officers; 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 386.310 is hereby amended to read as follows:
2 386.310 1. [On the date fixed by its rules for the first meeting in
3 January following a general election, the] *The* board of trustees shall
4 meet and organize by:
5 (a) Electing one of its members as president.
6 (b) Electing one of its members as clerk, or by selecting some other
7 qualified person as clerk.
8 (c) Electing additional officers as may be deemed necessary.
9 (d) *Fixing the term of office for each of its officers.*
10 2. A record of the organization of the board of trustees must be
11 entered in the minutes, together with the amount of salary to be paid to
12 the clerk.
13 3. Immediately after the organization of the board of trustees, the
14 clerk shall file the names of the president, the clerk and the members of
15 the board of trustees with the department and the county auditor of the
16 county whose boundaries are conterminous with the boundaries of the
17 county school district.

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT

A. B. 412

ASSEMBLY BILL NO. 412—COMMITTEE ON COMMERCE

MARCH 31, 1981

Referred to Committee on Commerce

SUMMARY—Provides for regulation of condition of manufactured housing. (BDR 40-1244)

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

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

AN ACT relating to manufactured housing; providing for the regulation of its condition and for the enforcement of laws governing the condition of manufactured housing; providing a procedure for local assumption of responsibility for that regulation and enforcement; providing penalties; 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. Title 40 is hereby amended by adding thereto a new
2 chapter to consist of the provisions set forth as sections 2 to 26, inclu-
3 sive, of this act.
4 SEC. 2. As used in this chapter, unless the context otherwise
5 requires, the terms defined in sections 3 to 7, inclusive, of this act have
6 the meanings ascribed to them in those sections.
7 SEC. 3. "Administrator" means the chief of the manufactured hous-
8 ing division.
9 SEC. 4. "Agency for enforcement" or "agency" means the division
10 or the city or county which has responsibility for the enforcement of the
11 provisions of this chapter and the regulations adopted under it.
12 SEC. 5. "Division" means the manufactured housing division of the
13 department of commerce.
14 SEC. 6. "Mobile home" means a vehicular structure without inde-
15 pendent motive power, built on a chassis or frame, which is:
16 1. Designed to be used with or without a permanent foundation;
17 2. Capable of being drawn by a motor vehicle; and
18 3. Used for year-round occupancy as a residence, when connected
19 to utilities, by one person who maintains a household or by two or more
20 persons who maintain a common household.
21 Except as provided in section 23 of this act, the term does not include a
22 recreational vehicle.

1 **SEC. 7. "Nuisance" includes:**

2 1. Any nuisance as defined in NRS 40.140.

3 2. As determined by the agency:

4 (a) Insufficient ventilation or illumination; or

5 (b) Inadequate or unsanitary sewage or plumbing facilities.

6 3. As determined by the county health officer:

7 (a) Uncleanliness;

8 (b) Any situation which renders air, food or drink unwholesome or
9 detrimental to the health of human beings; or

10 (c) Any situation which is dangerous to human life or is detrimental to
11 the health of human beings.

12 **SEC. 8. Except as provided in section 22 of this act, the provisions of**
13 **this chapter shall be administered by the division, subject to adminis-**
14 **trative supervision by the director of the department of commerce.**

15 **SEC. 9. 1. In order to carry out the provisions of this chapter, the**
16 **administrator may:**

17 (a) Issue subpoenas for the attendance of witnesses or the production
18 of books, papers and documents; and

19 (b) Conduct hearings.

20 2. The administrator may make inspections of and approve or dis-
21 approve plans and specifications for proposed mobile home parks and
22 alteration of mobile home parks. When it is necessary to make an inspec-
23 tion to enforce any of the provisions of this chapter or when the admin-
24 istrator or his authorized representative has reasonable cause to believe
25 that there exists in any mobile home or upon any premises any condition
26 or violation which makes the mobile home or premises unsafe, dangerous
27 or hazardous, the administrator or his authorized representative may enter
28 the mobile home or premises at any reasonable time to inspect it or to
29 perform any duty imposed upon the administrator. If the mobile home or
30 premises is occupied, he shall first present proper credentials and request
31 entry and if the mobile home or premises is unoccupied, he shall first
32 make a reasonable effort to locate the owner or other persons having
33 charge or control of the mobile home or premises and request entry. If
34 entry is refused, the administrator or his authorized representative has
35 recourse to every remedy provided by law to secure entry.

36 3. A magistrate shall issue a warrant to permit an inspection if the
37 administrator has shown:

38 (a) Evidence that a violation of a provision of this chapter or a reg-
39 ulation adopted under it has been committed or is being committed; or

40 (b) That the mobile home or premises have been chosen for an inspec-
41 tion on the basis of a general administrative plan for the enforcement of
42 the provisions of this chapter and the regulations adopted under it.

43 4. The administrator shall adopt regulations to carry out the pur-
44 poses of this chapter and to govern the use and occupancy of mobile
45 homes and premises. The regulations must establish minimum require-
46 ments to protect the health and safety of the occupants and the public
47 and must provide for the abatement of any substandard, unsafe or
48 unsanitary condition of a mobile home or premises or of the electrical,
49 mechanical or plumbing systems therein.

1 5. The administrator shall adopt regulations to govern the construc-
2 tion and alteration of mobile home parks and lots within the parks. The
3 regulations must establish standards to protect the health, safety and
4 general welfare of the residents of the parks, and must contain provisions
5 relating to:

- 6 (a) The construction and maintenance of roadways, driveways, walk-
7 ways and permanent buildings;
8 (b) Plumbing and the supply of water;
9 (c) Disposal of refuse and sewage;
10 (d) Electrical wiring, fixtures and equipment;
11 (e) Gas equipment and related installations;
12 (f) Prevention of fire and fire protection; and
13 (g) Other matters which relate to the health and safety of residents.

14 6. When construction, rebuilding or other work is being performed
15 or is about to be performed in violation of the provisions of this chapter
16 or a regulation adopted pursuant to this chapter, the administrator may
17 order the work stopped by written notice served on any person perform-
18 ing the work or causing the work to be done, and the person shall
19 immediately stop the work until authorized by the administrator to
20 proceed.

21 SEC. 10. Any mobile home where there exists any of the following
22 listed conditions which endangers the life, health, property, safety or
23 welfare of the public or the occupants of the mobile home is hereby
24 declared to be substandard:

- 25 1. Inadequate sanitation.
26 2. Structural hazards.
27 3. Nuisance.
28 4. Hazardous wiring.
29 5. Hazardous plumbing.
30 6. Hazardous mechanical equipment.
31 7. Faulty weather protection.
32 8. A condition as to cause a fire or explosion.
33 9. Faulty materials of construction.
34 10. Hazardous or unsanitary premises.

35 SEC. 11. Any mobile home which is determined to be substandard by
36 the agency is hereby declared to be a nuisance and must be abated by
37 repair, demolition or removal.

38 SEC. 12. 1. When the agency has inspected or caused to be inspected
39 any mobile home and has determined that the mobile home is sub-
40 standard, proceedings to cause the mobile home to be repaired, vacated
41 or demolished must be commenced.

42 2. The agency shall issue an order directed to the owner and lien-
43 holder of the mobile home and the owner of the land on which the mobile
44 home is located. The order must contain:

45 (a) The street address and legal description sufficient for identifica-
46 tion of the mobile home and premises upon which the mobile home is
47 located.

48 (b) A statement that the agency has found the mobile home to be
49 substandard with a brief and concise description of the conditions found

1 to render the mobile home substandard under the provisions of this
2 chapter.

3 (c) A statement as follows of the action required to be taken as deter-
4 mined by the agency:

5 (1) If the agency has determined that the mobile home must be
6 repaired, the order must state that all required permits must be secured
7 and the work physically commenced within 60 days from the date of
8 the order and completed within such time as the agency shall determine
9 is reasonable under all of the circumstances.

10 (2) If the agency has determined that the mobile home must be
11 vacated, the order must state that the mobile home must be vacated
12 within a certain time from the date of the order as determined by the
13 agency to be reasonable.

14 (3) If the agency has determined that the mobile home must be
15 demolished, the order must state that the mobile home must be vacated
16 within such time as the agency shall determine is reasonable, not to
17 exceed 60 days from the date of the order, that all required permits
18 must be secured within 60 days from the date of the order, and that the
19 demolition must be completed within such time as the agency shall
20 determine is reasonable.

21 (d) Statements advising that if any required repair or demolition work,
22 where the mobile home was not required to be vacated, is not com-
23 menced within the time specified, the agency will order the mobile home
24 vacated and posted to prevent further occupancy until the work is com-
25 pleted, and may proceed to cause the work to be done and charge the
26 costs of repair as provided by this chapter.

27 (e) Statements advising that any person having any title or legal
28 interest in the mobile home may appeal from the order or any action of
29 the agency and that the appeal must be made in writing and filed with
30 the agency within 10 days from the date of the service of the order and
31 that failure to appeal constitutes a waiver of all rights to an administrative
32 hearing and determination of the matter.

33 SEC. 13. 1. The following procedure must be followed by the agency
34 in ordering that a substandard mobile home be repaired, vacated or
35 demolished:

36 (a) If any mobile home is declared substandard under this chapter it
37 must either be repaired or it may be demolished at the option of the
38 owner and lienholder.

39 (b) If the mobile home is in such condition as to make it immediately
40 dangerous to the life, property or safety of the public or of the occupants,
41 it must be ordered to be vacated.

42 2. Every notice to vacate must, in addition to being served, be posted
43 in a conspicuous place on the mobile home, and must be in substantially
44 the following form:

45 DO NOT ENTER
46 UNSAFE TO OCCUPY

47
48 It is a misdemeanor to occupy this structure or to remove or
49 deface this notice.

1 The notice must also briefly and concisely specify the conditions which
2 necessitate the posting.

3 3. No person may remain in or enter any mobile home to which a
4 notice pursuant to subsection 2 has been posted, except that entry may
5 be made to repair, demolish or remove the mobile home under a permit
6 from the agency. No person may remove or deface any such notice after
7 it is posted until the required repairs, demolition or removal has been
8 completed and a certificate of occupancy has been issued.

9 SEC. 14. If, after any order of the agency has become final, the
10 person to whom the order is directed fails to obey the order, the agency
11 may cause the person to be prosecuted or institute any appropriate
12 action to abate the substandard mobile home.

13 SEC. 15. 1. If the required repair or demolition is not commenced
14 within 30 days after a final order issued under this chapter becomes
15 effective:

16 (a) The agency shall cause the mobile home described in the order
17 to be vacated by posting at each exit of the mobile home a notice
18 reading:

19 **SUBSTANDARD STRUCTURE**
20 **DO NOT OCCUPY**

21
22 It is a misdemeanor to occupy this structure or to remove or
23 deface this notice.

24 (b) A person may not occupy any mobile home to which a notice
25 pursuant to paragraph (a) has been posted. No person may remove or
26 deface any such notice so posted until the repairs, demolition or removal
27 ordered by the agency have been completed and a certificate of occu-
28 pancy has been issued.

29 (c) The agency may, in addition to any other remedy provided in
30 this section:

31 (1) Cause the mobile home to be repaired to the extent necessary to
32 correct the conditions which render the mobile home substandard as
33 set forth in the order; or

34 (2) If the order required demolition, cause the mobile home to be
35 sold and demolished or, to be demolished and the materials, rubble and
36 debris removed and the lot cleaned.

37 Any such repair or demolition work must be accomplished and the cost
38 paid and recovered in the manner provided in this chapter. Any surplus
39 realized from the sale of the mobile home or from its demolition, above
40 the cost of demolition and of cleaning the lot, must be paid to the
41 person lawfully entitled to the money.

42 2. Upon receipt of any application from the person required to
43 conform to the order and an agreement by the person that he will comply
44 with the order if allowed additional time, the agency may grant an
45 extension of time, not to exceed an additional 120 days, within which to
46 complete the repairs or demolition, if the agency determines that an
47 extension of time will not create or perpetuate a situation imminently
48 dangerous to life or property. The agency's authority to extend time is
49 limited to the physical repair or demolition of the mobile home and
50 must not extend the time to appeal the order.

1 3. No person may obstruct, impede or interfere with any officer,
2 employee, contractor or authorized representative of the agency or with
3 any person who owns or holds any interest in a mobile home which has
4 been ordered repaired, vacated or demolished under the provisions of
5 this chapter, or with any person to whom the mobile home has been
6 lawfully sold pursuant to the provisions of this chapter, whenever such
7 authorized person is engaged in the work of repairing, vacating and
8 repairing, or demolishing the mobile home pursuant to the provisions of
9 this chapter, or in performing any necessary act preliminary to or inci-
10 dental to such work or authorized or directed pursuant to this chapter.

11 4. The agency may require the plans for repair to be prepared by
12 an architect or engineer at the expense of the owner.

13 SEC. 16. 1. Any person against whom an action is taken pursuant to
14 this chapter is entitled to notice in the form of an order and a hearing
15 before the agency for enforcement in accordance with regulations of
16 the agency.

17 2. Upon request for such a hearing, the owner or lienholder of the
18 mobile home or the owner of the land on which the mobile home is
19 located must be granted a hearing on the matter before an authorized
20 representative of the agency or any other board, commission or official
21 authorized to conduct such hearings. This request must be made to the
22 agency within 10 days after personal service or acknowledgment of
23 receipt by mail of the order. If the owner of the land on which the mobile
24 home is located submits a sworn written statement denying responsibility
25 for the presence of the mobile home on his land within the prescribed
26 period of time, this statement shall be deemed a request for a hearing
27 which does not require the presence of the owner who submitted the
28 request. If such a request is not received within 10 days from the date
29 of personal service or acknowledgment of receipt by mail of the order,
30 the agency may abate the substandard mobile home.

31 3. Upon receipt of a request for a hearing or a sworn written state-
32 ment by the owner of the land on which the mobile home is located,
33 denying responsibility for the presence of the mobile home on his land,
34 the agency shall set a time and place for a hearing and shall give the
35 petitioner written notice of it. Receipt of the request for a hearing or a
36 statement by the owner of the land on which the mobile home is located,
37 operates to delay any action by the agency until after the hearing.

38 4. Upon receipt of a request for a hearing the agency shall give a
39 second notice directing the owner and lienholder of the mobile home and
40 the owner of the land on which the mobile home is located to appear at
41 a stated time and place to show cause why the substandard mobile home
42 should not be abated.

43 5. At the time and place fixed in the notice given pursuant to sub-
44 section 4 the authorized representative of the agency or other board,
45 commission or official authorized to conduct the hearing shall proceed
46 to hear the testimony of the officers or employees of the agency and the
47 owner of the mobile home or his representatives respecting the condition
48 of the mobile home, the estimated cost of its repair or removal and any
49 other pertinent matters. Upon the conclusion of the hearing, the person
50 conducting the hearing shall render a decision in the matter which must

1 be reported to the agency. If the mobile home is found to be a nuisance,
2 the owner, lienholder or owner of the land must be ordered to abate the
3 nuisance within 30 days after the date of personal service or acknowl-
4 edgment of receipt by mail of the order.

5 6. The agency shall post a copy of the order to abate the sub-
6 standard mobile home in a conspicuous place on the mobile home. A
7 copy of the order must also be mailed or delivered by personal service
8 to the owner of the property on which the mobile home is located, and
9 to the last owner and lienholder of record of the mobile home.

10 SEC. 17. Any owner or other interested person who has an objection
11 to the hearing or the agency ordering the abatement of a nuisance must
12 bring an action in a court of competent jurisdiction within 30 days after
13 the date of the posting of the order on the mobile home or receipt of
14 the order pursuant to section 16 of this act or the objection shall be
15 deemed waived.

16 SEC. 18. The owner or the lienholder of the mobile home is liable
17 for the cost of abating the nuisance. If the mobile home is in such con-
18 dition that identification numbers are not available to determine owner-
19 ship or the agency is unable to locate the owner or the lienholder of the
20 mobile home, the owner of the land on which the mobile home is located
21 is liable for the costs.

22 SEC. 19. A notice identifying each mobile home which has been
23 demolished or dismantled must be sent to the division within 15 days
24 after demolition or dismantling. The notice must contain all available evi-
25 dence of ownership or the certificate of title.

26 SEC. 20. 1. It is unlawful for the person ordered to abate a nuisance
27 under this chapter to fail or refuse to remove or abate the nuisance within
28 60 days after the date of personal service or acknowledgment of receipt
29 by mail of the order. After the expiration of the 60 days, the agency may
30 abate the nuisance.

31 2. It is unlawful for any person to use, cause to be used or permit
32 to be used for occupancy:

33 (a) Any mobile home which does not comply with the safety stand-
34 ards for the installation, support and tiedown of mobile homes required
35 by NRS 489.251.

36 (b) Any mobile home that is not fit for the use for which it was
37 intended or could cause an unreasonable risk or make it immediately
38 dangerous to the life, health, property, safety or welfare of the public
39 or of the occupants.

40 (c) Any mobile home in an unsanitary condition.

41 (d) Any mobile home which is structurally unsound or does not pro-
42 tect its occupants against the elements.

43 (e) Any mobile home which has been declared by the agency to be
44 substandard.

45 SEC. 21. 1. The district court for the county in which any investiga-
46 tion or hearing is being conducted by the agency for enforcement pur-
47 suant to the provisions of this chapter may compel the attendance of
48 witnesses, the giving of testimony and the production of books and
49 papers as required by a subpoena issued by the agency.

50 2. If any witness refuses to attend or testify or produce any papers

1 required by a subpoena, the agency may report to the district court for
2 the county in which the investigation or hearing is pending by petition,
3 setting forth that:

4 (a) Due notice has been given of the time and place of attendance
5 of the witness or the production of the books and papers;

6 (b) The witness has been subpoenaed in the manner prescribed in this
7 chapter; and

8 (c) The witness has failed or refused to attend or produce the papers
9 required by subpoena before the agency in the investigation or hearing
10 named in the subpoena, or has refused to answer questions propounded
11 to him in the course of the investigation or hearing,
12 and asking for an order of the court compelling the witness to attend
13 and testify or produce the books or papers before the agency.

14 3. Upon such petition, the court shall enter an order directing the
15 witness to appear before the court at a time and place to be fixed by the
16 court in its order, the time to be not more than 10 days from the date of
17 the order, and then and there show cause why he has not attended or
18 testified or produced the books or papers before the agency. A certified
19 copy of the order must be served upon the witness.

20 4. If it appears to the court that the subpoena was regularly issued
21 by the agency, the court shall enter an order that the witness appear
22 before the agency at the time and place fixed in the order and testify or
23 produce the required books or papers, and upon failure to obey the
24 order the witness shall be dealt with as for contempt of court.

25 SEC. 22. 1. Each city and county may enforce this chapter and regu-
26 lations adopted pursuant to this chapter. If any city or county fails to
27 enforce this chapter or any regulation adopted pursuant to it, the division
28 shall enforce them in the territory of that city or county.

29 2. The governing body of any city or county may adopt an ordinance
30 which is as stringent as or more stringent than the provisions of this chap-
31 ter and regulations adopted pursuant to it.

32 SEC. 23. The provisions of this chapter apply equally to moveable
33 structures without motive power which are equipped for occupancy for
34 industrial or commercial purposes, recreational vehicles, factory built
35 housing, modular buildings and mobile home accessory buildings and
36 structures when such structures or vehicles are used as a dwelling for a
37 period of 30 days or more at one location.

38 SEC. 24. 1. A person shall not:

39 (a) Construct a mobile home park; or

40 (b) Construct or alter lots, roads or other facilities in a mobile home
41 park,
42 unless he has obtained a construction permit from the agency for enforce-
43 ment.

44 2. Each agency for enforcement may charge and collect reasonable
45 fees, specified by ordinance or regulation, for its services.

46 3. Money collected by the division pursuant to this chapter must be
47 deposited in the state treasury for credit to the fund for manufactured
48 housing which is hereby created as a special revenue fund. Expenses of
49 enforcement of this chapter must be paid from the fund as other claims
50 against the state are paid.

1 SEC. 25. Each mobile home park constructed after July 1, 1981,
2 must provide direct electrical and gas service from the utility to each lot
3 if those services are available.

4 SEC. 26. 1. Any person who knowingly or willfully violates any of
5 the provisions of this chapter or any order issued by the agency for
6 enforcement is guilty of a misdemeanor.

7 2. Any person who knowingly or willfully violates any provision of
8 this chapter or any regulation issued pursuant to it is liable for a civil
9 penalty of not more than \$500 for each violation or for each day of a
10 continuing violation. The enforcement agency shall institute an action in
11 the appropriate court to collect any civil penalty arising under this
12 section.

13 3. All money collected as civil penalties pursuant to the provisions
14 of this chapter must be deposited in the state general fund or the general
15 fund of the city or county, as the case may be.

16 SEC. 27. NRS 118.270 is hereby amended to read as follows:

17 118.270 The landlord or his agent or employee shall not:

18 1. *Require a person to purchase a mobile home from him or any*
19 *other person as a condition to renting a mobile home lot to the purchaser.*

20 2. Charge or receive:

21 (a) Any entrance or exit fee to a tenant assuming or leaving occu-
22 pancy of a mobile home lot.

23 (b) Any transfer or selling fee or commission as a condition to per-
24 mitting a tenant to sell his mobile home within the mobile home park
25 even if the mobile home is to remain within the park, unless the landlord
26 has acted as the mobile home owner's agent in the sale pursuant to a writ-
27 ten contract.

28 (c) Any security or damage deposit the purpose of which is to avoid
29 compliance with the provisions of subsection [5.] 6.

30 (d) Any fee for the tenant's spouse or children other than as provided
31 in the lease.

32 (e) Any unreasonable fee for pets kept by a tenant in the park. If
33 special facilities or services are provided, the landlord may also charge a
34 fee reasonably related to the cost of maintenance of the facility or service
35 and the number of pets kept in the facility.

36 [2.] 3. Increase rent or service fees unless:

37 (a) The rental rates or the increase in service fees applies in a uniform
38 manner to all tenants similarly situated or, if it is a service fee, to a given
39 circumstance, except that a discount may be selectively given to persons
40 who are handicapped or who are 62 years of age or older; and

41 (b) Written notice advising a tenant of the increase is sent to the ten-
42 ant 60 days in advance of the first payment to be increased and written
43 notice of the increase is given to prospective tenants on or before com-
44 mencement of their tenancy.

45 [3.] 4. Deny any tenant the right to sell his mobile home within the
46 park or require the tenant to remove the mobile home from the park
47 solely on the basis of such sale, except as provided in NRS 118.280.

48 [4.] 5. Prohibit any tenant desiring to sell his mobile home within
49 the park from advertising the location of the mobile home and the name

1 of the mobile home park or prohibit the tenant from displaying at least
2 one sign of reasonable size advertising the sale of the mobile home.

3 [5.] 6. Prohibit any meetings held in the park's community or rec-
4 reation facility by the tenants or occupants of any mobile home in the
5 park to discuss mobile home living and affairs, or any tenant-sponsored
6 political meeting, if such meetings are held at reasonable hours and when
7 the facility is not otherwise in use.

8 [6.] 7. Interrupt, with the intent to terminate occupancy, any utility
9 service furnished the tenant except for nonpayment of utility charges
10 when due. Any landlord who violates this subsection is liable to the ten-
11 ant for actual damages. [and \$100 in exemplary damages for each day
12 that the tenant is deprived of utility service.

13 [7.] 8. Require that he be an agent of an owner of a mobile home
14 who desires to sell the mobile home.

15 [8.] 9. Unless prohibited by a written lease or a general rule or reg-
16 ulation of the park if there is no written lease, unreasonably prohibit a
17 tenant from subleasing his mobile home lot if the prospective subtenant
18 meets the general requirements for tenancy in the park.

19 SEC. 28. NRS 118.340 is hereby amended to read as follows:

20 118.340 1. Except as otherwise provided in subsection 2, any land-
21 lord who violates any of the provisions of NRS 118.241 to 118.310,
22 inclusive, is guilty of a misdemeanor.

23 2. Any landlord who violates paragraph (a) of [subsection 1] sub-
24 section 2 of NRS 118.270:

25 (a) For the first offense, is guilty of a misdemeanor.

26 (b) For the second offense, is guilty of a gross misdemeanor.

27 (c) For the third or subsequent offense, shall be punished by imprison-
28 ment in the state prison for not less than 1 year nor more than 6 years,
29 or by a fine of not more than \$5,000, or by both fine and imprisonment.

30 SEC. 29. Chapter 704 of NRS is hereby amended by adding thereto
31 a new section which shall read as follows:

32 1. *This section applies to mobile home parks governed by the provi-*
33 *sions of NRS 118.235 to 118.340, inclusive, and sections 1 to 26, inclu-*
34 *sive, of this act.*

35 2. *The commission shall examine and test the electric and gas distri-*
36 *bution lines and equipment within a mobile home park at the request of*
37 *the manufactured housing division of the department of commerce or an*
38 *agency for enforcement. The commission may enter upon the premises of*
39 *a mobile home park at reasonable times to examine and test the lines and*
40 *equipment whether or not they are owned by a public utility. The com-*
41 *mission shall conduct the examination and testing to determine whether*
42 *any line or equipment is unsafe for service under the safety standards set*
43 *by its regulations or maintenance, use and operation of electric and gas*
44 *distribution lines and equipment.*

45 3. *If the owner or operator of a mobile home park refuses to allow*
46 *the examination and testing to be made as provided in subsection 2, the*
47 *commission shall deem the unexamined lines and equipment to be unsafe*
48 *for service.*

49 4. *Whenever the commission deems or finds any lines or equipment*

1 within a mobile home park to be unsafe for service it shall take appro-
2 priate action to protect the safety of the residents of the park.

3 5. The landlord of any mobile home park which is not equipped with
4 individual meters for each lot who charges the tenants for utilities either
5 separately or by including the charge in their rent, shall prorate the cost
6 of all utilities equally among the occupied lots in the park. In no case may
7 the charges prorated pursuant to this section exceed in the aggregate the
8 cost of the utility to the landlord. If the utility charges are included in the
9 tenant's rent, the landlord shall itemize the gas rate on the rent bill and
10 give the tenant 60 days' written notice of an increase in gas rates.

11 6. In any mobile home park which is equipped with individual meters
12 for each lot and where the landlord receives the utility bill and charges
13 the tenants for utilities, the charge for each tenant may not be at a rate
14 higher than the rate the tenant would be charged if he were receiving
15 service directly from the utility.

16 7. The tenant of a lot in a park described in subsection 1 who
17 believes the landlord has charged him for utilities at a rate higher than the
18 rate the tenant would be charged if he were receiving the service directly
19 from the utility may complain to the division of consumer relations of the
20 public service commission of Nevada. The division shall receive and
21 promptly investigate the complaint. If the division is unable to resolve the
22 complaint, the division shall transmit the complaint and its recommenda-
23 tion to the public service commission of Nevada. The commission shall
24 investigate, give notice and hold hearings upon the complaint, applying to
25 the extent practicable the procedures provided for complaints against
26 public utilities in chapter 703 of NRS.

27 8. If the commission finds that the owner of the mobile home park
28 has violated the provisions of subsection 5 or 6, it shall determine the
29 amount of the overcharge to the tenant and order the landlord to return
30 that amount to the tenant within a specified time. If the landlord fails or
31 refuses to do so, the commission:

32 (a) May compel compliance with its order by any appropriate civil
33 remedy available to it under chapter 704 of NRS.

34 (b) Shall order the landlord to cease and desist from any further viola-
35 tion of subsection 5 or 6, and shall enforce that order as any other order
36 of the commission.

37 (c) The owner of a mobile home park described in subsection 1 shall
38 retain for at least 3 years a copy of all billings for utilities made to his
39 tenants. The owner shall make these records available upon request to
40 the public service commission of Nevada for verification of utility charges
41 made to tenants.

A. J. R. 41

**ASSEMBLY JOINT RESOLUTION NO. 41—ASSEMBLYMEN
HAYES, SCHOFIELD, PRENGAMAN AND JEFFREY**

MAY 5, 1981

Referred to Committee on Economic Development
and Natural Resources

SUMMARY—Memorializes Congress to assume responsibility for persons harmed
by nuclear testing. (BDR 1419)

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—Memorializing the United States Congress
to enact legislation requiring the United States to assume its responsibility for
persons whose health may have been affected by nuclear testing in Nevada.

1 **WHEREAS**, The testing of nuclear devices at the Nevada Test Site began
2 on January 17, 1951, and has continued to the present; and

3 **WHEREAS**, Surface bursts and subsurface bursts which resulted in
4 radioactive materials leaking into the air, have caused unusual amounts of
5 radiation to be present downwind of the test areas; and

6 **WHEREAS**, Recent investigations and reports have indicated that per-
7 sons who reside downwind of the test site, including many persons who
8 live in Nevada, have suffered and are suffering serious and even fatal
9 effects from the radiation; and

10 **WHEREAS**, Recent investigations have found that the United States
11 Government has failed and continues to fail to provide adequate protec-
12 tion for persons living near and downwind of the test site; and

13 **WHEREAS**, Existing legal remedies and recourses available to victims
14 of the radiation which results from nuclear testing are fraught with
15 difficulties; now, therefore, be it

16 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*
17 That we call upon the Congress of the United States to provide compen-
18 sation and treatment for injuries suffered by persons near and downwind
19 of the Nevada Test Site as a result of exposure to radiation from the
20 testing of nuclear devices; and be it further

21 *Resolved,* That fair and just compensation be made to victims of
22 radiation, based upon determinations of an independent commission
23 appointed with the approval of the governor and legislature of Nevada;
24 and be it further

25 *Resolved,* That an independent agency be established by the Federal

1 Government to direct long-term monitoring, medical studies and research
2 and medical care of the victims; and be it further

3 *Resolved*, That the legislative counsel forthwith transmit copies
4 this resolution to the Vice President of the United States in his capacity
5 as President of the United States Senate, to the Speaker of the United
6 States House of Representatives, and to each member of the delegation
7 of the State of Nevada to the Congress of the United States; and be it
8 further

9 *Resolved*, That this resolution shall become effective upon passage and
10 approval.