

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

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
May 28, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 8:10 a.m., Thursday, May 28, 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

STAFF MEMBERS PRESENT:

Fred W. Welden, Senior Research Analyst  
Connie S. Richards, Committee Secretary

ASSEMBLY BILL NUMBER 412 (EXHIBIT C)

Mr. John Clark, Public Service Commission asked the committee to consider clarifying language in section 29, subsection 9, page 12 of the bill so that the intent is clear.

The Chairman asked Mr. Clark to provide such language in writing.

Mr. Clark said he would provide the language.

Senator Bilbray moved to "Amend and Do Pass" Assembly Bill No. 412.

Senator Faiss seconded the motion.

The motion carried. (Senators Kosinski and Getto were not present for the vote.)

ASSEMBLY BILL NUMBER 107 (EXHIBIT D)

Ms. Myrl Nygren, Office of Health Planning Resources

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spoke in support of Assembly Bill No. 107. She told the committee it is a legislative clean-up bill dealing with the Health Facilities Assistance Act that was passed primarily to allow the state to administer the Hill-Burton Fund for hospitals and other kinds of health care facilities for construction and modernization. Originally, the Health Facilities Assistance Act established a health facility advisory commission to prioritize the distribution of the funds. That responsibility is now being absorbed by the state health coordinating council established under 439A. The second part of the act requires the agency prepare a statement of facilities plan every year which was the guideline for distributing the Hill-Burton Fund, that responsibility has also been given to the state health coordinating council to include a state medical facilities component in the state health plan which is prepared by the council. There is no longer a requirement for a state medical facilities plan. Assembly Bill No. 107 brings that legislation into conformity with 439A, eliminating the health facilities advisory council which is now extinct and gives new responsibilities to the state health coordinating council which is established under 439A.

The Chairman asked Ms. Nygren whether the state is still receiving Hill-Burton Funds.

Ms. Nygren replied that the Hill-Burton Funds have not been given to any states in the last three years. There is still a Title XVI Act which is administered under chapter 439A, health planning act, but Congress has not appropriated any funds.

Senator Bilbray moved to "Do Pass" Assembly Bill No. 107.

Senator Blakemore seconded the motion.

The motion carried. (Senator Getto was not present for the vote.)

ASSEMBLY BILL NUMBER 654

There was no one present to testify on Assembly Bill No. 654.

SENATE BILL NUMBER 214

Mr. Fred Welden, Senior Research Analyst briefly explained the amendments sent to the committee from the Assembly.

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The committee agreed not to concur with the amendments sent by the Assembly for Senate Bill No. 214 and will appoint a committee to go to conference on the bill.

SENATE BILL NUMBER 650

Senator Getto provided two proposals for amendments for Senate Bill No. 650:

1. add a member to the commission representing the mining industry (specifically the inspector of mines).
2. remove one member from the commission who is a representative of the department of natural resources and replace that member with the inspector of mines.

The committee, in general agreement, decided it is too late in the session to process a senate bill that has not yet been heard in the Assembly.

ASSEMBLY BILL NUMBER 147 (EXHIBIT E)

Senator Getto moved to "Do Pass" Assembly Bill No. 147.

Senator Blakemore seconded the motion.

Senator Kosinski said he feels that there is not enough data available to substantiate that phosphates are actually a major cause of the problem. He suggested waiting to process such a bill until next session of the legislature.

Senator Getto replied that the bill states that counties "may" ban products containing phosphates, but are not required to do so.

Senator Kosinski said he does not think counties have the date necessary to make an appropriate decision.

The motion carried. (Senators Kosinski and Faiss voted "No".)

There being no further business, the meeting adjourned at 9:54 a.m.

Respectfully submitted:

APPROVED BY:

  
\_\_\_\_\_  
Connie S. Richards, Committee Secretaary

  
\_\_\_\_\_  
Senator Joe Neal, Chairman

DATE: May 30, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities, Room 323 :.  
Day Thursday, Date May 28, Time 8:00 a.m.

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

A. B. No. 107--Revises provisions relating to state assistance  
in constructing health facilities.

A. B. No. 654--Makes certain changes in accounting procedures  
related to public health.



(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

**A. B. 412**

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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 or a person designated by an agency for enforcement 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, mobile home lot or mobile home  
26     park any condition or violation which makes it unsafe, dangerous or  
27     hazardous, the administrator or his authorized representative may enter  
28     it at any reasonable time to inspect it or to perform any duty imposed on  
29     the administrator with respect to it. The administrator shall first make a  
30     reasonable effort to locate the owner or other person having charge or  
31     control of the mobile home or mobile home lot or park, and if that person  
32     is located, shall present to him proper credentials and request entry. If  
33     that person is not located or entry is refused, the administrator or his  
34     authorized representative has recourse to every remedy provided by law  
35     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 mobile home lot or park has been chosen  
41       for an inspection on the basis of a general administrative plan for the  
42       enforcement of the provisions of this chapter and the regulations adopted  
43       under it.

44     4. The administrator shall adopt regulations to carry out the pur-  
45     poses of this chapter and to govern the use and occupancy of mobile  
46     homes and premises. The regulations must establish minimum require-  
47     ments to protect the health and safety of the occupants and the public  
48     and must provide for the abatement of any substandard, unsafe or  
49     unsanitary condition of a mobile home or premises or of the electrical,  
50     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 and  
3 the abatement of any substandard, unsafe or unsanitary condition of a  
4 mobile home park. The regulations must establish standards to protect  
5 the health, safety and general welfare of the residents of the parks, and  
6 must contain provisions relating to:

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

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

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

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

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

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

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

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

49 (b) A statement that the agency has found the mobile home to be  
50 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  
46 DO NOT ENTER  
47 UNSAFE TO OCCUPY

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 in a conspicuous place on the mobile home a  
18 notice 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, the division shall enforce it in the territory of that  
28 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.

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 agency for enforcement may institute an action  
11 in 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 *or give an adjustment of rent or fees, or provide any other incentive to*  
21 *induce the purchase of a mobile home from him or any other person.*

22 2. Charge or receive:

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

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

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

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

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

38 [2.] 3. Increase rent or service fees unless:

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

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

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

50 [4.] 5. Prohibit any tenant desiring to sell his mobile home within



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

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

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

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

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

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

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

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

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

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

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

31 **SEC. 28.1.** NRS 598A.060 is hereby amended to read as follows:

32 598A.060 Every activity enumerated below in this section constitutes  
33 a contract, combination or conspiracy in restraint of trade, and it is unlaw-  
34 ful to conduct any part of any such activity in this state:

35 1. Price fixing, which consists of raising, depressing, fixing, pegging  
36 or stabilizing the price of any commodity or service, and which includes,  
37 but is not limited to:

38 (a) Agreements among competitors to depress prices at which they  
39 will buy essential raw material for the end product.

40 (b) Agreements to establish prices for commodities or services.

41 (c) Agreements to establish uniform discounts, or to eliminate dis-  
42 counts.

43 (d) Agreements between manufacturers to price a premium commod-  
44 ity a specified amount above inferior commodities.

45 (e) Agreements not to sell below cost.

46 (f) Agreements to establish uniform trade-in allowances.

47 (g) Establishment of uniform cost surveys.

48 (h) Establishment of minimum markup percentages.

49 (i) Establishment of single or multiple basing point systems for deter-  
50 mining the delivered price of commodities.

1 (j) Agreements not to advertise prices.

2 (k) Agreements among competitors to fix uniform list prices as a  
3 place to start bargaining.

4 (l) Bid rigging, including the misuse of bid depositories, foreclosures  
5 of competitive activity for a period of time, rotation of jobs among com-  
6 petitors, submission of identical bids, and submission of complementary  
7 bids not intended to secure acceptance by the customer.

8 (m) Agreements to discontinue a product, or agreements with anyone  
9 engaged in the manufacture of competitive lines to limit size, styles or  
10 quantities of items comprising [such] the lines.

11 (n) Agreements to restrict volume of production.

12 2. Division of markets, consisting of agreements between competi-  
13 tors to divide territories and to refrain from soliciting or selling in cer-  
14 tain areas.

15 3. Allocation of customers, consisting of agreements not to sell to  
16 specified customers of a competitor.

17 4. Tying arrangements, consisting of contracts in which the seller or  
18 lessor conditions the sale or lease of commodities or services on the  
19 purchase or leasing of another commodity or service. [of the seller or  
20 lessor.]

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

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

26 2. *The commission shall require the serving utility to examine and*  
27 *test the electric and gas distribution lines and equipment within a mobile*  
28 *home park at the request of the manufactured housing division of the*  
29 *department of commerce or a city or county which has responsibility for*  
30 *the enforcement of the provisions of sections 2 to 26, inclusive, of this*  
31 *act. The serving utility shall report the results of the test to the commis-*  
32 *sion. The serving utility and the commission may enter a mobile home*  
33 *park at reasonable times to examine and test the lines and equipment,*  
34 *whether or not they are owned by a public utility. The serving utility shall*  
35 *conduct the examination and testing to determine whether any line or*  
36 *equipment is unsafe for service under the safety standards set by its regu-*  
37 *lations for maintenance, use and operation of electric and gas distribu-*  
38 *tion lines and equipment.*

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

43 4. *Whenever the commission deems or finds any lines or equipment*  
44 *within a mobile home park to be unsafe for service it shall take appro-*  
45 *priate action to protect the safety of the residents of the park.*

46 5. *The landlord of any mobile home park which is not equipped with*  
47 *individual meters for each lot who charges the tenants for utilities either*  
48 *separately or by including the charge in their rent, shall prorate the cost*  
49 *of all utilities equally among the occupied lots in the park. In no case may*  
50 *the charges prorated pursuant to this section exceed in the aggregate the*



1 cost of the utility to the landlord. If the utility charges are included in the  
2 tenant's rent, the landlord shall notify the tenant of any proposed increases  
3 in utility rates not more than 5 days after his receipt of such a notice.  
4 The landlord shall itemize all utility charges on all rent bills and may  
5 pass through to the tenant any increase in a utility rate. He shall pass  
6 through any decrease in a utility charge as it becomes effective.

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

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

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

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

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

32 (c) The owner of a mobile home park described in subsection 1 shall  
33 retain for at least 3 years a copy of all billings for utilities made to his  
34 tenants. The owner shall make these records available upon request to  
35 the commission for verification of utility charges made to tenants.

36 9. For the purposes of NRS 704.033, 704.035, 704.040 and 704.-  
37 095, every landlord who purchases gas, water or electricity for distribu-  
38 tion or resale to tenants residing in mobile homes shall be deemed to be a  
39 public utility under the jurisdiction of the commission.

A. B. 107

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ASSEMBLY BILL NO. 107—ASSEMBLYMAN PRICE

FEBRUARY 4, 1981

Referred to Committee on Health and Welfare

SUMMARY—Revises provisions relating to state assistance in constructing health facilities. (BDR 40-253)

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.

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AN ACT relating to health and care facilities; revising provisions relating to state assistance in construction projects; repealing obsolete provisions; 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 449.370 is hereby amended to read as follows:  
2 449.370 1. The state department shall afford to every applicant for  
3 assistance for a construction project an opportunity for a fair hearing  
4 before the state department [acting by and through the health division]  
5 or its office of health planning and resources upon 10 days' written  
6 notice to the applicant.  
7 2. If the state department, after affording reasonable opportunity  
8 for development and presentation of applications in the order of relative  
9 need, finds that a project application is in conformity with the state plan,  
10 the state department shall approve [such] the application and shall  
11 recommend and forward it to the federal agency.  
12 3. The state department shall consider and forward applications in  
13 the order of relative need set forth in the state plan. [in accordance with  
14 NRS 449.350.]  
15 SEC. 2. NRS 449.420 is hereby amended to read as follows:  
16 449.420 [Moneys] Money in the state public health facilities con-  
17 struction assistance fund [shall] must be allocated and paid to construc-  
18 tion projects on the basis of relative need in accordance with [NRS  
19 449.350] the need identified in the state health plan and in accordance  
20 with the following ratio: A maximum of \$1 of state assistance funds  
21 for every \$2 of federal funds actually made available for [such] the  
22 approved project; but in no event [shall] may the amount of state



- 1 assistance funds made available or paid out for [such] the project
- 2 exceed the amount supplied by the project sponsor.
- 3 **Sec. 3. NRS 449.330 and 449.350 are hereby repealed.**

ASSEMBLY BILL NO. 107—ASSMELLYMAN PRICE

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FEBRUARY 4, 1981

Referred to Committee on Health and Welfare

SUMMARY - Review provisions relating to this measure in  
 concerning health facilities (NRS 449.330)  
 PUBLIC HEALTH - Effect on Local Government No.  
 Effect on the State or on Federal Government No.



Examination - Effect on State or Federal Government No.

AN ACT relating to health and care facilities; creating provisions relating to state  
 facilities in construction projects; repealing existing provisions; and providing  
 for other matters properly relating thereto.

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

Section 1. NRS 449.330 is hereby amended to read as follows:  
 449.330. 1. The state department shall assist in every way possible in  
 assistance for a construction project in cooperation for a health  
 facility the state department [acting by and through the health director]  
 on the site of the construction and construction shall be done within  
 three years of the completion.

2. If the state department after studying a construction project  
 for construction and construction of a facility in cooperation in  
 section 1, the state department shall be deemed to have approved the  
 same if the state department does not disapprove the same within  
 the time specified in this section.

3. The state department shall not be held liable for any damage or  
 injury to persons or property resulting from the construction of a  
 facility in accordance with this section.

Section 2. The state department shall not be held liable for any  
 damage or injury to persons or property resulting from the construction  
 of a facility in accordance with this section.

(REPRINTED WITH ADOPTED AMENDMENTS)  
FIRST REPRINT

**A. B. 147**

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ASSEMBLY BILL NO. 147—ASSEMBLYMEN DINI,  
GLOVER AND NICHOLAS

FEBRUARY 11, 1981

Referred to Committee on Commerce

SUMMARY—Prohibits manufacture, sale or use of detergents  
which contain phosphates. (BDR 40-617)

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.

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AN ACT relating to water pollution; empowering boards of county commissioners  
to prohibit the manufacture, sale or use of detergents containing phosphates;  
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. Chapter 244 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 *The board of county commissioners of any county may enact an ordi-*
- 4 *nance prohibiting the manufacture, sale or use of detergents which con-*
- 5 *tain phosphates in the county.*