

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 797

FINAL READING

Introduced by Health and Human Services Committee: Johnson, 37, Chairperson; Erdman, 47; Gay, 14; Hansen, 42; Howard, 9; Pankonin, 2; Stuthman, 22.

Read first time January 10, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to amend sections  
2 60-1301, 71-1557, 71-1558, 71-1559, 71-1563, 71-1564,  
3 71-1567, 71-1901, 71-4603, 71-4604, 71-4623, 71-4631,  
4 71-7003.01, 71-7010, and 71-7013, Reissue Revised  
5 Statutes of Nebraska, sections 60-107, 60-1401.02,  
6 71-409, 71-4604.01, 71-4608, 71-5663, 71-5665, and  
7 71-5668, Revised Statutes Cumulative Supplement, 2006,  
8 and sections 68-906, 71-5662, 71-7012, 71-8249, 81-671,  
9 and 86-570, Revised Statutes Supplement, 2007; to  
10 redefine terms; to change a date within the Medical  
11 Assistance Act relating to acceptance of federal  
12 provisions; to change provisions relating to the

1 Nebraska Uniform Standards for Modular Housing Units  
2 Act, the Uniform Standard Code for Manufactured Homes  
3 and Recreational Vehicles, and the Uniform Standard  
4 Code for Mobile Home Parks; to provide for civil  
5 penalties and administrative fines; to change and  
6 eliminate provisions relating to organization of the  
7 Department of Health and Human Services, the Rural Health  
8 Systems and Professional Incentive Act, mammography,  
9 the statewide trauma registry, and release of health  
10 information; to provide for disqualification for certain  
11 public assistance programs; to eliminate the Governor's  
12 Roundtable and repeal obsolete provisions; to harmonize  
13 provisions; to provide operative dates; to repeal the  
14 original sections; to outright repeal sections 68-1736,  
15 68-1737, 71-4628, 71-7002, 71-7003, 71-7004, 71-7005,  
16 71-7006, 71-7007, 71-7008, 71-7009, and 71-7011, Reissue  
17 Revised Statutes of Nebraska, and section 71-7001,  
18 Revised Statutes Supplement, 2007; and to declare an  
19 emergency.

20 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-107, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           60-107 Cabin trailer means a trailer or a semitrailer,  
4 which is designed, constructed, and equipped as a dwelling place,  
5 living abode, or sleeping place, whether used for such purposes  
6 or instead permanently or temporarily for the advertising, sale,  
7 display, or promotion of merchandise or services or for any other  
8 commercial purpose except transportation of property for hire or  
9 transportation of property for distribution by a private carrier.  
10 Cabin trailer does not mean a trailer or semitrailer which is  
11 permanently attached to real estate. There are four classes of  
12 cabin trailers:

13           (1) Camping trailer which includes cabin trailers one  
14 hundred two inches or less in width and forty feet or less in  
15 length and adjusted mechanically smaller for towing;

16           (2) Mobile home which includes cabin trailers more than  
17 one hundred two inches in width or more than forty feet in length;

18           (3) Travel trailer which includes cabin trailers not more  
19 than one hundred two inches in width nor more than forty feet  
20 in length from front hitch to rear bumper, except as provided in  
21 subdivision (2)(k) of section 60-6,288; and

22           (4) Manufactured home means a structure, transportable in  
23 one or more sections, which in the traveling mode is eight body  
24 feet or more in width or forty body feet or more in length or when  
25 erected on site is three hundred twenty or more square feet and

1 which is built on a permanent frame and designed to be used as  
2 a dwelling with or without a permanent foundation when connected  
3 to the required utilities and includes the plumbing, heating, air  
4 conditioning, and electrical systems contained in the structure,  
5 except that manufactured home includes any structure that meets  
6 all of the requirements of this subdivision other than the size  
7 requirements and with respect to which the manufacturer voluntarily  
8 files a certification required by the United States Secretary  
9 of Housing and Urban Development and complies with the standards  
10 established under the National Manufactured Housing Construction  
11 and Safety Standards Act of 1974, as such act existed on September  
12 1, 2001, 42 U.S.C. 5401 et seq. Manufactured home also includes  
13 any manufactured home designed and manufactured with more than one  
14 separate living unit for the purpose of multifamily living.

15           Sec. 2. Section 60-1301, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           60-1301 In order to promote public safety, to preserve  
18 and protect the state highways and bridges and prevent immoderate  
19 and destructive use of the same, and to enforce the motor  
20 vehicle registration laws, the Department of Roads shall have the  
21 responsibility to construct, maintain, provide, and contract with  
22 the Nebraska State Patrol for the operation of weighing stations  
23 and provide the funding for the same. The Nebraska State Patrol  
24 shall operate the weighing stations, including portable scales, for  
25 the weighing and inspection of buses, motor trucks, truck-tractors,

1 semitrailers, trailers, and towed vehicles. Each of the weighing  
2 stations shall be located near, on, or adjacent to a state highway  
3 upon real estate owned by the State of Nebraska or upon real estate  
4 acquired for that purpose. Weights determined on such weighing  
5 stations and portable scales shall be presumed to be accurate and  
6 shall be accepted in court as prima facie evidence of a violation  
7 of the laws relating to the size, weight, load, and registration  
8 of buses, motor trucks, truck-tractors, semitrailers, trailers, and  
9 towed vehicles. The owner or driver of a vehicle found to be in  
10 violation of such laws by the use of portable scales shall be  
11 advised by the officer operating the portable scale that he or  
12 she has the right to demand an immediate reweighing at his or her  
13 expense at the nearest permanent state-approved scale capable of  
14 weighing the vehicle, and if a variance exists between the weights  
15 of the permanent and portable scales, then the weights determined  
16 on the permanent scale shall prevail. Sections 60-1301 to 60-1309  
17 shall not apply to pickup trucks with a factory-rated capacity of  
18 one ton or less, except as may be provided by rules and regulations  
19 of the Nebraska State Patrol, or to recreational vehicles as  
20 defined in ~~subdivision (2) of~~ section 71-4603. The Nebraska State  
21 Patrol may adopt and promulgate rules and regulations concerning  
22 the weighing of pickup trucks with a factory-rated capacity of one  
23 ton or less which tow vehicles. Such rules and regulations shall  
24 require trucks towing vehicles to comply with sections 60-1301 to  
25 60-1309 when it is necessary to promote the public safety and

1 preserve and protect the state highways and bridges.

2           Sec. 3. Section 60-1401.02, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4           60-1401.02 For purposes of sections 60-1401.01 to 60-1440  
5 and 60-2601 to 60-2607, unless the context otherwise requires:

6           (1) Person means every natural person, firm, partnership,  
7 limited liability company, association, or corporation;

8           (2) Association means any two or more persons acting  
9 with a common purpose, regardless of the relative degrees of  
10 involvement, and includes, but is not limited to, the following  
11 persons so acting:

12           (a) A person and one or more of his or her family  
13 members. For purposes of this subdivision, family member means an  
14 individual related to the person by blood, marriage, adoption, or  
15 legal guardianship as the person's spouse, child, parent, brother,  
16 sister, grandchild, grandparent, ward, or legal guardian or any  
17 individual so related to the person's spouse; and

18           (b) Two or more persons living in the same dwelling unit,  
19 whether or not related to each other;

20           (3) Motor vehicle dealer means any person, other than a  
21 bona fide consumer, actively and regularly engaged in the act of  
22 selling, leasing for a period of thirty or more days, or exchanging  
23 new or used motor vehicles, trailers, and manufactured homes who  
24 buys, sells, exchanges, causes the sale of, or offers or attempts  
25 to sell new or used motor vehicles. Such person is a motor vehicle

1 dealer and subject to sections 60-1401.01 to 60-1440. Motor vehicle  
2 dealer does not include a lessor who was not involved in or  
3 associated with the selection, location, acquisition, or supply of  
4 a motor vehicle which is the subject of a lease agreement;

5 (4) Trailer dealer means any person, other than a bona  
6 fide consumer, actively and regularly engaged in the business of  
7 selling or exchanging new or used trailers and manufactured homes;

8 (5) Wrecker or salvage dealer means any person who  
9 acquires one or more motor vehicles or trailers for the purpose  
10 of dismantling them for the purpose of reselling the parts or  
11 reselling the vehicles as scrap;

12 (6) Motor vehicle means any vehicle for which evidence of  
13 title is required as a condition precedent to registration under  
14 the laws of this state but does not include trailers;

15 (7) Used motor vehicle means every motor vehicle which  
16 has been sold, bargained, exchanged, or given away or for which  
17 title has been transferred from the person who first acquired  
18 it from the manufacturer, importer, dealer, or agent of the  
19 manufacturer or importer. A new motor vehicle is not considered  
20 a used motor vehicle until it has been placed in use by a bona  
21 fide consumer, notwithstanding the number of transfers of the motor  
22 vehicle;

23 (8) New motor vehicle means all motor vehicles which are  
24 not included within the definition of a used motor vehicle in this  
25 section;

1           (9) Trailer means semitrailers and trailers as defined  
2 in sections 60-348 and 60-354, respectively, which are required to  
3 be licensed as commercial trailers, other vehicles without motive  
4 power constructed so as to permit their being used as conveyances  
5 upon the public streets and highways and so constructed as not to  
6 be attached to real estate and to permit the vehicle to be used  
7 for human habitation by one or more persons, and camping trailers,  
8 slide-in campers, fold-down campers, and fold-down tent trailers.  
9 Machinery and equipment to which wheels are attached and designed  
10 for being towed by a motor vehicle are excluded from the provisions  
11 of sections 60-1401.01 to 60-1440;

12           (10) Motorcycle dealer means any person, other than a  
13 bona fide consumer, actively and regularly engaged in the business  
14 of selling or exchanging new or used motorcycles;

15           (11) Motorcycle means every motor vehicle, except a  
16 tractor, having a seat or saddle for use of the rider and designed  
17 to travel on not more than three wheels in contact with the  
18 ground and for which evidence of title is required as a condition  
19 precedent to registration under the laws of this state;

20           (12) Auction means a sale of motor vehicles and trailers  
21 of types required to be registered in this state, except such  
22 vehicles as are eligible for registration pursuant to section  
23 60-3,198, sold or offered for sale at which the price offered is  
24 increased by the prospective buyers who bid against one another,  
25 the highest bidder becoming the purchaser. The holding of a farm

1 auction or an occasional motor vehicle or trailer auction of not  
2 more than two auctions in a calendar year does not constitute an  
3 auction subject to sections 60-1401.01 to 60-1440;

4 (13) Auction dealer means any person engaged in the  
5 business of conducting an auction for the sale of motor vehicles  
6 and trailers;

7 (14) Supplemental motor vehicle, trailer, motorcycle,  
8 or motor vehicle auction dealer means any person holding either  
9 a motor vehicle, trailer, motorcycle, or motor vehicle auction  
10 dealer's license engaging in the business authorized by such  
11 license at a place of business that is more than three hundred feet  
12 from any part of the place of business designated in the dealer's  
13 original license but which is located within the city or county  
14 described in such original license;

15 (15) Motor vehicle, motorcycle, or trailer salesperson  
16 means any person who, for a salary, commission, or compensation of  
17 any kind, is employed directly by only one specified licensed  
18 Nebraska motor vehicle dealer, motorcycle dealer, or trailer  
19 dealer, except when the salesperson is working for two or more  
20 dealerships with common ownership, to sell, purchase, or exchange  
21 or to negotiate for the sale, purchase, or exchange of motor  
22 vehicles, motorcycles, or trailers. A person owning any part  
23 of more than one dealership may be a salesperson for each of  
24 such dealerships. For purposes of this section, common ownership  
25 means that there is at least an eighty percent interest in

1 each dealership by one or more persons having ownership in such  
2 dealership;

3 (16) Manufacturer means any person, resident or  
4 nonresident of this state, who is engaged in the business of  
5 distributing, manufacturing, or assembling new motor vehicles,  
6 trailers, or motorcycles and also has the same meaning as the term  
7 franchisor as used in sections 60-1401.01 to 60-1440;

8 (17) Factory representative means a representative  
9 employed by a person who manufactures or assembles motor vehicles,  
10 motorcycles, or trailers, or by a factory branch, for the purpose  
11 of promoting the sale of its motor vehicles, motorcycles, or  
12 trailers to, or for supervising or contacting, its dealers or  
13 prospective dealers in this state;

14 (18) Distributor means a person, resident or nonresident  
15 of this state, who in whole or in part sells or distributes  
16 new motor vehicles, trailers, or motorcycles to dealers or who  
17 maintains distributors or representatives who sell or distribute  
18 motor vehicles, trailers, or motorcycles to dealers and also has  
19 the same meaning as the term franchisor as used in sections  
20 60-1401.01 to 60-1440;

21 (19) Finance company means any person engaged in the  
22 business of financing sales of motor vehicles, motorcycles, or  
23 trailers, or purchasing or acquiring promissory notes, secured  
24 instruments, or other documents by which the motor vehicles,  
25 motorcycles, or trailers are pledged as security for payment of

1 obligations arising from such sales and who may find it necessary  
2 to engage in the activity of repossession and the sale of the motor  
3 vehicles, motorcycles, or trailers so pledged;

4 (20) Franchise means a contract between two or more  
5 persons when all of the following conditions are included:

6 (a) A commercial relationship of definite duration or  
7 continuing indefinite duration is involved;

8 (b) The franchisee is granted the right to offer and sell  
9 motor vehicles manufactured or distributed by the franchisor;

10 (c) The franchisee, as an independent business,  
11 constitutes a component of the franchisor's distribution system;

12 (d) The operation of the franchisee's business is  
13 substantially associated with the franchisor's trademark, service  
14 mark, trade name, advertising, or other commercial symbol  
15 designating the franchisor; and

16 (e) The operation of the franchisee's business is  
17 substantially reliant on the franchisor for the continued supply of  
18 motor vehicles, parts, and accessories;

19 (21) Franchisee means a new motor vehicle dealer who  
20 receives motor vehicles from the franchisor under a franchise and  
21 who offers and sells such motor vehicles to the general public;

22 (22) Franchisor means a person who manufactures or  
23 distributes motor vehicles and who may enter into a franchise;

24 (23) Community means a franchisee's area of  
25 responsibility as stipulated in the franchise;

1           (24) Line-make means the motor vehicles that are offered  
2 for sale, lease, or distribution under a common name, trademark,  
3 service mark, or brand name of the franchisor or manufacturer of  
4 the motor vehicle;

5           (25) Consumer care means the performance, for the public,  
6 of necessary maintenance and repairs to motor vehicles;

7           (26) Sale, selling, and equivalent expressions mean the  
8 attempted act or acts either as principal, agent, or salesperson  
9 or in any capacity whatsoever of selling, bartering, exchanging,  
10 or otherwise disposing of or negotiating or offering or attempting  
11 to negotiate the sale, purchase, or exchange of or interest in any  
12 motor vehicle, trailer, or motorcycle, including the leasing of any  
13 motor vehicle, trailer, or motorcycle for a period of thirty or  
14 more days with a right or option to purchase under the terms of the  
15 lease;

16           (27) Established place of business means a permanent  
17 location within this state, easily accessible to the public, owned  
18 or leased by the applicant or a licensee for at least the term  
19 of the license year, and conforming with applicable zoning laws,  
20 at which the licensee conducts the business for which he or she  
21 is licensed and may be contacted by the public during posted  
22 reasonable business hours which shall be not less than forty  
23 hours per week. The established place of business shall have the  
24 following facilities: (a) Office space in a building or mobile  
25 home, which space shall be clean, dry, safe, and well lighted

1 and in which shall be kept and maintained all books, records,  
2 and files necessary for the conduct of the licensed business,  
3 which premises, books, records, and files shall be available for  
4 inspection during regular business hours by any peace officer or  
5 investigator employed or designated by the board. Dealers shall,  
6 upon demand of the board's investigator, furnish copies of records  
7 so required when conducting any investigation of a complaint; (b)  
8 a sound and well-maintained sign which is legible from a public  
9 road and displayed with letters not less than eight inches in  
10 height and one contiguous area to display ten or more motor  
11 vehicles, motorcycles, or trailers in a presentable manner; (c)  
12 adequate repair facilities and tools to properly and actually  
13 service warranties on motor vehicles, motorcycles, or trailers sold  
14 at such place of business and to make other repairs arising out  
15 of the conduct of the licensee's business or, in lieu of such  
16 repair facilities, the licensee may enter into a contract for the  
17 provision of such service and file a copy thereof annually with the  
18 board and shall furnish to each buyer a written statement as to  
19 where such service will be provided as required by section 60-1417.  
20 The service facility shall be located in the same county as the  
21 licensee unless the board specifically authorizes the facility to  
22 be located elsewhere. Such facility shall maintain regular business  
23 hours and shall have suitable repair equipment and facilities to  
24 service and inspect the type of vehicles sold by the licensee.  
25 Investigators of the board may certify ongoing compliance with

1 the service and inspection facilities or repair facilities; and  
2 (d) an operating telephone connected with a public telephone  
3 exchange and located on the premises of the established place of  
4 business with a telephone number listed by the public telephone  
5 exchange and available to the public during the required posted  
6 business hours. A mobile truck equipped with repair facilities  
7 to properly perform warranty functions and other repairs shall be  
8 deemed adequate repair facilities for trailers. The requirements of  
9 this subdivision shall apply to the place of business authorized  
10 under a supplemental motor vehicle, motorcycle, or trailer dealer's  
11 license;

12 (28) Retail, when used to describe a sale, means a sale  
13 to any person other than a licensed dealer of any kind within the  
14 definitions of this section;

15 (29) Factory branch means a branch office maintained in  
16 this state by a person who manufactures, assembles, or distributes  
17 motor vehicles, motorcycles, or trailers for the sale of such motor  
18 vehicles, motorcycles, or trailers to distributors or dealers  
19 or for directing or supervising, in whole or in part, its  
20 representatives in this state;

21 (30) Distributor representative means a representative  
22 employed by a distributor or distributor branch for the same  
23 purpose as set forth in the definition of factory representative in  
24 this section;

25 (31) Board means the Nebraska Motor Vehicle Industry

1 Licensing Board;

2 (32) Scrap metal processor means any person engaged in  
3 the business of buying vehicles, motorcycles, or parts thereof  
4 for the purpose of remelting or processing into scrap metal or  
5 who otherwise processes ferrous or nonferrous metallic scrap for  
6 resale. No scrap metal processor shall sell vehicles or motorcycles  
7 without obtaining a wrecker or salvage dealer license;

8 (33) Designated family member means the spouse, child,  
9 grandchild, parent, brother, or sister of the owner of a new  
10 motor vehicle dealership who, in the case of the owner's death,  
11 is entitled to inherit the ownership interest in the new motor  
12 vehicle dealership under the terms of the owner's will, who has  
13 been nominated in any other written instrument, or who, in the case  
14 of an incapacitated owner of such dealership, has been appointed  
15 by a court as the legal representative of the new motor vehicle  
16 dealer's property;

17 (34) Bona fide consumer means an owner of a motor  
18 vehicle, motorcycle, or trailer who has acquired such vehicle for  
19 use in business or for pleasure purposes, who has been granted a  
20 certificate of title on such motor vehicle, motorcycle, or trailer,  
21 and who has registered such motor vehicle, motorcycle, or trailer,  
22 all in accordance with the laws of the residence of the owner,  
23 except that no owner who sells more than eight registered motor  
24 vehicles, motorcycles, or trailers within a twelve-month period  
25 shall qualify as a bona fide consumer;

1           (35) Violator means a person acting without a license or  
2 registration as required by sections 60-1401.01 to 60-1440;

3           (36) Manufactured home means a structure, transportable  
4 in one or more sections, which in the traveling mode is eight body  
5 feet or more in width or forty body feet or more in length or when  
6 erected on site is three hundred twenty or more square feet and  
7 which is built on a permanent chassis and designed to be used as  
8 a dwelling with or without a permanent foundation when connected  
9 to the required utilities and includes the plumbing, heating, air  
10 conditioning, and electrical systems contained in the structure,  
11 except that manufactured home includes any structure that meets  
12 all of the requirements of this subdivision other than the size  
13 requirements and with respect to which the manufacturer voluntarily  
14 files a certification required by the United States Secretary  
15 of Housing and Urban Development and complies with the standards  
16 established under the National Manufactured Housing Construction  
17 and Safety Standards Act of 1974, as amended, such act existed  
18 on September 1, 2001, 42 U.S.C. 5401 et seq.; Manufactured home  
19 also includes any manufactured home designed and manufactured with  
20 more than one separate living unit for the purpose of multifamily  
21 living, and

22           (37) Dealer's agent means a person who acts as a buying  
23 agent for one or more motor vehicle dealers, motorcycle dealers, or  
24 trailer dealers.

25           Nothing in sections 60-1401.01 to 60-1440 shall apply to

1 the State of Nebraska or any of its agencies or subdivisions. No  
2 insurance company, finance company, public utility company, fleet  
3 owner, or other person coming into possession of any motor vehicle,  
4 motorcycle, or trailer, as an incident to its regular business, who  
5 sells or exchanges the motor vehicle, motorcycle, or trailer shall  
6 be considered a dealer except persons whose regular business is  
7 leasing or renting motor vehicles, motorcycles, or trailers.

8           Sec. 4. Section 68-906, Revised Statutes Supplement,  
9 2007, is amended to read:

10           68-906 For purposes of paying medical assistance under  
11 the Medical Assistance Act and sections 68-1002 and 68-1006, the  
12 State of Nebraska accepts and assents to all applicable provisions  
13 of Title XIX and Title XXI of the federal Social Security Act.  
14 Any reference in the Medical Assistance Act to the federal Social  
15 Security Act or other acts or sections of federal law shall be to  
16 such federal acts or sections as they existed on ~~April~~ January 1,  
17 2007-2008.

18           Sec. 5. Section 71-409, Revised Statutes Cumulative  
19 Supplement, 2006, is amended to read:

20           71-409 Critical access hospital means a facility (1) with  
21 acute care inpatient beds where care or treatment is provided on an  
22 outpatient basis or on an inpatient basis to persons for an average  
23 period of not more than ninety-six hours and emergency services  
24 are provided on a twenty-four-hour basis, ~~and~~ (2) which has  
25 formal agreements with at least one hospital and other appropriate

1 providers for services such as patient referral and transfer,  
2 communications systems, provision of emergency and nonemergency  
3 transportation, and backup medical and emergency services, and (3)  
4 which is located in a rural area. For purposes of this section,  
5 rural area means a county with a population of less than one  
6 hundred thousand residents. A facility licensed as a critical  
7 access hospital shall have no more than twenty-five acute care  
8 inpatient beds.

9           Sec. 6. Section 71-1557, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           71-1557 As used in the Nebraska Uniform Standards for  
12 Modular Housing Units Act, unless the context otherwise requires:

13           (1) Modular housing unit means any dwelling whose  
14 construction consists entirely of or the major portions of its  
15 construction consist of a unit or units, containing facilities for  
16 no more than one family, not fabricated on the final site for the  
17 dwelling unit, which units are movable or portable until placed on  
18 a permanent foundation and connected to utilities. Modular housing  
19 units shall be taxed as real estate;

20           ~~(2) Living unit means any portion of a modular housing~~  
21 ~~unit which contains living facilities including provisions for~~  
22 ~~sleeping, eating, cooking, and sanitation for no more than one~~  
23 ~~family;~~

24           ~~(3)~~ (2) Seal means a device or insignia issued by the  
25 Department of Health and Human Services Regulation and Licensure

1 prior to May 1, 1998, or by the Public Service Commission on or  
2 after May 1, 1998, to be displayed on the ~~exterior of the~~ modular  
3 housing unit as determined by the commission to evidence compliance  
4 with state standards;

5 ~~(4)~~ (3) Dealer means any person other than a manufacturer  
6 who sells, offers to sell, distributes, or leases modular housing  
7 units primarily to persons who in good faith purchase or lease a  
8 modular housing unit for purposes other than resale;

9 ~~(5)~~ (4) Manufacturer means any person who manufactures or  
10 produces modular housing units;

11 ~~(6)~~ (5) Person means any individual, partnership, limited  
12 liability company, company, corporation, or association engaged  
13 in manufacturing, selling, offering to sell, or leasing modular  
14 housing units; and

15 ~~(7)~~ (6) Commission means the Public Service Commission.

16 Sec. 7. Section 71-1558, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 71-1558 (1) All construction of and all plumbing,  
19 heating, and electrical systems installed in modular housing units  
20 manufactured, sold, offered for sale, or leased in this state more  
21 than six months after July 10, 1976, and before May 1, 1998, ~~and~~  
22 ~~sold, offered for sale, or leased in this state~~ shall comply with  
23 the standards of the state agency responsible for regulation of  
24 modular housing units as such standards existed on the date of  
25 manufacture.

1           (2) All construction of and all plumbing, heating, and  
2 electrical systems installed in modular housing units manufactured,  
3 ~~on or after May 1, 1998,~~ and sold, offered for sale, or leased in  
4 this state on or after May 1, 1998, shall be at least equal to  
5 the standards adopted and approved by the commission pursuant to  
6 its rules and regulations as such standards existed on the date of  
7 manufacture. The standards shall (a) protect the health and safety  
8 of persons living in modular housing units, (b) assure reciprocity  
9 with other states that have adopted standards which protect the  
10 health and safety of persons living in modular housing units the  
11 purpose of which is to make uniform the law of those states  
12 which adopt them, (c) allow variations from such uniform standards  
13 as will reduce unnecessary costs of construction or increase  
14 safety, durability, or efficiency, including energy efficiency, of  
15 the modular housing unit without jeopardizing such reciprocity,  
16 (d) assure changes in those uniform standards which reflect new  
17 technology making possible greater safety, efficiency, including  
18 energy efficiency, economy, or durability than earlier standards,  
19 and (e) allow for reduced energy and snow live load requirements  
20 for those modular housing units destined for out-of-state siting  
21 if the receiving jurisdiction has such reduced requirements. The  
22 commission shall adopt as standards relating to electrical systems  
23 in modular housing units those applicable standards adopted and  
24 amended by the State Electrical Board under section 81-2104.

25           (3) Whenever practical, the standards shall be stated

1 in terms of required levels of performance so as to facilitate  
2 the prompt acceptance of new building materials and methods. If  
3 generally recognized standards of performance are not available,  
4 the standards shall provide for acceptance of materials and methods  
5 whose performance has been found by the commission on the basis of  
6 reliable test and evaluation data presented by the proponent to be  
7 substantially equal to those specified.

8           Sec. 8. Section 71-1559, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           71-1559 (1) Every modular housing unit, except those  
11 constructed or manufactured by any school district or community  
12 college area as a part of a buildings trade or other instructional  
13 program offered by such district or area, manufactured, sold,  
14 offered for sale, or leased in this state more than six months  
15 after July 10, 1976, and before May 1, 1998, ~~which is sold,~~  
16 ~~offered for sale, or leased in this state~~ shall comply with the  
17 seal requirements of the state agency responsible for regulation of  
18 modular housing units as such requirements existed on the date of  
19 manufacture.

20           (2) Every modular housing unit, except those constructed  
21 or manufactured by any school district or community college area as  
22 part of a buildings trade or other instructional program offered  
23 by such district or area, manufactured, on or after May 1, 1998,  
24 ~~which is sold,~~ offered for sale, or leased in this state on or  
25 after May 1, 1998, shall bear a seal issued by the commission

1 certifying that the construction and the structural, plumbing,  
2 heating, and electrical systems of such modular housing unit have  
3 been installed in compliance with its standards applicable at the  
4 time of manufacture. Each manufacturer of such modular housing  
5 units, except those constructed or manufactured by such school  
6 district or community college area, shall submit its plans to  
7 the commission for the purposes of inspection. The commission  
8 shall establish a compliance assurance program consisting of an  
9 application form and a compliance assurance manual. Such manual  
10 shall identify and list all procedures which the manufacturer and  
11 the inspection agency propose to implement to assure that the  
12 finished modular housing unit conforms to the approved building  
13 system and the applicable codes adopted by the commission.  
14 The compliance assurance program requirements shall apply to  
15 all inspection agencies, whether commission or authorized third  
16 party, and shall define duties and responsibilities in the  
17 process of inspecting, monitoring, and issuing seals for modular  
18 housing units. The commission shall issue the seal only after  
19 ascertaining that the manufacturer is in full compliance with the  
20 compliance assurance program through inspections at the plant by  
21 the commission or authorized third-party inspection agency. Such  
22 inspections shall be of an unannounced frequency such that the  
23 required level of code compliance performance is implemented and  
24 maintained throughout all areas of plant and site operations that  
25 affect regulatory aspects of the construction. Each seal issued

1 by the state shall remain the property of the commission and may  
2 be revoked by the commission in the event of violation of the  
3 conditions of issuance.

4 (3) Modular housing units constructed or manufactured by  
5 any school district or community college area as a part of a  
6 buildings trade or other instructional program offered by such  
7 district or area shall be inspected by the local inspection  
8 authority or, upon request of the district or area, by the  
9 commission. If the commission inspects a unit and finds that it  
10 is in compliance, the commission shall issue a seal certifying  
11 that the construction and the structural, plumbing, heating, and  
12 electrical systems of such unit have been installed in compliance  
13 with the standards applicable at the time of manufacture.

14 (4) The commission shall charge a seal fee of not less  
15 than ~~eighty~~ one hundred and not more than ~~four hundred~~ one thousand  
16 dollars per ~~living~~ modular housing unit, as determined annually  
17 by the commission after published notice and a hearing, for seals  
18 issued by the commission under subsection (2) or (3) of this  
19 section.

20 (5) Inspection fees shall be paid for all inspections  
21 by the commission of manufacturing plants located outside of the  
22 State of Nebraska. Such fees shall consist of a reimbursement by  
23 the manufacturer of actual travel and inspection expenses only and  
24 shall be paid prior to any issuance of seals.

25 (6) All fees collected under the Nebraska Uniform

1 Standards for Modular Housing Units Act shall be remitted to the  
2 State Treasurer for credit to the Modular Housing Units Cash Fund  
3 which is hereby created. Money credited to the fund pursuant to  
4 this section shall be used by the commission for the purpose of  
5 administering the act. Transfers from the fund to the General Fund  
6 may be made at the direction of the Legislature. Any money in the  
7 Modular Housing Units Cash Fund available for investment shall be  
8 invested by the state investment officer pursuant to the Nebraska  
9 Capital Expansion Act and the Nebraska State Funds Investment Act.

10 Sec. 9. Section 71-1563, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 71-1563 (1) Any person who manufactures, sells, offers  
13 for sale, or leases in this state any modular housing unit  
14 ~~manufactured more than six months after July 10, 1976,~~ which does  
15 not bear the seal required by the provisions of the Nebraska  
16 Uniform Standards for Modular Housing Units Act shall be guilty of  
17 a Class IV misdemeanor.

18 (2) The commission may, in accordance with the laws  
19 governing injunctions and other processes, maintain an action in  
20 the name of the state against any person who manufactures, sells,  
21 offers for sale, or leases in this state any modular housing unit  
22 ~~manufactured more than six months after July 10, 1976,~~ which does  
23 not bear the seal required by the provisions of such act.

24 (3) The commission may administratively fine pursuant to  
25 section 75-156 any person who violates the act or any rule or

1 regulation adopted and promulgated under the act.

2           Sec. 10. Section 71-1564, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           71-1564 (1) The commission is hereby charged with the  
5 administration of the provisions of the Nebraska Uniform Standards  
6 for Modular Housing Units Act. The commission may adopt, amend,  
7 alter, or repeal general rules and regulations of procedure for  
8 carrying out and administering the provisions of such act in  
9 regard to ~~(1)~~ (a) the issuance of seals, ~~(2)~~ (b) the submission  
10 of plans and specifications of modular housing units, ~~(3)~~ (c)  
11 the obtaining of statistical data respecting the manufacture and  
12 sale of modular housing units, and ~~(4)~~ (d) the prescribing of  
13 means, methods, and practices to make effective such provisions.  
14 In adopting such rules and regulations, the commission may require  
15 that plans and specifications of modular housing units submitted  
16 to the commission be prepared and submitted only by a Nebraska  
17 architect or professional engineer.

18           (2) A person intending to manufacture, sell, offer for  
19 sale, or lease a modular housing unit in the State of Nebraska  
20 shall submit plans, specifications, and a compliance assurance  
21 program in accordance with the act and shall be charged for  
22 engineering services of the commission provided for performing the  
23 review of such initial submittal at a rate of not less than fifteen  
24 dollars per hour and not more than ~~thirty~~ sixty dollars per hour  
25 based upon sixty hours of review time as determined by rules and

1 ~~regulations of the commission based upon sixty hours of review~~  
2 ~~time, annually by the commission after published notice and a~~  
3 ~~hearing.~~

4           Sec. 11. Section 71-1567, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           71-1567 (1) The commission shall refuse to issue a seal  
7 to a manufacturer for any modular housing unit not found to be in  
8 compliance with its standards governing the construction of or the  
9 structural, plumbing, heating, or electrical systems for modular  
10 housing units or for which fees have not been paid. Except in  
11 case of failure to pay the required fees, any such manufacturer  
12 may request a hearing before the commission on the issue of such  
13 refusal. Procedures for notice and opportunity for a hearing before  
14 the commission shall be pursuant to the Administrative Procedure  
15 Act. The refusal may be appealed, and the appeal shall be in  
16 accordance with the Administrative Procedure Act.

17           (2) The issuance of seals may be suspended as to any  
18 manufacturer who is convicted of violating section 71-1563 or  
19 as to any manufacturer who violates any other provision of the  
20 Nebraska Uniform Standards for Modular Housing Units Act or any  
21 rule, regulation, commission order, or standard adopted pursuant  
22 thereto, and issuance of the seals shall not be resumed until such  
23 manufacturer submits sufficient proof that the conditions which  
24 caused the violation have been remedied. Any such manufacturer  
25 may request a hearing before the commission on the issue of such

1 suspension. Procedures for notice and opportunity for a hearing  
2 before the commission shall be pursuant to the Administrative  
3 Procedure Act. The suspension may be appealed, and the appeal shall  
4 be in accordance with the Administrative Procedure Act.

5 Sec. 12. Section 71-1901, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 71-1901 For purposes of sections 71-1901 to 71-1906.01:

8 (1) Person includes a partnership, limited liability  
9 company, firm, agency, association, or corporation;

10 (2) Child means an unemancipated minor;

11 (3) Department means the Division of Public Health of the  
12 Department of Health and Human Services;

13 (4) Foster care means engaged in the service of  
14 exercising twenty-four-hour daily care, supervision, custody, or  
15 control over children, for compensation or hire, in lieu of  
16 the care or supervision normally exercised by parents in their  
17 own home. Foster care does not include casual care at irregular  
18 intervals or programs as defined in section 71-1910; and

19 (5) Native American means a person who is a member of an  
20 Indian tribe or eligible for membership in an Indian tribe.

21 Sec. 13. Section 71-4603, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 71-4603 For purposes of the Uniform Standard Code for  
24 Manufactured Homes and Recreational Vehicles, unless the context  
25 otherwise requires:

1           (1) Camping trailer means a vehicular portable unit  
2 mounted on wheels and constructed with collapsible partial side  
3 walls which fold for towing by another vehicle and unfold at the  
4 campsite to provide temporary living quarters for recreational,  
5 camping, or travel use;

6           (2) Commission means the Public Service Commission;

7           (3) Dealer means a person licensed by the state pursuant  
8 to Chapter 60, article 14, as a dealer in manufactured homes  
9 or recreational vehicles or any other person, other than a  
10 manufacturer, who sells, offers to sell, distributes, or leases  
11 manufactured homes or recreational vehicles primarily to persons  
12 who in good faith purchase or lease a manufactured home or  
13 recreational vehicle for purposes other than resale;

14           (4) Defect means a failure to conform to an applicable  
15 construction standard that renders the manufactured home or  
16 recreational vehicle or any component of the manufactured home or  
17 recreational vehicle not fit for the ordinary use for which it was  
18 intended but does not result in an unreasonable risk of injury or  
19 death to occupants;

20           (5) Distributor means any person engaged in the sale and  
21 distribution of manufactured homes or recreational vehicles for  
22 resale;

23           (6) Failure to conform means a defect, a serious defect,  
24 noncompliance, or an imminent safety hazard related to the code;

25           (7) Fifth-wheel trailer means a unit mounted on wheels,

1 designed to provide temporary living quarters for recreational,  
2 camping, or travel use, of such size or weight as not to require  
3 a special highway movement permit, of gross trailer area not to  
4 exceed four hundred square feet in the setup mode, and designed to  
5 be towed by a motorized vehicle that contains a towing mechanism  
6 that is mounted above or forward of the tow vehicle's rear axle;

7 (8) Gross trailer area means the total plan area measured  
8 on the exterior to the maximum horizontal projections of exterior  
9 wall in the setup mode and includes all siding, corner trims,  
10 moldings, storage spaces, expandable room sections regardless of  
11 height, and areas enclosed by windows but does not include roof  
12 overhangs. Storage lofts contained within the basic unit shall  
13 have ceiling heights less than five feet and shall not constitute  
14 additional square footage. Appurtenances, as defined in subdivision  
15 (2) (k) of section 60-6,288, shall not be considered in calculating  
16 the gross trailer area as provided in such subdivision;

17 (9) Imminent safety hazard means a hazard that presents  
18 an imminent and unreasonable risk of death or severe personal  
19 injury;

20 (10) Manufactured home means a structure, transportable  
21 in one or more sections, which in the traveling mode is eight body  
22 feet or more in width or forty body feet or more in length or when  
23 erected on site is three hundred twenty or more square feet and  
24 which is built on a permanent chassis and designed to be used as  
25 a dwelling with or without a permanent foundation when connected

1 to the required utilities and includes the plumbing, heating, air  
2 conditioning, and electrical systems contained in the structure,  
3 except that manufactured home includes any structure that meets  
4 all of the requirements of this subdivision other than the size  
5 requirements and with respect to which the manufacturer voluntarily  
6 files a certification required by the United States Secretary  
7 of Housing and Urban Development and complies with the standards  
8 established under the National Manufactured Housing Construction  
9 and Safety Standards Act of 1974, as such act existed on September  
10 1, 2001, 42 U.S.C. 5401 et seq.;

11 (11) Manufactured-home construction means all activities  
12 relating to the assembly and manufacture of a manufactured home,  
13 including, but not limited to, activities relating to durability,  
14 quality, and safety;

15 (12) Manufactured-home safety means the performance of a  
16 manufactured home in such a manner that the public is protected  
17 against any unreasonable risk of the occurrence of accidents due  
18 to the design or construction of such manufactured home or any  
19 unreasonable risk of death or injury to the user or to the public  
20 if such accidents do occur;

21 (13) Manufacturer means any person engaged in  
22 manufacturing, assembling, or completing manufactured homes or  
23 recreational vehicles;

24 (14) Motor home means a vehicular unit primarily designed  
25 to provide temporary living quarters which are built into an

1 integral part of, or permanently attached to, a self-propelled  
2 motor vehicle chassis or van, containing permanently installed  
3 independent life-support systems that meet the state standard  
4 for recreational vehicles and providing at least four of  
5 the following facilities: Cooking; refrigeration or ice box;  
6 self-contained toilet; heating, air conditioning, or both; a  
7 potable water supply system including a faucet and sink; separate  
8 one-hundred-twenty-nominal-volt electrical power supply; or LP gas  
9 supply;

10 (15) Noncompliance means a failure to comply with an  
11 applicable construction standard that does not constitute a defect,  
12 a serious defect, or an imminent safety hazard;

13 (16) Park trailer means a vehicular unit which meets the  
14 following criteria:

15 (a) Built on a single chassis mounted on wheels;

16 (b) Designed to provide seasonal or temporary living  
17 quarters which may be connected to utilities necessary for  
18 operation of installed fixtures and appliances;

19 (c) Constructed to permit setup by persons without  
20 special skills using only hand tools which may include lifting,  
21 pulling, and supporting devices; and

22 (d) Having a gross trailer area not exceeding four  
23 hundred square feet when in the setup mode;

24 (17) Person means any individual, partnership, limited  
25 liability company, company, corporation, or association engaged in

1 manufacturing, selling, offering to sell, or leasing manufactured  
2 homes or recreational vehicles;

3 (18) Purchaser means the first person purchasing a  
4 manufactured home or recreational vehicle in good faith for  
5 purposes other than resale;

6 (19) Recreational vehicle means a vehicular type unit  
7 primarily designed as temporary living quarters for recreational,  
8 camping, or travel use, which unit either has its own motive power  
9 or is mounted on or towed by another vehicle. Recreational vehicle  
10 includes, but is not limited to, travel trailer, park trailer,  
11 camping trailer, truck camper, motor home, and van conversion;

12 (20) Seal means a device or insignia issued by the  
13 Department of Health and Human Services Regulation and Licensure  
14 prior to May 1, 1998, or by the Public Service Commission on  
15 or after May 1, 1998, to be displayed on the exterior of a  
16 manufactured home or recreational vehicle to evidence compliance  
17 with state standards. The federal manufactured-home label shall be  
18 recognized as a seal;

19 (21) Serious defect means a failure to conform to an  
20 applicable construction standard that renders the manufactured home  
21 or recreational vehicle or any component of the manufactured home  
22 or recreational vehicle not fit for the ordinary use for which it  
23 was intended and which results in an unreasonable risk of injury or  
24 death to the occupants;

25 (22) Travel trailer means a vehicular unit mounted

1 on wheels, designed to provide temporary living quarters for  
2 recreational, camping, or travel use of such size or weight as  
3 not to require special highway movement permits when towed by a  
4 motorized vehicle and of gross trailer area less than four hundred  
5 square feet;

6 (23) Truck camper means a portable unit constructed to  
7 provide temporary living quarters for recreational, travel, or  
8 camping use, consisting of a roof, floor, and sides and designed to  
9 be loaded onto and unloaded from the bed of a pickup truck; and

10 (24) Van conversion means a completed vehicle permanently  
11 altered cosmetically, structurally, or both which has been  
12 recertified by the state as a multipurpose passenger vehicle  
13 but which does not conform to or otherwise meet the definition  
14 of a motor home in this section and which contains at  
15 least one plumbing, heating, or one-hundred-twenty-nominal-volt  
16 electrical component subject to the provisions of the state  
17 standard for recreational vehicles. Van conversion does not  
18 include any such vehicle that lacks any plumbing, heating, or  
19 one-hundred-twenty-nominal-volt electrical system but contains an  
20 extension of the low-voltage automotive circuitry.

21 ~~(1) Manufactured home means a structure, transportable in~~  
22 ~~one or more sections, which in the traveling mode is eight body~~  
23 ~~feet or more in width or forty body feet or more in length or when~~  
24 ~~erected on site is three hundred twenty or more square feet and~~  
25 ~~which is built on a permanent chassis and designed to be used as~~

1 a dwelling with or without a permanent foundation when connected  
2 to the required utilities and includes the plumbing, heating, air  
3 conditioning, and electrical systems contained in the structure,  
4 except that manufactured home includes any structure that meets  
5 all of the requirements of this subdivision other than the size  
6 requirements and with respect to which the manufacturer voluntarily  
7 files a certification required by the United States Secretary  
8 of Housing and Urban Development and complies with the standards  
9 established under the National Manufactured Housing Construction  
10 and Safety Standards Act of 1974, as such act existed on September  
11 1, 2001, 42 U.S.C. 5401 et seq. Manufactured home also includes  
12 any manufactured home designed and manufactured with more than one  
13 separate living unit for the purpose of multifamily living;

14 (2) Recreational vehicle means a vehicular type unit  
15 primarily designed as temporary living quarters for recreational,  
16 camping, or travel use, which unit either has its own motive power  
17 or is mounted on or towed by another vehicle. Recreational vehicle  
18 includes, but is not limited to, travel trailer, park trailer,  
19 camping trailer, truck camper, motor home, and van conversion;

20 (3) Travel trailer means a vehicular unit mounted  
21 on wheels, designed to provide temporary living quarters for  
22 recreational, camping, or travel use of such size or weight as  
23 not to require special highway movement permits when towed by a  
24 motorized vehicle and of gross trailer area less than three hundred  
25 twenty square feet;

1           ~~(4) Camping trailer means a vehicular portable unit~~  
2 ~~mounted on wheels and constructed with collapsible partial side~~  
3 ~~walls which fold for towing by another vehicle and unfold at the~~  
4 ~~campsite to provide temporary living quarters for recreational,~~  
5 ~~camping, or travel use;~~

6           ~~(5) Truck camper means a portable unit constructed to~~  
7 ~~provide temporary living quarters for recreational, travel, or~~  
8 ~~camping use, consisting of a roof, floor, and sides and designed to~~  
9 ~~be loaded onto and unloaded from the bed of a pickup truck;~~

10           ~~(6) Motor home means a vehicular unit primarily designed~~  
11 ~~to provide temporary living quarters which are built into an~~  
12 ~~integral part of, or permanently attached to, a self-propelled~~  
13 ~~motor vehicle chassis or van, containing permanently installed~~  
14 ~~independent life-support systems that meet the state standard~~  
15 ~~for recreational vehicles and providing at least four of~~  
16 ~~the following facilities: Cooking, refrigeration or ice box,~~  
17 ~~self-contained toilet, heating, air conditioning, or both, a~~  
18 ~~potable water supply system including a faucet and sink, separate~~  
19 ~~one-hundred-twenty-nominal-volt electrical power supply, or LP gas~~  
20 ~~supply;~~

21           ~~(7) Park trailer means a vehicular unit which meets the~~  
22 ~~following criteria:~~

23           ~~(a) Built on a single chassis mounted on wheels;~~

24           ~~(b) Designed to provide seasonal or temporary living~~  
25 ~~quarters which may be connected to utilities necessary for~~

1 operation of installed fixtures and appliances;

2 (c) Constructed to permit setup by persons without  
3 special skills using only hand tools which may include lifting,  
4 pulling, and supporting devices; and

5 (d) Having a gross trailer area not exceeding four  
6 hundred square feet when in the setup mode;

7 (8) Van conversion means a completed vehicle permanently  
8 altered cosmetically, structurally, or both which has been  
9 recertified by the state as a multipurpose passenger vehicle  
10 but which does not conform to or otherwise meet the definition  
11 of a motor home in this section and which contains at  
12 least one plumbing, heating, or one-hundred-twenty-nominal-volt  
13 electrical component subject to the provisions of the state  
14 standard for recreational vehicles. Van conversion does not  
15 include any such vehicle that lacks any plumbing, heating, or  
16 one-hundred-twenty-nominal-volt electrical system but contains an  
17 extension of the low-voltage automotive circuitry;

18 (9) Seal means a device or insignia issued by the  
19 Department of Health and Human Services Regulation and Licensure  
20 prior to May 1, 1998, or by the Public Service Commission on  
21 or after May 1, 1998, to be displayed on the exterior of a  
22 manufactured home or recreational vehicle to evidence compliance  
23 with state standards. The federal manufactured-home label shall be  
24 recognized as a seal;

25 (10) Dealer means a person licensed by the state pursuant

1 to Chapter 60, article 14, as a dealer in manufactured homes  
2 or recreational vehicles or any other person, other than a  
3 manufacturer, who sells, offers to sell, distributes, or leases  
4 manufactured homes or recreational vehicles primarily to persons  
5 who in good faith purchase or lease a manufactured home or  
6 recreational vehicle for purposes other than resale;

7           (11) Distributor means any person engaged in the sale  
8 and distribution of manufactured homes or recreational vehicles for  
9 resale;

10           (12) Manufacturer means any person engaged in  
11 manufacturing, assembling, or completing manufactured homes or  
12 recreational vehicles;

13           (13) Manufactured-home construction means all activities  
14 relating to the assembly and manufacture of a manufactured home,  
15 including, but not limited to, activities relating to durability,  
16 quality, and safety;

17           (14) Manufactured-home safety means the performance of a  
18 manufactured home in such a manner that the public is protected  
19 against any unreasonable risk of the occurrence of accidents due  
20 to the design or construction of such manufactured home or any  
21 unreasonable risk of death or injury to the user or to the public  
22 if such accidents do occur;

23           (15) Defect means a failure to conform to an applicable  
24 construction standard that renders the manufactured home or  
25 recreational vehicle or any component of the manufactured home or

1 recreational vehicle not fit for the ordinary use for which it was  
2 intended but does not result in an unreasonable risk of injury or  
3 death to occupants;

4 ~~(16) Imminent safety hazard means a hazard that presents~~  
5 ~~an imminent and unreasonable risk of death or severe personal~~  
6 ~~injury;~~

7 ~~(17) Purchaser means the first person purchasing a~~  
8 ~~manufactured home or recreational vehicle in good faith for~~  
9 ~~purposes other than resale;~~

10 ~~(18) Person means any individual, partnership, limited~~  
11 ~~liability company, company, corporation, or association engaged in~~  
12 ~~manufacturing, selling, offering to sell, or leasing manufactured~~  
13 ~~homes or recreational vehicles;~~

14 ~~(19) Commission means the Public Service Commission;~~

15 ~~(20) Serious defect means a failure to conform to an~~  
16 ~~applicable construction standard that renders the manufactured home~~  
17 ~~or recreational vehicle or any component of the manufactured home~~  
18 ~~or recreational vehicle not fit for the ordinary use for which it~~  
19 ~~was intended and which results in an unreasonable risk of injury or~~  
20 ~~death to the occupants;~~

21 ~~(21) Noncompliance means a failure to comply with an~~  
22 ~~applicable construction standard that does not constitute a defect,~~  
23 ~~a serious defect, or an imminent safety hazard;~~

24 ~~(22) Failure to conform means a defect, a serious defect,~~  
25 ~~noncompliance, or an imminent safety hazard related to the code;~~

1           ~~(23) Fifth-wheel trailer means a unit mounted on wheels,~~  
2           ~~designed to provide temporary living quarters for recreational,~~  
3           ~~camping, or travel use, of such size or weight as not to require~~  
4           ~~a special highway movement permit, of gross trailer area not to~~  
5           ~~exceed four hundred square feet in the setup mode, and designed to~~  
6           ~~be towed by a motorized vehicle that contains a towing mechanism~~  
7           ~~that is mounted above or forward of the tow vehicle's rear axle,~~  
8           ~~and~~

9           ~~(24) Gross trailer area means the total plan area~~  
10          ~~measured on the exterior to the maximum horizontal projections~~  
11          ~~of exterior wall in the setup mode and includes all siding,~~  
12          ~~corner trims, moldings, storage spaces, expandable room sections~~  
13          ~~regardless of height, and areas enclosed by windows but does not~~  
14          ~~include roof overhangs. Storage lofts contained within the basic~~  
15          ~~unit shall have ceiling heights less than five feet and shall not~~  
16          ~~constitute additional square footage. Appurtenances, as defined in~~  
17          ~~subdivision (2)(k) of section 60-6,288, shall not be considered in~~  
18          ~~calculating the gross trailer area as provided in such subdivision.~~

19                Sec. 14. Section 71-4604, Reissue Revised Statutes of  
20                Nebraska, is amended to read:

21                71-4604 (1) All body and frame design and construction  
22                and all plumbing, heating, and electrical systems installed in  
23                manufactured homes or recreational vehicles manufactured, sold,  
24                offered for sale, or leased in this state more than four months  
25                after May 27, 1975, and before May 1, 1998, and ~~sold, offered for~~

1 ~~sale, or leased in this state~~ shall comply with the standards of  
2 the state agency responsible for regulation of manufactured homes  
3 or recreational vehicles as such standards existed on the date of  
4 manufacture.

5 (2) All body and frame design and construction and all  
6 plumbing, heating, and electrical systems installed in manufactured  
7 homes or recreational vehicles manufactured ~~on or after May~~  
8 ~~1, 1998,~~ and sold, offered for sale, or leased in this state  
9 on or after May 1, 1998, shall be at least equal to the  
10 standards adopted and approved by the commission ~~by~~ pursuant  
11 to its rules and regulations as such standards existed on the  
12 date of manufacture. The standards pertaining to manufactured homes  
13 shall conform to the Manufactured Home Construction and Safety  
14 Standards, 24 C.F.R. 3280, and the Manufactured Home Procedural  
15 and Enforcement Regulations, 24 C.F.R. 3282, adopted by the United  
16 States Department of Housing and Urban Development pursuant to the  
17 National Manufactured Housing Construction and Safety Standards Act  
18 of 1974, as amended, 42 U.S.C. 5401 et seq. Manufactured homes and  
19 recreational vehicles destined for sale outside the United States  
20 shall be exempt from such regulations if sufficient proof of such  
21 delivery is submitted to the commission for review. ~~The commission~~  
22 ~~may adopt standards pertaining to manufactured homes designed~~  
23 ~~and manufactured for the purpose of multifamily living, which~~  
24 ~~standards shall protect the health and safety of persons living~~  
25 ~~in multifamily manufactured homes and may include, but need not~~

1 be limited to, requirements for fire safety, thermal protection,  
2 water and fuel shutoff valves, fuel supply inlets, circulation  
3 air systems, and electrical systems. Multifamily manufactured  
4 homes manufactured in this state solely for purposes of sale  
5 in any other state or jurisdiction shall be exempt from the  
6 requirements of the Uniform Standard Code for Manufactured Homes  
7 and Recreational Vehicles. The standards pertaining to recreational  
8 vehicles shall (a) protect the health and safety of persons living  
9 in recreational vehicles, (b) assure reciprocity with other states  
10 that have adopted standards which protect the health and safety  
11 of persons living in recreational vehicles the purpose of which  
12 is to make uniform the law of those states which adopt them, and  
13 (c) allow variations from such uniform standards as will reduce  
14 unnecessary costs of construction or increase safety, durability,  
15 or efficiency, including energy efficiency, of the recreational  
16 vehicle without jeopardizing such reciprocity.

17           Sec. 15. Section 71-4604.01, Revised Statutes Cumulative  
18 Supplement, 2006, is amended to read:

19           71-4604.01 (1) (a) Every manufactured home or recreational  
20 vehicle manufactured, sold, offered for sale, or leased in this  
21 state more than four months after May 27, 1975, and before May  
22 1, 1998, ~~which is sold, offered for sale, or leased in this~~  
23 ~~state~~ shall comply with the seal requirements of the state agency  
24 responsible for regulation of manufactured homes or recreational  
25 vehicles as such requirements existed on the date of manufacture.

1           (b) Every manufactured home or recreational vehicle  
2 manufactured ~~on or after May 1, 1998,~~ which is sold, offered for  
3 sale, or leased in this state on or after May 1, 1998, shall bear  
4 a seal issued by the commission certifying that the body and frame  
5 design and construction and the plumbing, heating, and electrical  
6 systems of such manufactured home or recreational vehicle have  
7 been installed in compliance with the standards adopted by the  
8 commission, applicable at the time of manufacture. Manufactured  
9 homes destined for sale outside the United States shall be exempt  
10 from displaying the seal issued by the state if sufficient proof  
11 of such delivery is submitted to the commission for review.  
12 Recreational vehicles destined for sale or lease outside this  
13 state or the United States shall be exempt from displaying the  
14 seal issued by the state if sufficient proof of such delivery  
15 is submitted to the commission for review. The commission shall  
16 issue the recreational-vehicle seal upon an inspection of the plans  
17 and specifications for the recreational vehicle or upon an actual  
18 inspection of the recreational vehicle during or after construction  
19 if the recreational vehicle is in compliance with state standards.  
20 The commission shall issue the manufactured-home seal in accordance  
21 with the National Manufactured Housing Construction and Safety  
22 Standards Act of 1974, 42 U.S.C. 5401 et seq., as such act existed  
23 on January 1, 2005. Each seal issued by the state shall remain the  
24 property of the commission and may be revoked by the commission in  
25 the event of a violation of the conditions of issuance.

1           (2) The commission shall charge a fee of not less than  
2 ten dollars ~~nor~~ and not more than fifty seventy-five dollars, as  
3 determined annually by the commission after published notice and  
4 a hearing, for seals issued by the commission. A seal shall be  
5 placed on each living unit within a multifamily manufactured home.  
6 The commission shall assess any costs of inspections conducted  
7 outside of Nebraska to the manufacturer in control of the inspected  
8 facility or to a manufacturer requesting such inspection. ~~7~~ and  
9 the seal fee assessed for each living unit shall be one-half of  
10 the seal fee for a single-family manufactured home. Inspection  
11 fees shall be paid for all inspections by the commission of  
12 manufacturing plants located outside of the State of Nebraska. Such  
13 fees costs shall consist of a reimbursement by the manufacturer  
14 of include, but not be limited to, actual travel, personnel, and  
15 inspection expenses ~~only~~ and shall be paid prior to any issuance of  
16 seals.

17           (3) The commission shall adopt and promulgate rules and  
18 regulations governing the submission of plans and specifications of  
19 manufactured homes and recreational vehicles. A person who submits  
20 recreational-vehicle plans and specifications to the commission for  
21 review and approval shall be ~~charged for engineering services~~  
22 ~~of the commission provided for~~ assessed an hourly rate by  
23 the commission for performing the review of the plans and  
24 specifications and related functions. The hourly at a rate of  
25 shall be not less than fifteen dollars per hour ~~nor~~ and not more

1 than ~~fifty~~ seventy-five dollars per hour as determined annually  
2 by the commission after published notice and hearing based on the  
3 number of hours of review time as follows:

4 (a) New model, one hour;

5 (b) Quality control manual, two hours;

6 (c) Typicals, one-half hour;

7 (d) Revisions, three-fourths hour;

8 (e) Engineering calculations, three-fourths hour;

9 (f) Initial package, fifteen hours; and

10 (g) Yearly renewal, two hours plus the three-fourths hour  
11 for revisions.

12 (4) The commission shall charge each manufacturer a an  
13 inspection fee of ~~seventy-five~~ two hundred fifty dollars for each  
14 inspection of any new recreational vehicle manufactured by such  
15 manufacturer and not bearing a seal issued by the State of Nebraska  
16 or some reciprocal state.

17 (5) All fees collected pursuant to the Uniform Standard  
18 Code for Manufactured Homes and Recreational Vehicles shall be  
19 remitted to the State Treasurer for credit to the Manufactured  
20 Homes and Recreational Vehicles Cash Fund which is hereby created.  
21 Money credited to the fund pursuant to this section shall be used  
22 by the commission for the purpose of administering the code. Any  
23 money in the Manufactured Homes and Recreational Vehicles Cash Fund  
24 available for investment shall be invested by the state investment  
25 officer pursuant to the Nebraska Capital Expansion Act and the

1 Nebraska State Funds Investment Act.

2           Sec. 16. Section 71-4608, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4           71-4608 (1) Any person who is in violation of any  
5 provision of the Uniform Standard Code for Manufactured Homes  
6 and Recreational Vehicles regarding a used manufactured home ~~or~~  
7 ~~new or used multifamily manufactured home~~ or recreational vehicle  
8 or who manufactures unless destined for sale outside the United  
9 States, sells, offers for sale, or leases in this state any used  
10 manufactured home ~~or new or used multifamily manufactured home~~ or  
11 recreational vehicle manufactured more than four months after May  
12 27, 1975, which does not bear the federal manufactured-home label  
13 or the recreational-vehicle seal issued by this state or by a  
14 state which has been placed on the reciprocity list as required  
15 by the code shall be guilty of a Class I misdemeanor. Nothing in  
16 the Uniform Standard Code for Manufactured Homes and Recreational  
17 Vehicles shall be construed to require a seal for any recreational  
18 vehicle manufactured in this state which is sold or leased outside  
19 this state.

20           (2) No person shall:

21           (a) Manufacture for sale, lease, sell, offer for sale  
22 or lease, or introduce, deliver, or import into this state any  
23 manufactured home or recreational vehicle which is manufactured  
24 on or after the effective date of any applicable standard of the  
25 commission which does not comply with such standard;

1           (b) Fail or refuse to permit access to or copying of  
2 records, fail to make reports or provide information, or fail  
3 or refuse to permit entry or inspection as provided in section  
4 71-4610;

5           (c) Fail to furnish notification to the purchaser of any  
6 manufactured home of any defect as required by 42 U.S.C. 5414 or  
7 to the purchaser of any recreational vehicle as provided in section  
8 71-4616;

9           (d) Fail to issue a certification required by 42 U.S.C.  
10 5415 or issue a certification to the effect that a manufactured  
11 home conforms to all applicable Manufactured Home Construction and  
12 Safety Standards, 24 C.F.R. 3280, if such person in the exercise  
13 of due care has reason to know that such certification is false or  
14 misleading in a material respect;

15           (e) Fail to establish and maintain such records, make  
16 such reports, and provide such information as the commission may  
17 reasonably require to enable it to determine whether there is  
18 compliance with the National Manufactured Housing Construction and  
19 Safety Standards Act of 1974, as amended, 42 U.S.C. 5401 et seq.,  
20 or the standards adopted by the commission for recreational-vehicle  
21 construction or fail to permit, upon request of a person duly  
22 authorized by the commission, inspection of appropriate books,  
23 papers, records, and documents relative to determining whether a  
24 manufacturer, distributor, or dealer has acted or is acting in  
25 compliance with the Uniform Standard Code for Manufactured Homes

1 and Recreational Vehicles or with the National Manufactured Housing  
2 Construction and Safety Standards Act of 1974, as amended, 42  
3 U.S.C. 5401 et seq.; or

4 (f) Issue a certification pursuant to 42 U.S.C. 5403(a)  
5 if such person in the exercise of due care has reason to know that  
6 such certification is false or misleading in a material respect.

7 (3) Subdivision (2)(a) of this section shall not apply  
8 to the sale or the offer for sale of any manufactured home or  
9 recreational vehicle after the first purchase of it in good faith  
10 for purposes other than resale.

11 (4) Subdivision (2)(a) of this section shall not apply  
12 to any person who establishes that he or she did not have reason  
13 to know in the exercise of due care that such manufactured  
14 home or recreational vehicle was not in conformity with  
15 applicable Manufactured Home Construction and Safety Standards,  
16 24 C.F.R. 3280, or the standards adopted by the commission for  
17 recreational-vehicle construction or any person who, prior to such  
18 first purchase, holds a certificate by the manufacturer or importer  
19 of such manufactured home or recreational vehicle to the effect  
20 that such manufactured home conforms to all applicable Manufactured  
21 Home Construction and Safety Standards, 24 C.F.R. 3280, or that  
22 such recreational vehicle conforms to the standards adopted by the  
23 commission for recreational-vehicle construction unless such person  
24 knows that such manufactured home or recreational vehicle does not  
25 so conform.

1           (5) Any person or officer, director, or agent of a  
2 corporation who willfully or knowingly violates subsection (2) of  
3 this section in any manner which threatens the health or safety of  
4 any purchaser shall be guilty of a Class I misdemeanor.

5           (6) The commission may administratively fine pursuant to  
6 section 75-156 any person who violates the Uniform Standard Code  
7 for Manufactured Homes and Recreational Vehicles or any rule or  
8 regulation adopted and promulgated under the code.

9           Sec. 17. Section 71-4623, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           71-4623 The application for such annual license to  
12 conduct, operate, and maintain a mobile home park shall be  
13 submitted in writing or by electronic format and upon such form as  
14 the department shall provide and shall include the full name and  
15 address of the applicant or applicants, the names and addresses  
16 of the ~~partner~~ partners if the applicant is a partnership, the  
17 names and addresses of the members if the applicant is a limited  
18 liability company, or the names and addresses of the officers if  
19 the applicant is a corporation, and the current or most recent  
20 occupation of the applicant at the time of the filing of the  
21 application, and such other pertinent data as the department may  
22 require by regulation. If the applicant is an individual, the  
23 application shall include the applicant's social security number.

24           Sec. 18. Section 71-4631, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           71-4631 (1) The department shall issue licenses for the  
2 establishment, operation, and maintenance of mobile home parks  
3 which are found to comply with the Uniform Standard Code for  
4 Mobile Home Parks and such rules, regulations, and standards as  
5 are lawfully adopted and promulgated by the department pursuant  
6 thereto.

7           (2) The department shall deny, refuse renewal of,  
8 suspend, or revoke licenses or impose a civil penalty not to exceed  
9 two thousand dollars per day on any of the following grounds:

10           ~~(1)~~ (a) Violation of any of the provisions of the code  
11 or the rules, regulations, and standards lawfully adopted and  
12 promulgated pursuant thereto;

13           ~~(2)~~ (b) Permitting, aiding, or abetting the commission of  
14 any unlawful act; or

15           ~~(3)~~ (c) Conduct or utility or sanitation practices  
16 detrimental to the health or safety of residents of a mobile  
17 home park.

18           (3) Should the department determine to deny, refuse  
19 renewal of, suspend, or revoke a license or impose a civil penalty,  
20 it shall send to the applicant or licensee, by either certified or  
21 registered mail, a notice setting forth the specific reasons for  
22 the determination.

23           (4) The denial, refusal of renewal, suspension, ~~or~~  
24 revocation, or imposition of a civil penalty shall become final  
25 thirty days after the mailing of the notice in all cases of

1 failure to pay the required licensure fee if not paid by the end  
2 of such period, and in all other instances unless the applicant  
3 or licensee, within such thirty-day period, shall give written  
4 notice of a desire for a hearing. Thereupon the applicant or  
5 licensee shall be given opportunity for a formal hearing before the  
6 department and shall have the right to present evidence on his or  
7 her own behalf.

8         (5) The procedure governing hearings authorized by this  
9 section shall be in accordance with the Administrative Procedure  
10 Act. On the basis of the evidence presented, the determination  
11 involved shall be affirmed or set aside, and a copy of such  
12 decision setting forth the findings of facts and the specific  
13 reasons upon which it is based shall be sent by either certified  
14 or registered mail to the applicant or licensee. The applicant  
15 or licensee may appeal such decision, and the appeal shall be in  
16 accordance with the Administrative Procedure Act.

17         (6) The department shall remit any collected civil  
18 penalty to the State Treasurer for distribution in accordance  
19 with Article VII, section 5, of the Constitution of Nebraska.

20         Sec. 19. Section 71-5662, Revised Statutes Supplement,  
21 2007, is amended to read:

22         71-5662 (1) To be eligible for a student loan under the  
23 Rural Health Systems and Professional Incentive Act, an applicant  
24 or a recipient shall be enrolled or accepted for enrollment in  
25 an accredited medical or dental education program or physician

1 assistant education program or an approved mental health practice  
2 program in Nebraska.

3 (2) To be eligible for loan repayment under the act,  
4 an applicant or a recipient shall be a pharmacist, a dentist,  
5 a physical therapist, an occupational therapist, a mental health  
6 practitioner, a psychologist licensed before December 1, 2008,  
7 under the requirements of the Uniform Licensing Law or on or after  
8 December 1, 2008, under the requirements of section 38-3114 or  
9 the equivalent thereof, ~~an advanced practice registered nurse,~~ a  
10 nurse practitioner, a physician assistant, or a physician in an  
11 approved specialty and shall be licensed to practice in Nebraska,  
12 not be enrolled in a residency program, not be practicing under  
13 a provisional or temporary license, and enter practice in a  
14 designated health profession shortage area in Nebraska.

15 Sec. 20. Section 71-5663, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17 71-5663 (1) The amount of financial assistance provided  
18 through student loans pursuant to the Rural Health Systems and  
19 Professional Incentive Act shall be limited to twenty thousand  
20 dollars for each recipient for each academic year and shall  
21 not exceed eighty thousand dollars per medical, dental, or  
22 doctorate-level mental health student or twenty thousand dollars  
23 per master's level mental health or physician assistant student.

24 (2) The amount of financial assistance provided by  
25 the state through loan repayments pursuant to the act (a)

1 for physicians, dentists, and psychologists shall be limited to  
2 twenty thousand dollars per recipient per year of full-time  
3 practice in a designated health profession shortage area and  
4 shall not exceed sixty thousand dollars per recipient and (b)  
5 for physician assistants, ~~advanced practice registered nurses,~~  
6 nurse practitioners, pharmacists, physical therapists, occupational  
7 therapists, and mental health practitioners shall be limited to ten  
8 thousand dollars per recipient per year of full-time practice in  
9 a designated health profession shortage area and shall not exceed  
10 thirty thousand dollars per recipient.

11           Sec. 21. Section 71-5665, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13           71-5665 The commission shall periodically designate  
14 health profession shortage areas within the state for the  
15 following professions: Medicine and surgery, physician assistants'  
16 practice, ~~advanced practice registered nurses'~~ nurse practitioners'  
17 practice, psychology, and mental health practitioner's practice.

18 The commission shall also periodically designate separate health  
19 profession shortage areas for each of the following professions:

20 Pharmacy, dentistry, physical therapy, and occupational therapy.

21 In making such designations the commission shall consider, after  
22 consultation with other appropriate agencies concerned with health  
23 services and with appropriate professional organizations, among  
24 other factors:

25           (1) The latest reliable statistical data available

1 regarding the number of health professionals practicing in an area  
2 and the population to be served by such practitioners;

3 (2) Inaccessibility of health care services to residents  
4 of an area;

5 (3) Particular local health problems;

6 (4) Age or incapacity of local practitioners rendering  
7 services; and

8 (5) Demographic trends in an area both past and future.

9 Sec. 22. Section 71-5668, Revised Statutes Cumulative  
10 Supplement, 2006, is amended to read:

11 71-5668 Each loan repayment recipient shall execute an  
12 agreement with the department and a local entity. Such agreement  
13 shall include, at a minimum, the following terms:

14 (1) The loan repayment recipient agrees to practice his  
15 or her profession, and a physician, dentist, ~~advanced practice~~  
16 ~~registered nurse,~~ nurse practitioner, or physician assistant also  
17 agrees to practice an approved specialty, in a designated health  
18 profession shortage area for at least three years and to accept  
19 medicaid patients in his or her practice;

20 (2) In consideration of the agreement by the recipient,  
21 the State of Nebraska and a local entity within the designated  
22 health profession shortage area will provide equal funding for  
23 the repayment of the recipient's qualified educational debts, in  
24 amounts up to twenty thousand dollars per year per recipient for  
25 physicians, dentists, and psychologists and up to ten thousand

1 dollars per year per recipient for physician assistants, ~~advanced~~  
2 ~~practice registered nurses,~~ nurse practitioners, pharmacists,  
3 physical therapists, occupational therapists, and mental health  
4 practitioners toward qualified educational debts for up to  
5 three years. The department shall make payments directly to the  
6 recipient; and

7 (3) If the loan repayment recipient discontinues practice  
8 in the shortage area prior to completion of the three-year  
9 requirement, the recipient shall repay to the state one hundred  
10 twenty-five percent of the total amount of funds provided to the  
11 recipient for loan repayment. Upon repayment by the recipient to  
12 the department, the department shall reimburse the local entity its  
13 share of the funds.

14 Sec. 23. Section 71-7003.01, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 71-7003.01 The department may apply for, receive,  
17 and administer funds received from private sources to pay for  
18 definitive diagnostic procedures for women enrolled in the breast  
19 and cervical cancer screening mammography program authorized under  
20 sections ~~71-7001~~ 71-7001.01 to 71-7013 and ~~in the early detection~~  
21 ~~of breast and cervical cancer program~~ funded through a grant from  
22 the United States Department of Health and Human Services.

23 This section does not create an entitlement for enrollees  
24 in the programs. Payments may be made to the extent funds are  
25 available in the order requests are received by the department.

1           The funds obtained for definitive diagnostic procedures  
2 shall be remitted to the State Treasurer for credit to the Breast  
3 and Cervical Cancer Cash Fund. Money credited to the fund for  
4 purposes of this section shall be used to reimburse the costs of  
5 definitive diagnostic procedures as provided in this section.

6           Sec. 24. Section 71-7010, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           71-7010 The Breast and Cervical Cancer Cash Fund is  
9 created. The fund shall consist of any money appropriated to it  
10 by the Legislature, any money received by the department for the  
11 program, including federal and other public and private funds, and  
12 funds credited under section 71-7003.01. ~~and all fees received~~  
13 ~~pursuant to section 71-7009.~~ Money in the fund shall be used to  
14 ~~reimburse mammogram suppliers pursuant to section 71-7003~~ and may  
15 be used to reimburse expenses of members of the Breast and Cervical  
16 Cancer Advisory Committee, expenses of the program for early  
17 detection of breast and cervical cancer funded through a grant  
18 from the United States Department of Health and Human Services,  
19 and funds received under section 71-7003.01. Any money in the fund  
20 available for investment shall be invested by the state investment  
21 officer pursuant to the Nebraska Capital Expansion Act and the  
22 Nebraska State Funds Investment Act. ~~Any money in the Mammography~~  
23 ~~Screening Cash Fund on September 9, 1995, shall be transferred to~~  
24 ~~the Breast and Cervical Cancer Cash Fund on such date.~~

25           Sec. 25. Section 71-7012, Revised Statutes Supplement,

1 2007, is amended to read:

2           71-7012 The Breast and Cervical Cancer Advisory Committee  
3 is established. The committee consists of the members of the  
4 Mammography Screening Committee serving immediately prior to  
5 September 9, 1995, and eight additional members appointed by the  
6 chief executive officer of the department or his or her designee  
7 who have expertise or a personal interest in cervical cancer. The  
8 committee shall consist of not more than twenty-four volunteer  
9 members, at least eight of whom are women, appointed by the chief  
10 executive officer or his or her designee. Members of the committee  
11 shall be persons interested in health care, the promotion of breast  
12 cancer screening, and cervical cancer and shall be drawn from both  
13 the private sector and the public sector. At least one member shall  
14 be a person who has or who has had breast cancer. ~~one member shall~~  
15 ~~be a radiologist, and one member shall be a medical radiographer.~~

16           Of the initial members of the committee, four shall be  
17 appointed for terms of one year and four shall be appointed for  
18 terms of two years. Thereafter all appointments shall be for terms  
19 of two years. All members shall serve until their successors are  
20 appointed. No member shall serve more than two successive two-year  
21 terms. Vacancies in the membership of the committee for any cause  
22 shall be filled by appointment by the chief executive officer or  
23 his or her designee for the unexpired term.

24           Duties of the committee shall include, but not be limited  
25 to, ~~recommending guidelines for the program established under~~

1 ~~section 71-7002, developing and monitoring the schedule of fees~~  
 2 ~~established pursuant to section 71-7009, encouraging payment of~~  
 3 ~~public and private funds to the Breast and Cervical Cancer Cash~~  
 4 ~~Fund, researching and recommending to the department reimbursement~~  
 5 ~~limits, planning and implementing outreach and educational programs~~  
 6 ~~to Nebraska women, advising the department on its operation of~~  
 7 ~~the early detection of breast and cervical cancer grant from~~  
 8 ~~the United States Department of Health and Human Services, and~~  
 9 ~~encouraging payment of public and private funds to the fund.~~  
 10 ~~and researching and recommending to the department appropriate~~  
 11 ~~definitive diagnostic procedures which may be reimbursed. Members~~  
 12 ~~of the committee shall be reimbursed for their actual and necessary~~  
 13 ~~expenses as provided in sections 81-1174 to 81-1177.~~

14           Sec. 26. Section 71-7013, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16           71-7013 The State of Nebraska, the department and its  
 17 employees, ~~members of the Mammography Screening Committee,~~ and  
 18 members of the Breast and Cervical Cancer Advisory Committee shall  
 19 not be liable for any damage or injury resulting from: ~~(1) Failure~~  
 20 ~~to issue a certificate of eligibility under section 71-7009; (2)~~  
 21 ~~failure to certify a mammogram supplier under section 71-7004; (3)~~  
 22 ~~failure to waive the fee pursuant to section 71-7009; (4) a (1) a~~  
 23 false negative result or a false positive result interpretation or  
 24 any other act or omission of an interpreting physician with respect  
 25 to any screening mammogram performed under the program established

1 ~~pursuant to section 71-7002, or (5) pursuant to sections 71-7001.01~~  
2 ~~to 71-7012 or (2) any act or omission of a mammogram screening~~  
3 ~~supplier or person acting on behalf of such supplier with respect~~  
4 ~~to the provisions of such sections. 71-7001.01 to 71-7011.~~

5           Sec. 27. Section 71-8249, Revised Statutes Supplement,  
6 2007, is amended to read:

7           71-8249 (1) All data collected under section 71-8248  
8 shall be held confidential pursuant to sections 81-663 to 81-675.  
9 Confidential patient medical record data shall only be released  
10 as (a) Class I, II, or IV medical records under sections 81-663  
11 to 81-675, (b) aggregate or case-specific data to the regional  
12 trauma system quality assurance program and the regional trauma  
13 advisory boards, (c) ~~as~~ protected health information to a public  
14 health authority, as such terms are defined under the federal  
15 Health Insurance Portability and Accountability Act of 1996, as  
16 such act existed on January 1, ~~2007,~~ 2008, and (d) ~~as~~ protected  
17 health information, as defined under the federal Health Insurance  
18 Portability and Accountability Act of 1996, as such act existed  
19 on January 1, ~~2007,~~ 2008, to an emergency medical service, to an  
20 out-of-hospital emergency care provider, to a licensed health care  
21 facility, or to a center that will treat or has treated a specific  
22 patient.

23           A record may be shared with the emergency medical  
24 service, the out-of-hospital emergency provider, the licensed  
25 health care facility, or center that reported that specific record.

1           (2) Patient care quality assurance proceedings, records,  
2 and reports developed pursuant to this section and section  
3 71-8248 are confidential and are not subject to discovery by  
4 subpoena or admissible as evidence in any civil action, except  
5 pursuant to a court order which provides for the protection  
6 of sensitive information of interested parties, including the  
7 department, pursuant to section 25-12,123.

8           Sec. 28. Section 81-671, Revised Statutes Supplement,  
9 2007, is amended to read:

10           81-671 (1) Except as otherwise provided by the law  
11 governing a specific medical record and health information  
12 registry, the department may release information contained in a  
13 registry to official public health departments and agencies as  
14 follows:

15           (a) Upon request by an official local health department  
16 within the State of Nebraska, the department may release such  
17 data to the requesting local health department. The official local  
18 health department shall not contact patients using data received  
19 under sections 81-663 to 81-675 without approval by the department  
20 of an application made pursuant to section 81-666; and

21           (b) Upon approval of an application by federal, state,  
22 or local official public health agencies made pursuant to section  
23 81-666, the department may release such data.

24           (2) The Except as provided in subsection (3) of this  
25 section, the receiving agency shall not further disclose such

1 data to any third party but may publish aggregate statistical  
2 reports, except that no patient-identifying data shall be divulged,  
3 made public, or released to any public or private person or  
4 entity. The receiving agency shall comply with the patient contact  
5 provisions of sections 81-663 to 81-675. The receiving agency  
6 shall acknowledge the department and its medical record and health  
7 information registries in any publication in which information  
8 obtained from the medical record and health information registries  
9 is used.

10 (3) The release and acknowledgment provisions of this  
11 section do not apply to the Centers for Disease Control and  
12 Prevention of the United States Public Health Service of the United  
13 States Department of Health and Human Services, the North American  
14 Association of Central Cancer Registries, or cancer registries  
15 located outside Nebraska which receive data through approved data  
16 exchange agreements.

17 Sec. 29. Section 86-570, Revised Statutes Supplement,  
18 2007, is amended to read:

19 86-570 (1) The Geographic Information System Steering  
20 Committee is hereby created and shall consist of nineteen members  
21 as follows:

22 (a) The Chief Information Officer or his or her designee,  
23 the chief executive officer or designee of the Department of Health  
24 and Human Services, and the director or designee of the Department  
25 of Environmental Quality, ~~the Department of Health and Human~~

1 ~~Services~~, the Conservation and Survey Division of the University of  
2 Nebraska, the Department of Natural Resources, and the Governor's  
3 Policy Research Office;

4 (b) The Director-State Engineer or designee;

5 (c) The State Surveyor or designee;

6 (d) The Clerk of the Legislature or designee;

7 (e) The secretary of the Game and Parks Commission or  
8 designee;

9 (f) The Property Tax Administrator or designee;

10 (g) One representative of federal agencies appointed by  
11 the Governor;

12 (h) One representative of the natural resources districts  
13 nominated by the Nebraska Association of Resources Districts and  
14 appointed by the Governor;

15 (i) One representative of the public power districts  
16 appointed by the Governor;

17 (j) Two representatives of the counties nominated by  
18 the Nebraska Association of County Officials and appointed by the  
19 Governor;

20 (k) One representative of the municipalities nominated  
21 by the League of Nebraska Municipalities and appointed by the  
22 Governor; and

23 (l) Two members at large appointed by the Governor.

24 (2) The appointed members shall serve for terms of  
25 four years, except that of the initial members appointed by the

1 Governor, one of the representatives of the counties shall be  
2 appointed for one year and the other shall be appointed for three  
3 years, one of the members at large shall be appointed for one  
4 year and the other for three years, and the representative of the  
5 public power districts shall be appointed for two years. Their  
6 successors shall be appointed for four-year terms. Any vacancy on  
7 the committee shall be filled in the same manner as the original  
8 appointment, and the person selected to fill such vacancy shall  
9 have the same qualifications as the member whose vacancy is being  
10 filled.

11 (3) The members shall be reimbursed for their actual and  
12 necessary expenses as provided in sections 81-1174 to 81-1177.

13 Sec. 30. (1) The Department of Health and Human Services  
14 shall establish an administrative disqualification process for the  
15 aid to dependent children program described in section 43-512  
16 and the child care subsidy program established pursuant to  
17 section 68-1202. The department may initiate an administrative  
18 disqualification proceeding when it has reason to believe, on the  
19 basis of sufficient documentary evidence, that an individual has  
20 committed an intentional program violation. Proceedings under this  
21 section shall be subject to the Administrative Procedure Act.

22 (2) If an individual is found to have committed an  
23 intentional program violation, a period of disqualification shall  
24 be imposed. The period may be determined by the Department of  
25 Health and Human Services after an administrative disqualification

1 hearing or without a hearing if the individual waives his or her  
2 right to such hearing. The period of disqualification shall be: (a)  
3 For a first violation, up to one year; (b) for a second violation,  
4 up to two years; and (c) for a third violation, permanent  
5 disqualification. The penalties described in this subsection shall  
6 also be imposed if the individual is found by a court to have  
7 violated section 68-1017.

8 (3) For the aid to dependent children program, only  
9 the individual found to have committed the intentional program  
10 violation shall be disqualified under this section. For the child  
11 care subsidy program, the individual found to have committed the  
12 intentional violation shall disqualify such individual and his or  
13 her family under this section. The department shall inform each  
14 applicant in writing of the penalties described in this section  
15 for intentional program violations each time an application for  
16 benefits is made to either program.

17 (4) For purposes of this section, intentional program  
18 violation means any action by an individual to intentionally (a)  
19 make a false statement, either verbally or in writing, to obtain  
20 benefits to which the individual is not entitled, (b) conceal  
21 information to obtain benefits to which the individual is not  
22 entitled, or (c) alter one or more documents to obtain benefits to  
23 which the individual is not entitled.

24 (5) The department may adopt and promulgate rules and  
25 regulations to carry out this section.

1           Sec. 31. Sections 12, 19, 20, 21, 22, 23, 24, 25, 26,  
2 27, 28, 29, 33, and 35 of this act become operative three calendar  
3 months after the adjournment of this legislative session. The other  
4 sections of this act become operative on their effective date.

5           Sec. 32. Original sections 60-1301, 71-1557, 71-1558,  
6 71-1559, 71-1563, 71-1564, 71-1567, 71-4603, 71-4604, 71-4623, and  
7 71-4631, Reissue Revised Statutes of Nebraska, sections 60-107,  
8 60-1401.02, 71-409, 71-4604.01, and 71-4608, Revised Statutes  
9 Cumulative Supplement, 2006, and section 68-906, Revised Statutes  
10 Supplement, 2007, are repealed.

11           Sec. 33. Original sections 71-1901, 71-7003.01, 71-7010,  
12 and 71-7013, Reissue Revised Statutes of Nebraska, sections  
13 71-5663, 71-5665, and 71-5668, Revised Statutes Cumulative  
14 Supplement, 2006, and sections 71-5662, 71-7012, 71-8249, 81-671,  
15 and 86-570, Revised Statutes Supplement, 2007, are repealed.

16           Sec. 34. The following section is outright repealed:  
17 Section 71-4628, Reissue Revised Statutes of Nebraska.

18           Sec. 35. The following sections are outright repealed:  
19 Sections 68-1736, 68-1737, 71-7002, 71-7003, 71-7004, 71-7005,  
20 71-7006, 71-7007, 71-7008, 71-7009, and 71-7011, Reissue Revised  
21 Statutes of Nebraska, and section 71-7001, Revised Statutes  
22 Supplement, 2007.

23           Sec. 36. Since an emergency exists, this act takes effect  
24 when passed and approved according to law.