

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 749

Introduced by Stuthman, 22.

Read first time January 09, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to manufactured homes; to amend sections
2 71-4623 and 71-4631, Reissue Revised Statutes of
3 Nebraska; to provide for submission of a license
4 application by electronic format; to impose a civil
5 penalty as prescribed; to repeal the original sections;
6 and to outright repeal section 71-4628, Reissue Revised
7 Statutes of Nebraska.

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

1 Section 1. Section 71-4623, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-4623 The application for such annual license to
4 conduct, operate, and maintain a mobile home park shall be
5 submitted in writing or by electronic format and upon such form as
6 ~~the department shall provide and~~ shall include the full name and
7 address of the applicant or applicants, the names and addresses
8 of the ~~partner~~ partners if the applicant is a partnership, the
9 names and addresses of the members if the applicant is a limited
10 liability company, or the names and addresses of the officers if
11 the applicant is a corporation, and the current or most recent
12 occupation of the applicant at the time of the filing of the
13 application, and such other pertinent data as the department may
14 require by regulation. If the applicant is an individual, the
15 application shall include the applicant's social security number.

16 Sec. 2. Section 71-4631, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 71-4631 The department shall issue licenses for the
19 establishment, operation, and maintenance of mobile home parks
20 which are found to comply with the Uniform Standard Code for
21 Mobile Home Parks and such rules, regulations, and standards as
22 are lawfully adopted and promulgated by the department pursuant
23 thereto. The department shall deny, refuse renewal of, suspend,
24 or revoke licenses or impose a civil penalty not to exceed two
25 thousand dollars per day on any of the following grounds:

1 (1) Violation of any of the provisions of the code or the
2 rules, regulations, and standards lawfully adopted and promulgated
3 pursuant thereto;

4 (2) Permitting, aiding, or abetting the commission of any
5 unlawful act; or

6 (3) Conduct or utility or sanitation practices
7 detrimental to the health or safety of residents of a mobile home
8 park. Should the department determine to deny, refuse renewal
9 of, suspend, or revoke a license or impose a civil penalty, it
10 shall send to the applicant or licensee, by either certified or
11 registered mail, a notice setting forth the specific reasons for
12 the determination. The denial, refusal of renewal, suspension, ~~or~~
13 revocation, or imposition of a civil penalty shall become final
14 thirty days after the mailing of the notice in all cases of
15 failure to pay the required licensure fee if not paid by the end
16 of such period, and in all other instances unless the applicant
17 or licensee, within such thirty-day period, shall give written
18 notice of a desire for a hearing. Thereupon the applicant or
19 licensee shall be given opportunity for a formal hearing before the
20 department and shall have the right to present evidence on his or
21 her own behalf. The procedure governing hearings authorized by this
22 section shall be in accordance with the Administrative Procedure
23 Act. On the basis of the evidence presented, the determination
24 involved shall be affirmed or set aside, and a copy of such
25 decision setting forth the findings of facts and the specific

1 reasons upon which it is based shall be sent by either certified
2 or registered mail to the applicant or licensee. The applicant
3 or licensee may appeal such decision, and the appeal shall be in
4 accordance with the Administrative Procedure Act.

5 Sec. 3. Original sections 71-4623 and 71-4631, Reissue
6 Revised Statutes of Nebraska, are repealed.

7 Sec. 4. The following section is outright repealed:
8 Section 71-4628, Reissue Revised Statutes of Nebraska.