

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 435**

Introduced by Janssen, 15; Gay, 14.

Read first time January 20, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Public Service Commission; to  
2 amend sections 71-1559 and 71-4604.01, Revised Statutes  
3 Cumulative Supplement, 2008; to eliminate limitations on  
4 certain fees; to create and eliminate funds; to provide  
5 an operative date; to repeal the original sections; and  
6 to declare an emergency.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-1559, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           71-1559 (1) Every modular housing unit, except those  
4 constructed or manufactured by any school district or community  
5 college area as a part of a buildings trade or other instructional  
6 program offered by such district or area, manufactured, sold,  
7 offered for sale, or leased in this state more than six months  
8 after July 10, 1976, and before May 1, 1998, shall comply with the  
9 seal requirements of the state agency responsible for regulation of  
10 modular housing units as such requirements existed on the date of  
11 manufacture.

12           (2) Every modular housing unit, except those constructed  
13 or manufactured by any school district or community college area as  
14 part of a buildings trade or other instructional program offered  
15 by such district or area, manufactured, sold, offered for sale,  
16 or leased in this state on or after May 1, 1998, shall bear a  
17 seal issued by the commission certifying that the construction  
18 and the structural, plumbing, heating, and electrical systems  
19 of such modular housing unit have been installed in compliance  
20 with its standards applicable at the time of manufacture.  
21 Each manufacturer of such modular housing units, except those  
22 constructed or manufactured by such school district or community  
23 college area, shall submit its plans to the commission for  
24 the purposes of inspection. The commission shall establish a  
25 compliance assurance program consisting of an application form and

1 a compliance assurance manual. Such manual shall identify and list  
2 all procedures which the manufacturer and the inspection agency  
3 propose to implement to assure that the finished modular housing  
4 unit conforms to the approved building system and the applicable  
5 codes adopted by the commission. The compliance assurance program  
6 requirements shall apply to all inspection agencies, whether  
7 commission or authorized third party, and shall define duties and  
8 responsibilities in the process of inspecting, monitoring, and  
9 issuing seals for modular housing units. The commission shall  
10 issue the seal only after ascertaining that the manufacturer  
11 is in full compliance with the compliance assurance program  
12 through inspections at the plant by the commission or authorized  
13 third-party inspection agency. Such inspections shall be of  
14 an unannounced frequency such that the required level of code  
15 compliance performance is implemented and maintained throughout all  
16 areas of plant and site operations that affect regulatory aspects  
17 of the construction. Each seal issued by the state shall remain the  
18 property of the commission and may be revoked by the commission in  
19 the event of violation of the conditions of issuance.

20 (3) Modular housing units constructed or manufactured by  
21 any school district or community college area as a part of a  
22 buildings trade or other instructional program offered by such  
23 district or area shall be inspected by the local inspection  
24 authority or, upon request of the district or area, by the  
25 commission. If the commission inspects a unit and finds that it

1 is in compliance, the commission shall issue a seal certifying  
2 that the construction and the structural, plumbing, heating, and  
3 electrical systems of such unit have been installed in compliance  
4 with the standards applicable at the time of manufacture.

5 (4) The commission shall charge a seal fee of not less  
6 than one hundred and not more than one thousand dollars per modular  
7 housing unit, as determined annually by the commission after  
8 published notice and a hearing, for seals issued by the commission  
9 under subsection (2) or (3) of this section.

10 (5) Inspection fees shall be paid for all inspections  
11 by the commission of manufacturing plants located outside of the  
12 State of Nebraska. Such fees shall consist of a reimbursement by  
13 the manufacturer of actual travel and inspection expenses only and  
14 shall be paid prior to any issuance of seals.

15 (6) All fees collected under the Nebraska Uniform  
16 Standards for Modular Housing Units Act shall be remitted to the  
17 State Treasurer for credit to the Modular Housing Units Public  
18 Service Commission Housing and Recreational Vehicle Cash Fund,  
19 ~~which is hereby created. Money credited to the fund pursuant to~~  
20 ~~this section shall be used by the commission for the purpose of~~  
21 ~~administering the act. Transfers from the fund to the General Fund~~  
22 ~~may be made at the direction of the Legislature. Any money in the~~  
23 ~~Modular Housing Units Cash Fund available for investment shall be~~  
24 ~~invested by the state investment officer pursuant to the Nebraska~~  
25 ~~Capital Expansion Act and the Nebraska State Funds Investment Act.~~

1           Sec. 2. Section 71-4604.01, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           71-4604.01 (1) (a) Every manufactured home or recreational  
4 vehicle manufactured, sold, offered for sale, or leased in this  
5 state more than four months after May 27, 1975, and before May 1,  
6 1998, shall comply with the seal requirements of the state agency  
7 responsible for regulation of manufactured homes or recreational  
8 vehicles as such requirements existed on the date of manufacture.

9           (b) Every manufactured home or recreational vehicle  
10 manufactured, sold, offered for sale, or leased in this state  
11 on or after May 1, 1998, shall bear a seal issued by the commission  
12 certifying that the body and frame design and construction and  
13 the plumbing, heating, and electrical systems of such manufactured  
14 home or recreational vehicle have been installed in compliance  
15 with the standards adopted by the commission, applicable at the  
16 time of manufacture. Manufactured homes destined for sale outside  
17 the United States shall be exempt from displaying the seal issued  
18 by the state if sufficient proof of such delivery is submitted  
19 to the commission for review. Recreational vehicles destined for  
20 sale or lease outside this state or the United States shall be  
21 exempt from displaying the seal issued by the state if sufficient  
22 proof of such delivery is submitted to the commission for review.  
23 The commission shall issue the recreational-vehicle seal upon an  
24 inspection of the plans and specifications for the recreational  
25 vehicle or upon an actual inspection of the recreational vehicle

1 during or after construction if the recreational vehicle is in  
2 compliance with state standards. The commission shall issue the  
3 manufactured-home seal in accordance with the National Manufactured  
4 Housing Construction and Safety Standards Act of 1974, 42 U.S.C.  
5 5401 et seq., as such act existed on January 1, 2005. Each seal  
6 issued by the state shall remain the property of the commission and  
7 may be revoked by the commission in the event of a violation of the  
8 conditions of issuance.

9 (2) The commission shall charge a fee of ~~not less than~~  
10 ~~ten dollars and not more than seventy-five dollars,~~ as in an amount  
11 determined annually by the commission after published notice and a  
12 hearing, for seals issued by the commission. A seal shall be placed  
13 on each manufactured home. The commission shall assess any costs  
14 of inspections conducted outside of Nebraska to the manufacturer in  
15 control of the inspected facility or to a manufacturer requesting  
16 such inspection. Such costs shall include, but not be limited to,  
17 actual travel, personnel, and inspection expenses and shall be paid  
18 prior to any issuance of seals.

19 (3) The commission shall adopt and promulgate rules and  
20 regulations governing the submission of plans and specifications of  
21 manufactured homes and recreational vehicles. A person who submits  
22 recreational-vehicle plans and specifications to the commission  
23 for review and approval shall be assessed an hourly rate by  
24 the commission for performing the review of the plans and  
25 specifications and related functions. The hourly rate shall be not

1 less than fifteen dollars per hour and not more than seventy-five  
2 dollars per hour as determined annually by the commission after  
3 published notice and hearing based on the number of hours of review  
4 time as follows:

- 5 (a) New model, one hour;
- 6 (b) Quality control manual, two hours;
- 7 (c) Typicals, one-half hour;
- 8 (d) Revisions, three-fourths hour;
- 9 (e) Engineering calculations, three-fourths hour;
- 10 (f) Initial package, fifteen hours; and
- 11 (g) Yearly renewal, two hours plus the three-fourths hour  
12 for revisions.

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

18 (5) All fees collected pursuant to the Uniform Standard  
19 Code for Manufactured Homes and Recreational Vehicles shall be  
20 remitted to the State Treasurer for credit to the Manufactured  
21 Homes and Recreational Vehicles Public Service Commission Housing  
22 and Recreational Vehicle Cash Fund, which is hereby created. Money  
23 credited to the fund pursuant to this section shall be used by  
24 the commission for the purpose of administering the code. Any  
25 money in the Manufactured Homes and Recreational Vehicles Cash Fund

1 available for investment shall be invested by the state investment  
2 officer pursuant to the Nebraska Capital Expansion Act and the  
3 Nebraska State Funds Investment Act.

4           Sec. 3. (1) The Public Service Commission Housing and  
5 Recreational Vehicle Cash Fund is created. The fund shall consist  
6 of fees collected under the Nebraska Uniform Standards for Modular  
7 Housing Units Act and fees collected pursuant to the Uniform  
8 Standard Code for Manufactured Homes and Recreational Vehicles.

9           (2) Money credited to the fund pursuant to section  
10 71-1559 shall be used by the Public Service Commission for the  
11 purpose of administering the Nebraska Uniform Standards for Modular  
12 Housing Units Act. Money credited to the fund pursuant to section  
13 71-4601.01 shall be used by the commission for the purpose of  
14 administering the Uniform Standard Code for Manufactured Homes and  
15 Recreational Vehicles.

16           (3) Transfers from the fund to the General Fund may be  
17 made at the direction of the Legislature. Any money in the Public  
18 Service Commission Housing and Recreational Vehicle Cash Fund  
19 available for investment shall be invested by the state investment  
20 officer pursuant to the Nebraska Capital Expansion Act and the  
21 Nebraska State Funds Investment Act.

22           (4) On the operative date of this act, the State  
23 Treasurer shall transfer any money in the Modular Housing Units  
24 Cash Fund and any money in the Manufactured Homes and Recreational  
25 Vehicles Cash Fund to the Public Service Commission Housing and



1 Recreational Vehicle Cash Fund.

2           Sec. 4. This act becomes operative on July 1, 2009.

3           Sec. 5. Original sections 71-1559 and 71-4604.01, Revised  
4 Statutes Cumulative Supplement, 2008, are repealed.

5           Sec. 6. Since an emergency exists, this act takes effect  
6 when passed and approved according to law.