

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 752**

Introduced by Blood, 3.

Read first time January 08, 2020

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to veterans and servicemembers; to amend  
2 sections 38-201 and 71-601, Reissue Revised Statutes of Nebraska,  
3 sections 38-1201, 38-2201, 60-4,149.02, 84-946, and 84-948, Revised  
4 Statutes Cumulative Supplement, 2018, and sections 38-2001 and  
5 48-203, Revised Statutes Supplement, 2019; to require a review of  
6 licensing requirements for certain health professions; to provide  
7 duties for, and require submission of reports by, the Board of  
8 Advanced Practice Registered Nurses, the Board of Emergency Medical  
9 Services, the Board of Medicine and Surgery, the Board of Nursing,  
10 and the veterans' program coordinator; to provide duties for the  
11 Department of Economic Development and Department of Labor; to  
12 provide a duty for the Department of Motor Vehicles relating to an  
13 exemption for drivers with military commercial motor vehicle  
14 experience; to require a report and the compilation of data  
15 concerning veteran suicides; to require a study and report regarding  
16 development and implementation of a veteran health care navigator  
17 program and a program to end veteran homelessness; to encourage  
18 state and local government service providers to inquire regarding  
19 military service status as prescribed and provide related duties for  
20 the Department of Veterans' Affairs and the Department of Health and  
21 Human Services; to require analyses, reports, and programs related  
22 to veterans; to change provisions relating to policy and a report  
23 under the Occupational Board Reform Act; to harmonize provisions;

1           and to repeal the original sections.

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

1 Section 1. Section 38-201, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 38-201 Sections 38-201 to 38-212 and section 2 of this act shall be  
4 known and may be cited as the Advanced Practice Registered Nurse Practice  
5 Act.

6 Sec. 2. (1) The board shall conduct a review of licensing  
7 requirements under the Advanced Practice Registered Nurse Practice Act to  
8 determine necessary and appropriate steps that may be taken to increase  
9 acceptance of military training and experience toward fulfilling  
10 licensure requirements under the act. The board shall consider changes  
11 that may be made by rule and regulation pursuant to existing statutory  
12 authority and shall recommend legislation necessary to achieve the goals  
13 of this section.

14 (2) On or before September 1, 2021, the board shall electronically  
15 submit a report to the Legislature summarizing its findings. The report  
16 shall include any changes made or proposed to be made through rule and  
17 regulation and any recommended legislation.

18 Sec. 3. Section 38-1201, Revised Statutes Cumulative Supplement,  
19 2018, is amended to read:

20 38-1201 Sections 38-1201 to 38-1237 and section 4 of this act shall  
21 be known and may be cited as the Emergency Medical Services Practice Act.

22 Sec. 4. (1) The board shall conduct a review of licensing  
23 requirements for out-of-hospital emergency care providers to determine  
24 necessary and appropriate steps that may be taken to increase acceptance  
25 of military training and experience toward fulfilling licensure  
26 requirements under the Emergency Medical Services Practice Act. The board  
27 shall consider changes that may be made by rule and regulation pursuant  
28 to existing statutory authority and shall recommend legislation necessary  
29 to achieve the goals of this section.

30 (2) On or before September 1, 2021, the board shall electronically  
31 submit a report to the Legislature summarizing its findings. The report

1 shall include any changes made or proposed to be made through rule and  
2 regulation and any recommended legislation.

3 Sec. 5. Section 38-2001, Revised Statutes Supplement, 2019, is  
4 amended to read:

5 38-2001 Sections 38-2001 to 38-2062 and section 6 of this act shall  
6 be known and may be cited as the Medicine and Surgery Practice Act.

7 Sec. 6. (1) The board shall conduct a review of licensing  
8 requirements for physician assistants to determine necessary and  
9 appropriate steps that may be taken to increase acceptance of military  
10 training and experience toward fulfilling licensure requirements under  
11 the Medicine and Surgery Practice Act. The board shall consider changes  
12 that may be made by rule and regulation pursuant to existing statutory  
13 authority and shall recommend legislation necessary to achieve the goals  
14 of this section.

15 (2) On or before September 1, 2021, the board shall electronically  
16 submit a report to the Legislature summarizing its findings. The report  
17 shall include any changes made or proposed to be made through rule and  
18 regulation and any recommended legislation.

19 Sec. 7. Section 38-2201, Revised Statutes Cumulative Supplement,  
20 2018, is amended to read:

21 38-2201 Sections 38-2201 to 38-2238 and section 8 of this act shall  
22 be known and may be cited as the Nurse Practice Act.

23 Sec. 8. (1) The board shall conduct a review of licensing  
24 requirements under the Nurse Practice Act to determine necessary and  
25 appropriate steps that may be taken to increase acceptance of military  
26 training and experience toward fulfilling licensure requirements under  
27 the act. The board shall consider changes that may be made by rule and  
28 regulation pursuant to existing statutory authority and shall recommend  
29 legislation necessary to achieve the goals of this section.

30 (2) On or before September 1, 2021, the board shall electronically  
31 submit a report to the Legislature summarizing its findings. The report

1 shall include any changes made or recommended to be made through rule and  
2 regulation and any recommended legislation.

3 Sec. 9. Section 48-203, Revised Statutes Supplement, 2019, is  
4 amended to read:

5 48-203 (1) The Legislature finds and declares that:

6 (a) Nebraska is a welcoming state for veterans and their families;  
7 and

8 (b) Nebraska is committed to workforce development initiatives that  
9 help attract and retain veterans and their families.

10 (2) It is the intent of the Legislature to:

11 (a) Increase efforts to create public awareness among veterans and  
12 their families about the benefits of living and working in Nebraska,  
13 including special initiatives enacted to make Nebraska a veteran-friendly  
14 state; and

15 (b) Develop new initiatives to better connect veterans to Nebraska's  
16 job market and the workforce development needs of employers.

17 (3) The Legislature further finds and declares that the University  
18 of Nebraska, the Nebraska State Colleges, and Nebraska's community  
19 colleges have undertaken many successful efforts to assist  
20 servicemembers, veterans, and their families in overcoming barriers to  
21 earning postsecondary degrees. These efforts can be further improved by  
22 expanding collaboration, coordination, and consistency among Nebraska's  
23 postsecondary education institutions.

24 (4) (3) The position of veterans' program coordinator shall be  
25 maintained by the Department of Labor. The coordinator shall be a veteran  
26 and a full-time employee of the Department of Labor and shall:

27 (a) Seek advice and input from the Commission on Military and  
28 Veteran Affairs related to veterans' workforce development issues;

29 (b) Be a nonvoting, ex officio member of the Commission on Military  
30 and Veteran Affairs;~~and~~

31 (c) Collaborate with the Department of Economic Development in

1 carrying out the purposes of this section;

2 (d) Conduct an annual review of apprentice, training, and other  
3 vocational programs focused on providing job training and placement to  
4 returning servicemembers and veterans. Such annual review shall evaluate  
5 costs and results and recommend programs for expansion with state  
6 funding, including estimated future returns to the state from improved  
7 outcomes from program expansion. On or before January 1, 2021, and  
8 annually by each January 1 thereafter, the coordinator shall  
9 electronically submit a report to the Legislature. The report shall  
10 summarize the coordinator's findings and recommendations under this  
11 subdivision; and

12 (e) ~~(c)~~ Submit an annual progress report to the Commission on  
13 Military and Veteran Affairs.

14 (5) ~~(4)~~ The Department of Labor shall provide the necessary staff to  
15 assist the veterans' program coordinator in carrying out the purposes of  
16 this section.

17 (6) ~~(5)~~ The Department of Veterans' Affairs shall:

18 (a) Develop a web site, in collaboration with the Department of  
19 Labor, with a job-search tool specific to veterans. Such web site shall  
20 be implemented on a date designated by the Director of Veterans' Affairs  
21 when sufficient cash funds have accumulated in the Veterans Employment  
22 Program Fund to develop such web site, but no later than June 30, 2024;  
23 and

24 (b) Research best practices and web sites specific to veterans from  
25 other states.

26 Sec. 10. (1) Beginning January 1, 2021, the Department of Labor  
27 shall generate monthly electronic reports of workforce need projections  
28 by industry, job type, geography, and needed credentials. Each report  
29 shall compare workforce needs with existing and projected workforce and  
30 credential availability in Nebraska. Each report shall highlight leading  
31 high-demand industries, job types, and credentials by geographic area.

1       (2) The Department of Labor shall work with the Department of  
2 Economic Development and Department of Veterans' Affairs to include in  
3 the monthly report a mapping of which in-demand job titles and  
4 credentials would leverage skills, experience, and credentials possessed  
5 by veterans.

6       (3) The Department of Economic Development shall make each monthly  
7 report available to the public on the department's web site.

8       Sec. 11. Section 60-4,149.02, Revised Statutes Cumulative  
9 Supplement, 2018, is amended to read:

10       60-4,149.02 (1) A commercial driver's license examiner shall not  
11 require the driving skills examination for a commercial motor vehicle  
12 driver with military commercial motor vehicle experience who is currently  
13 licensed at the time of his or her application for a commercial driver's  
14 license and may substitute an applicant's driving record in combination  
15 with certain driving experience. The department may impose conditions and  
16 limitations as allowed under 49 C.F.R. part 383 to restrict the  
17 applicants from whom the department may accept alternative requirements  
18 for the driving skills examination authorized in section 60-4,155. Such  
19 conditions and limitations shall require at least the following:

20       (a) ~~(1)~~ An applicant must certify that, during the two-year period  
21 immediately prior to applying for a commercial driver's license, he or  
22 she:

23       (i) ~~(a)~~ Has not had more than one operator's license, except for a  
24 military operator's license;

25       (ii) ~~(b)~~ Has not had any operator's license suspended, revoked, or  
26 canceled;

27       (iii) ~~(c)~~ Has not had any convictions for any type of motor vehicle  
28 for the disqualifying offenses contained in 49 C.F.R. 383.51(b);

29       (iv) ~~(d)~~ Has not had more than one conviction for any type of motor  
30 vehicle for serious traffic violations contained in 49 C.F.R. 383.51(c);

31       (v) ~~(e)~~ Has not had any conviction for a violation of military,

1 state, or local law relating to motor vehicle traffic control, other than  
2 a parking violation, arising in connection with any traffic accident; and

3 ~~(vi) (f)~~ Has no record of an accident in which he or she was at  
4 fault; and

5 ~~(b) (2)~~ An applicant must provide evidence and certify that he or  
6 she:

7 ~~(i) (a)~~ Is regularly employed or was regularly employed within the  
8 last ninety days in a military position requiring operation of a  
9 commercial motor vehicle;

10 ~~(ii) (b)~~ Was exempted from the commercial driver's license  
11 requirements in 49 C.F.R. 383.3(c); and

12 ~~(iii) (c)~~ Was operating a vehicle representative of the commercial  
13 motor vehicle the driver applicant operates or expects to operate, for at  
14 least two years immediately preceding discharge from the military.

15 (2) The department shall take all necessary steps to annually  
16 increase the number of servicemembers and veterans who take advantage of  
17 the driving skills examination exemption provided for in this section,  
18 including, but not limited to:

19 (a) Ensuring information on the program is easily accessible on the  
20 department's web site;

21 (b) Coordinating with military placement and training programs,  
22 including Credentialing Opportunities On-Line (COOL) programs; and

23 (c) Disseminating information on the exemption to servicemembers and  
24 veterans with relevant experience newly locating in Nebraska.

25 Sec. 12. Section 71-601, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 71-601 Sections 71-601 to 71-649 and section 13 of this act shall be  
28 known and may be cited as the Vital Statistics Act.

29 Sec. 13. Beginning January 1, 2021, the department shall compile an  
30 annual report based on death certificates filed with the department in  
31 the prior calendar year that indicate the deceased was a servicemember or

1 veteran and that the cause of death was suicide. Such report shall be  
2 submitted to the Department of Veterans' Affairs no later than March 1 of  
3 each year. The Department of Veterans' Affairs shall use such compilation  
4 in its efforts to prevent veteran suicides.

5 Sec. 14. (1) The Department of Veterans' Affairs shall undertake a  
6 study regarding development and implementation of a veteran health care  
7 navigator program as provided in this section.

8 (2) The program, when implemented, should provide for the hiring of  
9 a suitable number of veteran health care navigators. Navigators should be  
10 full-time employees of the department. Navigators should have direct  
11 knowledge of the veteran communities they serve. The mission of the  
12 navigators should be to:

13 (a) Increase access by veterans and their families to health care  
14 coverage and services;

15 (b) Leverage existing resources and structures where veterans and  
16 their families are likely to be found;

17 (c) Ensure the needs of veterans and their families are incorporated  
18 in all state efforts to expand access to affordable, quality healthcare;  
19 and

20 (d) Ensure veterans and their families have access to mental health  
21 treatment, including for posttraumatic stress disorder, depression, and  
22 suicide prevention.

23 (3) The program, when implemented, should provide the following  
24 duties for veteran health care navigators:

25 (a) Identifying all federal and other health benefits, coverage, and  
26 services available to veterans and their families;

27 (b) Coordinating with other local, state, and federal departments  
28 and agencies, health care providers, and health insurance programs to  
29 help veterans and their beneficiaries apply for coverage under such  
30 programs, including helping veterans overcome barriers within the health  
31 care system, to ensure enrollment in health plans and effective delivery

1 and coordination of health services;

2 (c) Ensuring that access to mental health coverage, services, and  
3 treatment is a primary focus of their activities under the program;

4 (d) Connecting veterans to trained mental health care providers,  
5 including those trained in veteran suicide prevention; and

6 (e) Carrying out such other duties as the Director of Veterans'  
7 Affairs may assign to carry out the program.

8 (4) Upon implementation, when carrying out their duties under the  
9 program, the Department of Veterans' Affairs and the veteran health care  
10 navigators should coordinate and collaborate with other relevant local,  
11 state, and federal departments and agencies, including, but not limited  
12 to, the behavioral health regions established in section 71-807, county  
13 veterans service officers, and the Department of Health and Human  
14 Services.

15 (5) As part of the study, the Department of Veterans' Affairs shall  
16 also, in consultation with the Department of Health and Human Services,  
17 conduct an examination of all existing health care and veterans' programs  
18 to:

19 (a) Evaluate whether the needs of veterans and their families are  
20 met by such programs;

21 (b) Determine any necessary and appropriate steps that could be  
22 taken to increase access to affordable, quality health care, including by  
23 rule and regulation pursuant to existing statutory authority or through  
24 new legislation; and

25 (c) Evaluate how the veteran health care navigator program proposed  
26 under this section could improve access to affordable, quality health  
27 care for veterans and their families.

28 (6) On or before January 1, 2021, the Department of Veterans'  
29 Affairs shall electronically submit a report to the Legislature regarding  
30 development and implementation of a veteran health care navigator program  
31 as provided in this section. The report shall include proposals regarding

1 legislation necessary to implement the program. The report shall also  
2 summarize the department's findings from the examination under subsection  
3 (5) of this section.

4       Sec. 15. (1) The Department of Veterans' Affairs, in consultation  
5 with the Department of Health and Human Services, shall conduct an  
6 analysis of the impact medicaid expansion has had on veterans and their  
7 families.

8       (2) On or before January 1, 2021, the Department of Veterans'  
9 Affairs shall electronically submit a report to the Legislature  
10 summarizing its findings under this section. The report shall include any  
11 changes made or proposed to be made through rule and regulation and any  
12 recommended legislation.

13       Sec. 16. (1) The Department of Veterans' Affairs shall undertake a  
14 study regarding development and implementation of a program to reduce  
15 barriers to access to mental health services and treatment for veterans  
16 and their families. When implemented, the program should provide for:

17       (a) Identifying structural and logistical barriers to accessing  
18 treatment, including perceived stigma, long travel distances to receive  
19 care, and any other barriers;

20       (b) Resolving all barriers identified in subdivision (1)(a) of this  
21 section that can be resolved without legislative or budgetary action,  
22 including through increased coordination between departments, nonprofit  
23 organizations, service providers, and the federal government, application  
24 for and use of private and federal grants, and any other actions;

25       (c) Enhancing and strengthening veteran suicide prevention programs  
26 in keeping with proven best practices and research, including by:

27       (i) Identifying and applying for federal and private grants focused  
28 on veteran suicide prevention;

29       (ii) Coordinating local, state, federal, and nonprofit programs that  
30 include community-based approaches for at-risk veterans and veterans at  
31 large;

1        (iii) Providing technical assistance to communities to develop  
2 strategic plans to reduce veteran suicide, including through coordination  
3 and participation by local leaders, faith communities, schools,  
4 workplaces, and other stakeholders; and

5        (iv) Evaluating community strategic plans within Nebraska and  
6 disseminating findings and best practices to optimize the impact of  
7 efforts by all partners and stakeholders;

8        (d) Creating a centralized provider data base which identifies, by  
9 region, mental health providers with the expertise and ability to assist  
10 veterans and their families. The data base should highlight providers  
11 with training or experience in the prevention and treatment of veteran  
12 suicide;

13        (e) Using the report created by the Department of Health and Human  
14 Services under section 13 of this act to compile data on the locations of  
15 residency and death, length and location of service, branch of service,  
16 and occupation and industry or business of each veteran included in such  
17 report;

18        (f) Using the compilation provided for in subdivision (1)(e) of this  
19 section in the department's efforts to prevent veteran suicides; and

20        (g) Identifying evidence-based best practices to increase awareness  
21 of veteran suicide prevention hotlines in Nebraska and elsewhere and  
22 other crisis resources with proven effectiveness to reduce veteran  
23 suicide.

24        (2) Upon implementation, when carrying out its duties under the  
25 program, the Department of Veterans' Affairs should coordinate and  
26 consult with:

27        (a) Other relevant local, state, and federal departments and  
28 agencies, including, but not limited to, the behavioral health regions  
29 established in section 71-807, county veterans service officers, and the  
30 Department of Health and Human Services;

31        (b) Nonprofit organizations and service providers; and

1       (c) Other localities and cities that have effective mental health  
2 treatment and prevention systems.

3       (3) On or before January 1, 2021, the Department of Veterans'  
4 Affairs shall electronically submit a report to the Legislature regarding  
5 development and implementation of the program to reduce barriers to  
6 access to mental health services and treatment for veterans and their  
7 families. The report shall include proposals regarding legislation  
8 necessary to implement the program.

9       Sec. 17. (1) On or before January 1, 2021, the Department of  
10 Veterans' Affairs shall develop a continuing education course for mental  
11 health providers in Nebraska to obtain expertise in veteran suicide  
12 assessment, prevention, treatment, and risk management. The course shall  
13 incorporate best practices and research from the United States Department  
14 of Veterans' Affairs and service providers in Nebraska and elsewhere. The  
15 course shall be made available at no cost to health care providers in  
16 areas of the state the department has identified as lacking sufficient  
17 trained mental health care providers.

18       (2) On or before January 1, 2021, the Department of Veterans'  
19 Affairs shall electronically submit a report to the Legislature regarding  
20 the continuing education course developed under this section.

21       (3) On or before January 1, 2022, the department shall  
22 electronically submit a report to the Legislature regarding utilization  
23 of the course by mental health providers.

24       Sec. 18. (1) The Department of Veterans' Affairs shall undertake a  
25 study regarding development and implementation of a program to end  
26 veteran homelessness in Nebraska on or before January 1, 2024.

27       (2) Ending veteran homelessness means that each community or region  
28 in Nebraska will have a comprehensive response in place that ensures  
29 veteran homelessness is prevented whenever possible, or if it cannot be  
30 prevented, that it is a rare, brief, and one-time experience.

31       (3) Upon implementation, the program should include:

- 1       (a) Coordinated community outreach and a common assessment tool;
- 2       (b) Creation of community-wide and comprehensive lists of veterans  
3 experiencing homelessness, prioritized based on vulnerability;
- 4       (c) Data-sharing among all relevant providers and state, local, and  
5 federal government agencies;
- 6       (d) Increased coordination and streamlined processes for appropriate  
7 housing placements;
- 8       (e) Connecting veterans experiencing homelessness to health, mental  
9 health, employment, and training resources;
- 10       (f) A commitment to Housing First principles; and
- 11       (g) Identification of and application for funding as needed from  
12 private, nonprofit, federal, and other sources.

13       (4) On or before January 1, 2021, the Department of Veterans'  
14 Affairs shall electronically submit a report to the Legislature regarding  
15 development and implementation of the program to end veteran homelessness  
16 in Nebraska on or before January 1, 2024. The report shall include  
17 proposals regarding legislation necessary to implement the program.

18       Sec. 19. (1) The Legislature finds and declares that:

19       (a) Veterans face barriers in finding and receiving help and  
20 services they need, including not being or feeling understood by the  
21 providers and agencies who serve them;

22       (b) Providers and agencies serving veterans can much better serve  
23 and identify ways to help veterans if the providers and agencies know  
24 when they are interacting with a person who is a veteran; and

25       (c) Veterans are not always aware of the services and benefits that  
26 may be available to them, and some veterans are reluctant to self-  
27 identify as veterans or are simply unaware that their military service  
28 may entitle them to certain benefits.

29       (2) The Department of Health and Human Services and Department of  
30 Veterans' Affairs shall work jointly to encourage service providers in  
31 their respective departments and in other state and local agencies and

1 departments to ask the question "Have you or a family member ever served  
2 in the military?". The question should be included in intake forms and  
3 interviews where appropriate, including, but not limited to, at  
4 hospitals, mental health care centers, senior centers, employment  
5 offices, courts, and schools and in encounters with law enforcement.

6 (3) The Department of Health and Human Services and Department of  
7 Veterans' Affairs shall jointly work to identify state and local agencies  
8 which could better serve veterans and their families by asking the  
9 question described in subsection (2) of this section. The departments  
10 shall work jointly to offer information and assistance to agencies and  
11 service providers on interacting with veterans.

12 (4) On or before January 1, 2021, the Department of Health and Human  
13 Services and Department of Veterans' Affairs shall electronically submit  
14 a report to the Legislature summarizing their progress and steps taken to  
15 carry out this section.

16 Sec. 20. (1) The Department of Economic Development shall conduct  
17 an analysis of existing economic development programs to determine ways  
18 to increase support for small business concerns owned and controlled by  
19 veterans and small business concerns owned and controlled by service-  
20 disabled veterans, including through changes to rules and regulations and  
21 through recommended legislation to modify such programs.

22 (2) The goal of the analysis and proposed changes is to ensure that  
23 at least seven percent of annual program funding reaches small business  
24 concerns owned and controlled by veterans and small business concerns  
25 owned and controlled by service-disabled veterans.

26 (3) On or before September 1, 2021, the department shall  
27 electronically submit a report to the Legislature. The report shall  
28 summarize the department's analysis under this section, shall include  
29 data on existing levels of support for small business concerns owned and  
30 controlled by veterans and business concerns owned and controlled by  
31 service-disabled veterans, and shall include the department's recommended

1 changes to achieve the goal described in subsection (2) of this section.

2 (4) For purposes of this section:

3 (a) Economic development programs means loan or grant programs, tax  
4 incentives, and other economic development programs operated by the State  
5 of Nebraska;

6 (b) Program funding means money received or saved by beneficiaries  
7 of economic development programs, whether through loans, grants, tax  
8 refunds, or other means and includes tax exemptions; and

9 (c) Small business concerns owned and controlled by veterans and  
10 small business concerns owned and controlled by service-disabled veterans  
11 have the same meaning as in 15 U.S.C. 632, as such section existed on  
12 January 1, 2020.

13 Sec. 21. Section 84-946, Revised Statutes Cumulative Supplement,  
14 2018, is amended to read:

15 84-946 It is the policy of the State of Nebraska:

16 (1) To protect the fundamental right of an individual to pursue a  
17 lawful occupation;

18 (2) To use the least restrictive regulation which is necessary to  
19 protect consumers from undue risk of present, significant, and  
20 substantiated harms that clearly threaten or endanger the health, safety,  
21 or welfare of the public when competition alone is not sufficient and  
22 which is consistent with the public interest;

23 (3) To enforce an occupational regulation against an individual only  
24 to the extent that the individual sells goods or services that are  
25 included explicitly in the statutes that govern the occupation;

26 (4) To construe and apply occupational regulations to increase  
27 opportunities, promote competition, and encourage innovation;

28 (5) To the fullest extent practicable and consistent with the public  
29 interest, to recognize and accept military training and experience toward  
30 fulfilling training, education, and other requirements in occupational  
31 regulations;

1           ~~(6)~~ ~~(5)~~ To use the least restrictive method of regulation as set out  
2 in section 71-6222 for lawful occupations subject to the Nebraska  
3 Regulation of Health Professions Act; and

4           ~~(7)~~ ~~(6)~~ To provide ongoing legislative review of occupational  
5 regulations.

6           Sec. 22. Section 84-948, Revised Statutes Cumulative Supplement,  
7 2018, is amended to read:

8           84-948 (1) Beginning in 2019, each standing committee of the  
9 Legislature shall annually review and analyze approximately twenty  
10 percent of the occupational regulations within the jurisdiction of the  
11 committee and prepare and submit an annual report electronically to the  
12 Clerk of the Legislature by December 15 of each year as provided in this  
13 section. Each committee shall complete this process for all occupational  
14 regulations within its jurisdiction within five years and every five  
15 years thereafter. Each report shall include the committee's  
16 recommendations regarding whether the occupational regulations should be  
17 terminated, continued, or modified.

18           (2) Each committee may require the submission of information by the  
19 affected occupational board and other affected or interested parties.

20           (3) A committee's report shall include, but not be limited to, the  
21 following:

22           (a) The title of the regulated occupation and the name of the  
23 occupational board responsible for enforcement of the occupational  
24 regulations;

25           (b) The statutory citation or other authorization for the creation  
26 of the occupational regulations and occupational board;

27           (c) The number of members of the occupational board and how the  
28 members are appointed;

29           (d) The qualifications for membership on the occupational board;

30           (e) The number of times the occupational board is required to meet  
31 during the year and the number of times it actually met;

1 (f) Annual budget information for the occupational board for the  
2 five most recently completed fiscal years;

3 (g) For the immediately preceding five calendar years, or for the  
4 period of time less than five years for which the information is  
5 practically available, the number of government certifications,  
6 occupational licenses, and registrations the occupational board has  
7 issued, revoked, denied, or assessed penalties against, listed  
8 anonymously and separately per type of credential, and the reasons for  
9 such revocations, denials, and other penalties;

10 (h) A review of the basic assumptions underlying the creation of the  
11 occupational regulations;

12 (i) A statement from the occupational board on the effectiveness of  
13 the occupational regulations;~~and~~

14 (j) A comparison of whether and how other states regulate the  
15 occupation; and -

16 (k) Beginning with the report due by December 15, 2021, an analysis  
17 of necessary and appropriate steps that may be taken to increase  
18 acceptance of military training and experience toward fulfilling  
19 requirements in occupational regulations. This subdivision does not apply  
20 to occupations for which a report is required by the occupational board  
21 under sections 2, 4, 6, and 8 of this act.

22 (4) Subject to subsection (5) of this section, each committee shall  
23 also analyze, and include in its report, whether the occupational  
24 regulations meet the policies stated in section 84-946 considering the  
25 following recommended courses of action for meeting such policies:

26 (a) If the need is to protect consumers against fraud, the likely  
27 recommendation will be to strengthen powers under the Uniform Deceptive  
28 Trade Practices Act or require disclosures that will reduce misleading  
29 attributes of the specific goods or services;

30 (b) If the need is to protect consumers against unclean facilities  
31 or to promote general health and safety, the likely recommendation will

1 be to require periodic inspections of such facilities;

2 (c) If the need is to protect consumers against potential damages  
3 from failure by providers to complete a contract fully or up to  
4 standards, the likely recommendation will be to require that providers be  
5 bonded;

6 (d) If the need is to protect a person who is not party to a  
7 contract between the provider and consumer, the likely recommendation  
8 will be to require that the provider have insurance;

9 (e) If the need is to protect consumers against potential damages by  
10 transient providers, the likely recommendation will be to require that  
11 providers register their businesses with the Secretary of State;

12 (f) If the need is to protect consumers against a shortfall or  
13 imbalance of knowledge about the goods or services relative to the  
14 providers' knowledge, the likely recommendation will be to enact  
15 government certification; and

16 (g) If the need is to address a systematic information shortfall  
17 such that a reasonable consumer is unable to distinguish between the  
18 quality of providers, there is an absence of institutions that provide  
19 adequate guidance to the consumer, and the consumer's inability to  
20 distinguish between providers and the lack of adequate guidance allows  
21 for undue risk of present, significant, and substantiated harms, the  
22 likely recommendation will be to enact an occupational license.

23 (5) If a lawful occupation is subject to the Nebraska Regulation of  
24 Health Professions Act, the analysis under subsection (4) of this section  
25 shall be made using the least restrictive method of regulation as set out  
26 in section 71-6222.

27 (6) In developing recommendations under this section, the committee  
28 shall review any report issued to the Legislature pursuant to the  
29 Nebraska Regulation of Health Professions Act, if applicable, and  
30 consider any findings or recommendations of such report related to the  
31 occupational regulations under review.

1           (7) If the committee finds that it is necessary to change  
2 occupational regulations, the committee shall recommend the least  
3 restrictive regulation consistent with the public interest and the  
4 policies in this section and section 84-946.

5           Sec. 23. Original sections 38-201 and 71-601, Reissue Revised  
6 Statutes of Nebraska, sections 38-1201, 38-2201, 60-4,149.02, 84-946, and  
7 84-948, Revised Statutes Cumulative Supplement, 2018, and sections  
8 38-2001 and 48-203, Revised Statutes Supplement, 2019, are repealed.