

AMENDMENTS TO LB709

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 81-2103, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-2103 (1) There is hereby established an independent agency to be
6 known as the State Electrical Division which shall be under the
7 administrative and operative control of the executive director of such
8 division. The division shall include a seven-member State Electrical
9 Board appointed by the Governor with the consent of the Legislature. All
10 members of the board shall be residents of the State of Nebraska. The
11 board shall direct the efforts of the executive director and set the
12 policy of the division. Two ~~One~~ of such members shall be a journeyman
13 electricians, one of which shall be appointed in accordance with
14 subsection (2) of this section ~~electrician~~, one shall be an electrical
15 contractor or master electrician who shall be appointed in accordance
16 with subsection (3) of this section, one shall be a certified electrical
17 inspector, one shall be a licensed professional electrical engineer, one
18 shall be a representative of a public power district or rural electric
19 cooperative in the state, one shall be a representative of the municipal
20 electric systems in the state, and, except as provided in subsection (2)
21 of this section, one shall be a member of any of such groups. The members
22 of the board shall be appointed for staggered terms of five years. Any
23 vacancy occurring in the membership of the board shall be filled by the
24 Governor for the unexpired term. Each member of the board shall serve
25 until a ~~his or her~~ successor is appointed and qualified. The executive
26 director shall be the executive secretary of the board and shall be
27 responsible for all books, records, and transcripts of proceedings of the

1 board.

2 (2) At the expiration of the term of the member serving as the
3 member of any such groups on the effective date of this act, such member
4 shall be one of the two journeyman electrician members and shall be
5 affiliated with a nonprofit labor organization for electrical workers
6 holding a certificate of exemption under 501(c)(5) of the Internal
7 Revenue Code.

8 (3) At the expiration of the term of the electrical contractor or
9 master electrician serving on the effective date of this act, the
10 electrical contractor or master electrician member shall be affiliated
11 with a nonprofit labor organization for electrical workers holding a
12 certificate of exemption under 501(c)(5) of the Internal Revenue Code.

13 Sec. 2. Section 81-2120, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-2120 (1) To the extent that any other state which provides for
16 the licensing of electricians provides for similar action, the board may
17 grant licenses, without examination, of the same grade and class to an
18 electrician who has been licensed by such other state for at least one
19 year, upon payment by the applicant of the required fee, and upon the
20 board being furnished with proof that the qualifications of the applicant
21 are equal to the qualifications of holders of similar licenses in
22 Nebraska.

23 (2)(a) Subject to subdivision (b) of this section, the board shall
24 issue a license to an individual upon application if:

25 (i) The applicant holds a credential in another state, a military
26 occupational specialty in the United States Military as defined in
27 section 5 of this act, or a license with a prerequisite of apprentice
28 registration and successful completion of an apprenticeship training
29 program registered by the United States Department of Labor, and the
30 credential, military occupational specialty, or license is similar to a
31 license issued pursuant to the State Electrical Act and is for an

1 occupation with a similar scope of practice, as determined by the board;

2 (ii) The applicant has held the credential, military occupational
3 specialty, or license for at least one year;

4 (iii) To obtain such credential, military occupational specialty, or
5 license, the applicant was required to pass an examination or meet
6 education, training, or experience standards;

7 (iv) The applicant does not have a disqualifying criminal record as
8 determined by the State Electrical Board;

9 (v) No board in any state or in the United States Military nor any
10 apprenticeship training program has revoked the applicant's credential,
11 military occupational specialty, or license because of negligence or
12 intentional misconduct related to the applicant's work in the occupation;

13 (vi) The applicant did not surrender a credential, military
14 occupational specialty, or license because of negligence or intentional
15 misconduct related to the applicant's work in the occupation in any
16 state, in the United States Military, or in an apprenticeship training
17 program;

18 (vii) The applicant does not have a complaint, allegation, or
19 investigation pending before a board in any state or in the United States
20 Military or an apprenticeship training program that relates to
21 unprofessional conduct or an alleged crime. If such a complaint,
22 allegation, or investigation is pending, the State Electrical Board shall
23 not issue or deny a license to the applicant until the complaint,
24 allegation, or investigation is resolved or the applicant otherwise meets
25 the criteria for a license to the satisfaction of the board; and

26 (viii) The applicant has paid all applicable fees required for
27 issuance of the license in this state.

28 (b) Prior to issuance of a license under this subsection, the board
29 may require an applicant to pass a jurisprudential examination specific
30 to relevant state statutes and administrative rules and regulations that
31 regulate the occupation if a license in this state requires a person to

1 pass such an examination.

2 (c)(i) Except as otherwise provided in subdivision (ii) of this
3 subdivision, the board shall approve or deny a license under this
4 subsection in writing within sixty days after receiving a complete
5 application under this subsection or within five business days after the
6 next meeting of the board that is held after receiving a complete
7 application under this subsection, whichever is sooner.

8 (ii) The board may delay the approval or denial of a license under
9 this subsection past the deadline prescribed in subdivision (i) of this
10 subdivision if the approval or denial is delayed because of the
11 requirement to complete a criminal background check or a disciplinary
12 history review, but the board shall approve or deny such license in
13 writing within five business days after receiving the results of the
14 background check and the disciplinary history review or within five
15 business days after the next meeting of the board after receiving such
16 results, whichever is sooner. The board shall document in writing each
17 case in which approval or denial of an application is not provided within
18 sixty days after receipt of the complete application.

19 (d) The board shall recognize and provide credit toward requirements
20 for a license for completion of any portion of an apprenticeship training
21 program registered by the United States Department of Labor for a license
22 that has a prerequisite of successful completion of a registered
23 apprenticeship.

24 (e) An applicant may appeal the denial of a license under this
25 subsection. The appeal shall be in accordance with the Administrative
26 Procedure Act.

27 (f) A license issued pursuant to this subsection is valid only in
28 this state and does not make the individual eligible to work in another
29 state or in the United States Military under an interstate compact or
30 reciprocity agreement unless otherwise provided by law.

31 Sec. 3. Section 84-933, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 84-933 Sections 84-933 to 84-948 and sections 5 to 8 of this act
3 shall be known and may be cited as the Occupational Board Reform Act.

4 Sec. 4. Section 84-934, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 84-934 For purposes of the Occupational Board Reform Act, the
7 definitions in sections 84-935 to 84-944 and section 5 of this act apply.

8 Sec. 5. United States Military means any active duty or reserve
9 duty component of the armed forces of the United States, any state of the
10 United States, or any territory of the United States.

11 Sec. 6. To the extent that an occupational board or lawful
12 occupation is also governed by federal law, federal law shall take
13 precedence over the Occupational Board Reform Act. The act shall not be
14 construed to preempt federal law governing lawful occupations in this
15 state.

16 Sec. 8. (1) Subject to subsection (2) of this section and except as
17 otherwise provided in subsection (6) of this section or an occupational
18 licensing compact:

19 (a) An occupational board shall issue an occupational license or
20 government certification to an individual upon application if:

21 (i) The applicant holds a credential in another state or a military
22 occupational specialty in the United States Military that is similar to
23 an occupational license or government certification as defined in the
24 Occupational Board Reform Act and that is for an occupation with a
25 similar scope of practice, as determined by the occupational board;

26 (ii) The applicant has held the credential or military occupational
27 specialty for at least one year;

28 (iii) To obtain such credential or specialty, the applicant was
29 required to pass an examination or meet education, training, or
30 experience standards;

31 (iv) The applicant does not have a disqualifying criminal record as

1 determined by the occupational board;

2 (v) No board in any state or in the United States Military has
3 revoked the applicant's credential or military occupational specialty
4 because of negligence or intentional misconduct related to the
5 applicant's work in the occupation;

6 (vi) The applicant did not surrender a credential or military
7 occupational specialty because of negligence or intentional misconduct
8 related to the applicant's work in the occupation in any state or in the
9 United States Military;

10 (vii) The applicant does not have a complaint, allegation, or
11 investigation pending before a board in any state or in the United States
12 Military that relates to unprofessional conduct or an alleged crime. If
13 such a complaint, allegation, or investigation is pending, the
14 occupational board shall not issue or deny an occupational license or
15 government certification to the applicant until the complaint,
16 allegation, or investigation is resolved or the applicant otherwise meets
17 the criteria for an occupational license or government certification to
18 the satisfaction of the occupational board; and

19 (viii) The applicant has paid all applicable fees required for
20 issuance of the occupational license or government certification in this
21 state;

22 (b) If an applicant has work experience for an occupation in a state
23 or in the United States Military that does not use a credential similar
24 to an occupational license, a government certification, or a military
25 occupational specialty to regulate an occupation with a similar scope of
26 practice to an occupation for which this state requires an occupational
27 license or government certification to regulate such occupation, as
28 determined by the occupational board, the occupational board shall issue
29 an occupational license or government certification to an individual upon
30 application based on work experience in another state or in the United
31 States Military if:

1 (i) The applicant worked for at least three years in the occupation;

2 (ii) No board in any state or in the United States Military has
3 revoked the applicant's credential or military occupational specialty
4 because of negligence or intentional misconduct related to the
5 applicant's work in the occupation;

6 (iii) The applicant did not surrender a credential or military
7 occupational specialty because of negligence or intentional misconduct
8 related to the applicant's work in the occupation in any state or in the
9 United States Military;

10 (iv) The applicant does not have a complaint, allegation, or
11 investigation pending before a board in any state or in the United States
12 Military that relates to unprofessional conduct or an alleged crime. If
13 such a complaint, allegation, or investigation is pending, the
14 occupational board shall not issue or deny an occupational license or
15 government certification to the applicant until the complaint,
16 allegation, or investigation is resolved or the applicant otherwise meets
17 the criteria for an occupational license or government certification to
18 the satisfaction of the occupational board; and

19 (v) The applicant has paid all applicable fees required for issuance
20 of the occupational license or government certification in this state;
21 and

22 (c) If an applicant holds a private certification and has work
23 experience for an occupation in a state or in the United States Military
24 that does not use an occupational license, a government certification, or
25 a military occupational specialty to regulate an occupation with a
26 similar scope of practice to an occupation for which this state requires
27 an occupational license or government certification to regulate such
28 occupation, as determined by the occupational board, the occupational
29 board shall issue an occupational license or government certification to
30 an individual upon application based on such certification and work
31 experience in another state or in the United States Military if:

1 (i) The applicant worked for at least two years in the occupation;
2 (ii) The applicant holds a private certification in the occupation;
3 (iii) The provider of such certification holds the applicant in good
4 standing;

5 (iv) No board in any state or in the United States Military nor any
6 other entity has revoked the applicant's credential, military
7 occupational specialty, or private certification because of negligence or
8 intentional misconduct related to the applicant's work in the occupation;

9 (v) The applicant did not surrender a credential, military
10 occupational specialty, or private certification because of negligence or
11 intentional misconduct related to the applicant's work in the occupation
12 in any state or in the United States Military;

13 (vi) The applicant does not have a complaint, allegation, or
14 investigation pending before a board in any state or in the United States
15 Military or another entity that relates to unprofessional conduct or an
16 alleged crime. If such a complaint, allegation, or investigation is
17 pending, the occupational board shall not issue or deny an occupational
18 license or government certification to the applicant until the complaint,
19 allegation, or investigation is resolved or the applicant otherwise meets
20 the criteria for an occupational license or government certification to
21 the satisfaction of the occupational board; and

22 (vii) The applicant has paid all applicable fees required for
23 issuance of the occupational license or government certification in this
24 state.

25 (2) Prior to issuance of an occupational license or government
26 certification under subsection (1) of this section, an occupational board
27 may require an applicant to pass a jurisprudential examination specific
28 to relevant state statutes and administrative rules and regulations that
29 regulate the occupation if an occupational license or government
30 certification in this state requires a person to pass such an
31 examination.

1 (3)(a) Except as otherwise provided in subdivision (b) of this
2 subsection, an occupational board shall approve or deny an occupational
3 license or government certification in writing within sixty days after
4 receiving a complete application under subsection (1) of this section or
5 within five business days after the next meeting of the occupational
6 board that is held after receiving a complete application under
7 subsection (1) of this section, whichever is sooner.

8 (b) An occupational board may delay the approval or denial of an
9 occupational license or government certification past the deadline
10 prescribed in subdivision (a) of this subsection if the approval or
11 denial is delayed because of the requirement to complete a criminal
12 background check or a disciplinary history review, but such board shall
13 approve or deny an occupational license or government certification in
14 writing within five business days after receiving the results of the
15 background check and the disciplinary history review or within five
16 business days after the next meeting of the occupational board after
17 receiving such results, whichever is sooner. Each occupational board
18 shall document in writing each case in which approval or denial of an
19 application is not provided within sixty days after receipt of the
20 complete application.

21 (4) An applicant may appeal the denial of an occupational license or
22 government certification under this section. The appeal shall be in
23 accordance with the Administrative Procedure Act.

24 (5)(a) An occupational license or government certification issued
25 pursuant to this section is valid only in this state and does not make
26 the individual eligible to work in another state or in the United States
27 Military under an interstate compact or reciprocity agreement unless
28 otherwise provided by law.

29 (b) Nothing in this section shall be construed to prevent this state
30 from entering into a licensing compact or reciprocity agreement with
31 another state, foreign province, or foreign country.

1 (c) Nothing in this section shall be construed to prevent this state
2 from recognizing an occupational credential issued by a private
3 certification organization, foreign province, foreign country,
4 international organization, or other entity.

5 (d) Nothing in this section shall be construed to require a private
6 certification organization to grant or deny private certification to any
7 individual.

8 (e) This section provides a method of obtaining an occupational
9 license or government certification in addition to and not in conflict
10 with other methods under other provisions of law.

11 (f) Nothing in this section shall be construed to require an
12 occupational board to issue an occupational credential in a manner that
13 violates federal law.

14 (6) This section does not apply to an occupation regulated by the
15 Supreme Court, the State Electrical Board, or the Nebraska Commission on
16 Law Enforcement and Criminal Justice or a credential issued for a
17 certified public accountant pursuant to the Public Accountancy Act, a
18 viatical settlement broker pursuant to the Viatical Settlements Act, an
19 insurance consultant pursuant to sections 44-2606 to 44-2635, an
20 insurance producer pursuant to the Insurance Producers Licensing Act, a
21 managing general agent pursuant to the Managing General Agents Act, a
22 utilization review agent pursuant to the Utilization Review Act, a
23 surplus lines producer pursuant to the Surplus Lines Insurance Act, a
24 reinsurance intermediary-broker or reinsurance intermediary-manager
25 pursuant to the Reinsurance Intermediary Act, or a public adjuster
26 pursuant to the Public Adjusters Licensing Act.

27 Sec. 9. Section 84-940, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 84-940 (1) Occupational regulation means a statute, rule,
30 regulation, practice, policy, or other state law requiring an individual
31 to possess certain personal qualifications or to comply with registration

1 requirements to use an occupational title or work in a lawful occupation.

2 (2) Occupational regulation includes any government certification,
3 registration, and occupational license.

4 (3) Occupational regulation does not include (a) business licensure,
5 facility licensure, building permit requirements, or zoning and land-use
6 regulation except to the extent that the same state laws that require a
7 business license, a facility license, a building permit, or zoning and
8 land-use regulation also regulate an individual's personal qualifications
9 to perform a lawful occupation, ~~or~~ (b) an occupational license
10 administered by the Supreme Court, or (c) an occupation regulated by the
11 Nebraska Commission on Law Enforcement and Criminal Justice.

12 Sec. 11. Original sections 81-2103 and 81-2120, Reissue Revised
13 Statutes of Nebraska, and sections 84-933, 84-934, 84-940, and 84-947,
14 Revised Statutes Cumulative Supplement, 2020, are repealed.