

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 752

Introduced by Blood, 3.

Read first time January 08, 2020

Committee:

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.