

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1037

Introduced by Brewer, 43.

Read first time January 08, 2024

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to veterans; to prohibit unethical conduct and
- 2 improper collection of fees relating to assistance or referrals in
- 3 veterans benefits matters; to define terms; to provide ethical
- 4 standards; to provide severability; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of sections 1 to 3 of this act:

2 (1) Compensation means payment of any money, thing of value, or
3 financial benefit; and

4 (2) Veterans benefits matter means the preparation, presentation, or
5 prosecution of any claim affecting any person who has filed or expressed
6 an intent to file a claim for any benefit, program, service, commodity,
7 function, or status, to which entitlement is determined under the laws
8 and regulations administered by the United States Department of Veterans
9 Affairs, the United States Department of Defense, or the Nebraska
10 Department of Veterans' Affairs pertaining to veterans, their dependents
11 or survivors, or any other individual eligible for such benefit, program,
12 service, commodity, function, or status.

13 Sec. 2. (1) Except as permitted under federal law, no person shall
14 receive compensation for preparing, presenting, prosecuting, advising,
15 consulting, or assisting any individual with regard to any veterans
16 benefits matter before the United States Department of Veterans Affairs,
17 the United States Department of Defense, or the Nebraska Department of
18 Veterans' Affairs.

19 (2) No person shall receive compensation for referring any
20 individual to another person to prepare, present, prosecute, advise,
21 consult, or assist regarding any veterans benefits matter before the
22 United States Department of Veterans Affairs, the United States
23 Department of Defense, or the Nebraska Department of Veterans' Affairs.

24 (3) Nothing in this section shall be construed to prohibit a
25 division of fees between attorneys that is otherwise proper under
26 Nebraska law and the Nebraska Rules of Professional Conduct.

27 (4) A violation of this section shall be a deceptive trade practice
28 under the Uniform Deceptive Trade Practices Act.

29 Sec. 3. Any person who receives compensation for preparing,
30 presenting, prosecuting, advising, consulting, or assisting an individual
31 with regard to any veterans benefits matter before the United States

1 Department of Veterans Affairs, the United States Department of Defense,
2 or the Nebraska Department of Veterans' Affairs shall be held to the same
3 ethical standards as an attorney is held to in the Nebraska Rules of
4 Professional Conduct regarding the following areas:

5 (1) Advertising;

6 (2) Solicitation of new clients;

7 (3) Confidentiality;

8 (4) Duty of care;

9 (5) Duty of honesty; and

10 (6) Duty to zealously pursue what is in the best interest of the
11 client.

12 Sec. 4. If any section in this act or any part of any section is
13 declared invalid or unconstitutional, the declaration shall not affect
14 the validity or constitutionality of the remaining portions.

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