

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 263**

Introduced by Briese, 41.

Read first time January 11, 2021

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to professions and occupations; to amend  
2 sections 84-933 and 84-934, Revised Statutes Cumulative Supplement,  
3 2020; to define a term; to require occupational boards to issue an  
4 occupational license or government certification based on  
5 occupational licensure, government certification, private  
6 certification, or work experience in another state or in the United  
7 States Military; to provide for jurisprudential examinations and  
8 appeals from denial of a license; to harmonize provisions; and to  
9 repeal the original sections.

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

1 Section 1. Section 84-933, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 84-933 Sections 84-933 to 84-948 and sections 3 and 4 of this act  
4 shall be known and may be cited as the Occupational Board Reform Act.

5 Sec. 2. Section 84-934, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

7 84-934 For purposes of the Occupational Board Reform Act, the  
8 definitions in sections 84-935 to 84-944 and section 3 of this act apply.

9 Sec. 3. United States Military means any active duty or reserve  
10 duty component of the armed forces of the United States, any state of the  
11 United States, or any territory of the United States.

12 Sec. 4. (1) Subject to subsection (2) of this section and except  
13 for an occupation regulated by the Supreme Court and except as provided  
14 in an occupational licensing compact:

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

17 (i) The applicant holds an occupational license or government  
18 certification in another state or in the United States Military in an  
19 occupation with a similar scope of practice, as determined by the  
20 occupational board;

21 (ii) The applicant has held the occupational license or government  
22 certification for at least one year;

23 (iii) The board in the other state or in the United States Military  
24 required the applicant to pass an examination or meet education,  
25 training, or experience standards;

26 (iv) The applicant does not have a disqualifying criminal record as  
27 determined by the occupational board;

28 (v) No board in any state or in the United States Military has  
29 revoked the applicant's occupational license or government certification  
30 because of negligence or intentional misconduct related to the  
31 applicant's work in the occupation;

1       (vi) The applicant did not surrender an occupational license or  
2 government certification because of negligence or intentional misconduct  
3 related to the applicant's work in the occupation in any state or in the  
4 United States Military;

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

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

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

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

27       (ii) No board in any state or in the United States Military has  
28 revoked the applicant's occupational license or government certification  
29 because of negligence or intentional misconduct related to the  
30 applicant's work in the occupation;

31       (iii) The applicant did not surrender an occupational license or

1 government certification because of negligence or intentional misconduct  
2 related to the applicant's work in the occupation in any state or in the  
3 United States Military;

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

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

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

26 (i) The applicant worked for at least two years in the occupation;

27 (ii) The applicant holds a private certification in the occupation;

28 (iii) The provider of the private certification holds the applicant  
29 in good standing;

30 (iv) No board in any state or in the United States Military has  
31 revoked the applicant's occupational license or government certification

1 because of negligence or intentional misconduct related to the  
2 applicant's work in the occupation;

3 (v) The applicant did not surrender an occupational license or  
4 government certification because of negligence or intentional misconduct  
5 related to the applicant's work in the occupation in any state or in the  
6 United States Military;

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

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

19 (2) Prior to issuance of an occupational license or government  
20 certification under subsection (1) of this section, an occupational board  
21 may require an applicant to pass a jurisprudential examination specific  
22 to relevant state law that regulates the occupation if an occupational  
23 license or government certification in this state requires a person to  
24 pass a jurisprudential examination specific to relevant state statutes  
25 and administrative rules and regulations that regulate the occupation.

26 (3) An occupational board shall approve or deny an occupational  
27 license or government certification in writing within sixty days after  
28 receiving a complete application under subsection (1) of this section.

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

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

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

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

13       (d) Nothing in this section shall be construed to require a private  
14 certification organization to grant or deny private certification to any  
15 individual.

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

19       Sec. 5.   Original sections 84-933 and 84-934, Revised Statutes  
20 Cumulative Supplement, 2020, are repealed.