

NEBRASKA'S 2018 LEGISLATIVE BILL NO. 299 - OCCUPATIONAL BOARD REFORM ACT

This memorandum provides information regarding 2018 Legislative Bill No. 299, approved by the Nebraska legislature which is referred to as the Occupational Board Reform Act ([appendix](#)).

The bill includes the following:

- Sections 3 through 12 define terms including government certification, lawful occupation, least restrictive regulation, occupational board, occupational license, occupational regulation, personal qualifications, private certification, provider, and registration.
- Section 14 identifies the policy of the State of Nebraska regarding occupational regulation, which includes:
 - To protect the fundamental right of an individual to pursue a lawful occupation;
 - To use the least restrictive regulation which is necessary to protect consumers from undue risk of present, significant, and substantiated harms that clearly threaten or endanger the health, safety, or welfare of the public when competition alone is not sufficient and which is consistent with the public interest;
 - To enforce an occupational regulation against an individual only to the extent that the individual sells goods or services that are included explicitly in the statutes that govern the occupation;
 - To construe and apply occupational regulations to increase opportunities, promote competition, and encourage innovation;
 - To use the least restrictive method of regulation as set out in Section 71-6222 for lawful occupations subject to the Nebraska Regulation of Health Professions Act; and
 - To provide ongoing legislative review of occupational regulations.
- Section 15 identifies the rights of an individual to pursue an occupation, including the rights of an individual with a criminal history to obtain an occupational license, government certification, or state recognition of the individual's personal qualifications.
- Section 16 requires standing committees of the state legislature to analyze approximately 20 percent of the occupational regulation within the jurisdiction of the committee, to complete the process for all occupational regulations within its jurisdiction every 5 years, and to submit a report to the Clerk of the legislature by December 15th of each year. This section also identifies information required to be in the report, including whether the occupational regulations meet the policies identified in Section 14, and if the committee determines that it is necessary to change occupational regulations, the committee must recommend the least restrictive regulation.
- Section 17 describes the oversight of the regulatory authority over occupations and professions given to agencies.
- Section 18 amends statute for procedures an agency uses when proposing to adopt, amend, or repeal a rule or regulation.
- Section 19 requires each agency to notify the executive board of the Legislative Council of the status of all rules and regulations pending by July 1 of each year. This section also requires the executive board of the Legislative Council to forward any notifications received to the standing committee with jurisdiction over the rules and regulations.
- Section 20 allows the Occupational Board Reform Act to be cited as the Administrative Procedure Act.
- Section 21 provides for an effective date of July 1, 2019.
- Section 22 repeals various sections of statute.

ATTACH:1