

Transcript Prepared By the Clerk of the Legislature
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Government, Military and Veterans Affairs Committee
February 01, 2008

[LB748 LB822 LB904]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Friday, February 1, 2008, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB822, LB904, and LB748. Senators present: Ray Aguilar, Chairperson; Kent Rogert, Vice Chairperson; Greg Adams; Bill Avery; Russ Karpisek; Scott Lautenbaugh; and Rich Pahls. Senators absent: Mike Friend. []

SENATOR AGUILAR: Welcome to the Government, Military and Veterans Affairs Committee hearings. I'll start by introducing the committee members that are in front of you today. On my far right is: Senator Scott Lautenbaugh of Omaha; next to him is Senator Kent Rogert, our Vice Chair from Tekamah, Nebraska; on my immediate right is Christy Abraham, the legal counsel; I'm Senator Ray Aguilar, Chair of the committee from Grand Island. On my left: Sherry Shaffer, committee clerk; to her left is Senator Greg Adams of York; followed by Senator Bill Avery of Lincoln; and coming in the door is Senator Rich Pahls of Omaha. Our pages for today are Ashley McDonald of Rockville, Nebraska, and Courtney Ruwe of Herman, Nebraska. The bills will be taken up in the following order: LB822, LB904, and LB748. That's the same order they're posted on outside the door. The sign-in sheets are at both entrances. Sign in only if you're going to testify and then put the sheet in this little box right up here in front of me. If you're not going to testify but would like to be on the record either as a proponent or an opponent of the bill, there's another sheet at the entrances that you can fill out as well. Print your name and indicate who you are representing. Before testifying, please spell your name for the record. Introducers will make the initial statements, followed by proponents, opponents and neutral testimony. Closing remarks are reserved for introducing senators only. Listen carefully--and this is really important. Please, don't be repetitive. If you have a prepared statement or exhibit, give it to the pages and they will distribute it to us members. Please turn off your cell phones and pagers and again, when we get...I notice we have a large crowd of testifiers here today and I want to be fair to everyone, but I would ask if you would get together, huddle up, and opponents, proponents, and kind of designate a couple of people to speak on your behalf so that we don't have to go through 15 people saying the same thing. We'd really appreciate that to move the process along. Whatever you can do to help us would be appreciated. Senator Schimek, LB822, please. []

SENATOR SCHIMEK: (Exhibit 1) Thank you, Mr. Chairman and members of the Government, Military and Veterans Affairs Committee. For the record, my name is DiAnna Schimek and I represent the 27th Legislative District and am here to introduce LB822, which is a bill from the Performance Audit Committee and I'm not going to try to cause any trouble here this afternoon. This is a pretty simple bill so I would like you to know that ahead of time. LB822 is a cleanup bill that makes 4 technical corrections to our statutes and those of the Auditor of Public Accounts. In addition, I am going to

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propose an amendment to LB822, which if a page would pass it out--which is somewhat technical in nature. Let me say up front that Auditor Foley has received and reviewed this bill and the proposed amendment and he supports both. The 4 changes proposed on LB822 are as follows: First of all, LB822 would update references to the government auditing standards that both the Legislature's Performance Audit staff and the Auditor of Public Accounts staff must follow. Those standards were revised in 2007 and LB822 would simply strike the existing references to the 2003 version of the standards and replace them with reference to the 2007 version. Second, LB822 would update references to the GAO, which issues the auditing standards. Originally the acronym GAO stood for General Accounting Office. However in 2004, the office's name was changed to the Government Accountability Office and LB822 would correct that reference. Third, at Auditor Foley's request, LB822 would eliminate one obsolete subsection of the APA's statute, and the amendment I'm proposing relates to this change. The subsection that's being eliminated is related to the subsection that follows it and for the remaining subsection to be clear, we need to add the phrase "for political division" to the remaining subsection, and as I mentioned earlier, Auditor Foley supports this amendment. Finally, LB822 would add the legislative Auditor as one of the people authorized by the Legislative Performance Audit Act to recommend performance audit topics to the committee. This change should have been made in 2006 when we created the Legislative Auditor position and it was simply an oversight that it wasn't. So I thank you. I'd be happy to answer any questions that you might have. [LB822]

SENATOR AGUILAR: Questions for Senator Schimek? Senator Pahls. [LB822]

SENATOR PAHLS: Thank you. Senator Schimek, when you were eliminating to develop a plan, you're telling me that's already in place? [LB822]

SENATOR SCHIMEK: Yes. [LB822]

SENATOR PAHLS: So this is just repetition. [LB822]

SENATOR SCHIMEK: Yes. [LB822]

SENATOR PAHLS: Okay. [LB822]

SENATOR AGUILAR: Further questions? Seeing none, thank you very much. [LB822]

SENATOR SCHIMEK: Thank you very much. [LB822]

SENATOR AGUILAR: Could we have the first proponent? Will you be here to close, Senator? [LB822]

SENATOR SCHIMEK: This may be your shortest hearing on record, Mr. Chairman.

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[LB822]

SENATOR AGUILAR: That's okay with me. No opponents? Neutral testimony? That closes the hearing--I assume you waive closing? (Laughter). [LB822]

SENATOR SCHIMEK: You're right. [LB822]

SENATOR AGUILAR: That closes the hearing on LB822. Now ready to open on LB904. Senator Lautenbaugh, please. [LB822 LB904]

SENATOR LAUTENBAUGH: Thank you, Mr. Chairman, members of the committee. My name is Scott Lautenbaugh, L-a-u-t-e-n-b-a-u-g-h, and I'm the sponsor of LB904. This bill simply...or simplifies I should say to use the phrase. This is a very simple bill, as you all want to hear. This simplifies the collection of death benefits for a deceased Nebraska veteran. The current statutory language has been interpreted to mean that only next of kin who are also veterans could file for the burial expense benefit. That's obviously, I would say, was not intended and this bill has been brought merely to correct that deficiency. John Hilgert from the department is here to answer any questions you might have regarding this correction but once again, I believe it is straightforward and warranted. I would take any questions you would have as well. [LB904]

SENATOR AGUILAR: Questions for the senator? Seeing none, thank you. First proponent. Welcome back former Senator Hilgert. [LB904]

JOHN HILGERT: (Exhibit 1) Thank you, Senator Aguilar, appreciate that. Senator Lautenbaugh did such a good job, I'm almost tempted not to read my testimony. But because this has been subject to misinterpretation for perhaps over 40 years, I will read my testimony to make sure we have a clear record. Good afternoon, Chairman Aguilar and members of the Government, Military and Veterans Affairs Committee. I am John Hilgert, H-i-l-g-e-r-t, director of the Nebraska Department of Veterans Affairs. I would like to thank Senator Lautenbaugh for introducing LB904 on behalf of our department. LB904 proposes to change the language in state statute 80-403 to improve access to Nebraska Veterans Aid Fund, NVA, by the next of kin of a deceased veteran, widow, widower or dependent child, and allow county veteran service officers the ability to apply for assistance on behalf of the deceased when there is no next of kin. Prior to 1969, situations occurred where if there was no next of kin, it was questionable who could apply on behalf of the deceased for the last illness and burial because there's no statutory reference. In 1969, LB261 added language to state statute 80-403 to allow a recognized veterans organization to apply for NVA on behalf of an eligible deceased when there is no next of kin eligible to apply for expenses of last illness and burial. For the last 38 years, "next of kin eligible to apply" has been interpreted to mean that not just any next of kin, but the person had to meet all requirements necessary to apply for NVA assistance in their own right. That meant there were only three individuals that

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could apply: The widow or widower of the veteran and a child between the age of 19--majority age--and 23 if attending school full-time. A father of a veteran, sister or other next of kin could not apply to NVA to assist with burial expenses. By eliminating the word "eligible," the right to control the disposition of the remains of the deceased vests with the person in the order named in existing state statutes governing funerals and management of estates. The addition of the words "or a county veterans' service officer" will allow a county veterans service officer or a recognized veterans' organization to apply on behalf of the deceased for assistance in paying for the persons last illness and burial when there is absolutely no next of kin. We have been informed by county veteran service officers--one which will be testifying here today from Lancaster County--that it is difficult and time consuming, because of distance or size of a county, to locate a representative of a recognized veteran organization to expedite a request for last illness or burial. By adding "county veteran service officer," it will improve the service to our veterans in Nebraska and their dependents. That concludes my testimony. I would be more than happy to answer any questions that you might have at this time, and I and my department will be available to you should you require information in the future. [LB904]

SENATOR AGUILAR: Questions for Director Hilgert? Senator Avery. [LB904]

SENATOR AVERY: Thank you, Mr. Chair. Would you please define for me what is "an eligible deceased person"? I mean, how do you qualify? [LB904]

JOHN HILGERT: We're striking the word "eligible" actually, Senator. [LB904]

SENATOR AVERY: You're striking that from "next of kin eligible to apply," right? [LB904]

JOHN HILGERT: Right. We're striking the word "eligible" because... [LB904]

SENATOR AVERY: But not from "eligible deceased," right? [LB904]

JOHN HILGERT: Right. The eligible deceased is the individual veteran who meets statutory requirements to receive Nebraska Veterans Aid Fund. [LB904]

SENATOR AVERY: And that's what I'm asking. What are those statutory requirements? [LB904]

JOHN HILGERT: You have to be a resident of Nebraska. You have to have a temporary unforeseen emergency; last illness and burial is interpreted as an unforeseen emergency. The veteran has to be...it can be any veteran with a general or honorable discharge. [LB904]

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SENATOR AVERY: So need is not a factor? This is assistance in burial expenses for all veterans in Nebraska? [LB904]

JOHN HILGERT: No. The temporary unforeseen...if you were a person of means, Senator, it wouldn't be an emergency, you wouldn't have the need. But those individuals that are encountering a financial emergency that we're able to address through this fund is what it's structured towards, Senator. [LB904]

SENATOR AVERY: Okay. That's what I was looking for. Thank you. [LB904]

JOHN HILGERT: Yes, sir. Thank you, Senator. [LB904]

SENATOR AGUILAR: Further questions? I have one, Director Hilgert. What year did you leave the Legislature? [LB904]

JOHN HILGERT: Pardon me? [LB904]

SENATOR AGUILAR: What year did you leave the Legislature? [LB904]

JOHN HILGERT: November 9, 2001. [LB904]

SENATOR AGUILAR: Thank you. No further questions. (Laughter). [LB904]

SENATOR AVERY: That's a loaded question probably. [LB904]

SENATOR AGUILAR: I'll be glad to explain that later. [LB904]

JOHN HILGERT: Okay. You don't have to, Senator, it's your prerogative. Thank you. [LB904]

SENATOR AGUILAR: First proponent. Welcome. [LB904]

GARY CHALUPA: Thank you, sir. Mr. Chairman, members of the committee, my name is Gary Chalupa. I'm the county veteran service officer in Lancaster County. The last name is spelled C-h-a-l-u-p-a, very similar to that of Taco Bell, but (laughter) without the royalties. And I'm here today, just real quick, to clear up any matters that may be needed. Also to let you know that I'm not here on behalf of Lancaster County as much as I'm here on behalf of the County Veterans Service Officers Association of Nebraska. Director Hilgert asked us to recommend updates to the Nebraska Veterans Aid Fund; and as a group, a small group of us, performed a committee, we sat down. We looked at the way we're doing business and maybe looking at ways of taking more common sense approach to doing business when it comes to applying for Nebraska veterans' aid. So this was actually an idea that originated from our association, our state

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association, and I believe--I don't want to say I've had unanimous support, but overwhelming majority support in implementing this. Sometimes what we have to go through to find someone able to sign an application when we have a deceased veteran is almost impossible. And opening this up to the person who does the application, who's providing us with the information, that next of kin is...it really does pass the common sense and it makes it so much easier...ease isn't always the real reason for doing it but it just does make common sense. And in answer, Senator Avery, to your question to further clarify, yes, it is a need-based program. Along with the application when we're applying for burial, there's a checklist that goes with it that includes questions like: Is there life insurance? Are there assets in the estate available to pay for the funeral? And that has to accompany. Well, that information when there is no spouse, when there is no eligible dependent child, comes from a brother, you know, a next of kin family member. And it just, in our opinion, that's what makes it sensible to then have the next of kin able to sign. The other option is the county service officer who signs it; we're appointed officials at the county level. I think that, you know, there should be a level of trust in corporate and their allowing us to then sign those applications on behalf of a deceased veteran when there is no one else. And if there's any questions, I'd be happy to try and answer them. [LB904]

SENATOR AGUILAR: Questions? Senator Adams. [LB904]

SENATOR ADAMS: As a matter of me getting a complete view of this, you indicated in your earlier testimony that within your association you did not have unanimous. Is there a hang-up with members of your group? [LB904]

GARY CHALUPA: No. I can't specifically recall having unanimous support. [LB904]

SENATOR ADAMS: Okay. [LB904]

GARY CHALUPA: I'm not saying it wasn't unanimous. I'm not going to testify that it was. [LB904]

SENATOR ADAMS: All right. [LB904]

GARY CHALUPA: Okay. It's just...yeah. I don't believe there was a hang up at all. [LB904]

SENATOR ADAMS: I'm trying to identify a problem if there was one. [LB904]

GARY CHALUPA: No, no, none whatsoever. [LB904]

SENATOR ADAMS: Okay. Thank you. [LB904]

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SENATOR AGUILAR: Further questions? Seeing none, thank you, Mr. Chalupa. [LB904]

GARY CHALUPA: Thank you, sir. [LB904]

SENATOR AGUILAR: Next proponent. Are there any opponents? Neutral testimony? Senator to close? Senator Lautenbaugh waives closing, and that closes the hearing on LB904. We're now ready to open on LB748. Senator Rogert, please. Welcome. [LB904 LB748]

SENATOR ROGERT: (Exhibits 1, 2) Good afternoon, Senator Aguilar and distinguished colleagues of the Government, Military and Veterans Affairs Committee. My name is Kent Rogert, for the record, and I represent District 16. The purpose of LB748 is to provide an interior designer with the opportunity to obtain a title that certifies them as being qualified in a manner that is consistent with public safety standards. The term "certified interior designer" does not impair nor does it encroach upon any other title obtained and used in the field of interior design or in any other profession, such as architecture and engineering. LB748 creates a board of 5 members appointed by the Governor that administers the certification under their prescribed duties as outlined in Section 4 under the qualifications listed in Section 5 and 9. Certification requirements include: An NCIDQ exam or its equivalent; four years of design education; two years of full time work experience; a code of ethics; and a submission of a certification fee. There are at least 26 states in the U.S., including the District of Columbia and Puerto Rico, in addition to 8 Canadian provinces with interior design regulation laws and each of the NCIDQ member boards for the regulating states require successful completion of this exam or an equivalent. The exam is used as a universal standard and basis for reciprocity across North America and all U.S. and Canadian regulatory boards and seeks to ensure that the certified interior designer has minimum competency when hired for projects with conditions that may include, but are not limited to, these factors: allergies; respiratory problems; indoor air quality; local fire and building codes; ADA compliance; fumes from glue and paint; utilization and application of materials; sanitation; lighting; acoustics; clearances and fixtures; local partitions; and emergency and handicapped exits. We have a three year grandfather clause for those persons who are already practicing interior design as a resident in Nebraska and who meet the following conditions: that they have 15 years of work experience and have paid their certification fee; or they have completed the NCIDQ exam; been issued a BA, diploma or certificate with 60 hours credit and have combination of 6 years of education and work experience. We are not requiring that certification be mandatory nor are we stipulating that someone cannot use the title of "interior designer" in their profession. We are merely providing an opportunity for consumers to be able to identify those persons best qualified to be responsible for projects that are clearly sensitive to the public safety. However we are, under LB748, saying that without the qualifications and certifications, they may not use the term "certified interior designer." Once again, this

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certification does not seek to encroach upon or impair other licensed professions such as engineering or architecture or attempt to subvert other titles within the fields of interior design. As we have penalties in the bill that clearly prohibit the fraudulent misuse in certification title or encroachment upon other licensed professions. LB748 as stated before, it seeks to develop a multidisciplinary team of qualified individuals, raise the bar on professionalism in the trade, and enhance the quality of work and responsibility for the overall scheme of design. It is my hope that you will not only support this piece of legislation, but also offer any recommendations and suggestions that you may have in light of our presentation. Thank you and I suggest if you have any technical questions you'll present them to the folks to follow, but I will try to answer anything you may have at this time. [LB748]

SENATOR AGUILAR: Are there any nontechnical questions? (Laugh) Senator Avery. [LB748]

SENATOR AVERY: Yes, this is nontechnical. Thank you, Mr. Chair. What is it that currently exists in the practice of interior design that is in need of repair that this bill addresses? [LB748]

SENATOR ROBERT: Well, it's my understanding that this qualification or this certification gains you knowledge or recognizes the fact that you have knowledge to take part in renovation or excavation of buildings that are used in large public source, such as malls, hospitals, schools, nursing homes, those types of things that require the use of certain materials in different areas, certain fixtures across the buildings that would facilitate better use and safer use for those that may have medical conditions or just conditions contributing to the use of the facility. [LB748]

SENATOR AVERY: I confess that I learned last year the difference between a designer and a decorator and I appreciate that difference. [LB748]

SENATOR ROBERT: Neither of which I am very good at. [LB748]

SENATOR AVERY: Well, it was the interior designers who told me that we're not decorators, we're designers, and that was a distinction I had not ever made. But is there anything that interior designers do that cannot be done or is unlikely to be done by others, such as architects, engineers? [LB748]

SENATOR ROBERT: It's also my understanding that architects and engineers hire interior designers to do these things, and by certifying them, it gives them a better indication of who they should hire and who would be qualified for these type of activities. [LB748]

SENATOR AVERY: That's all for now. Thank you. [LB748]

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SENATOR AGUILAR: Further questions? Seeing none, thank you, Senator. First proponent, please. Welcome. [LB748]

MARK HOISTAD: (Exhibit 3) Hello. I'm Mark Hoistad, H-o-i-s-t-a-d. I'm the associate dean of the College of Architecture. I've been asked by Dean Drummond, who couldn't be with you today, to read to you a letter that he's prepared in testimony and support of this bill. And it reads: As a dean of the College of Architecture at the University of Nebraska-Lincoln, I am writing to request your support for the passage of the Interior Designers Certification Act in the state of Nebraska, bill LB748 which will establish legal recognition for interior design professionals. This recognition establishes standards of minimum competency, including education, experience, and examination. The College of Architecture at UNL includes accredited programs in architecture, interior design, and community and regional planning, with a new program in landscape architecture applying for its initial accreditation this spring. I have been involved in the education of young people in these disciplines for almost 30 years in my tenure serving as the director or dean of 3 different multidisciplinary colleges in various regions of the country. Interior design includes specialties in commercial and institutional interiors, including: Hotels, restaurants, school and universities dormitories, office and industrial interiors, healthcare facilities, and senior living environments. In all instances, our program meets the rigorous demands outlined by CIDA, the Council of Interior Design Accreditation. Because of the increasing complexity of the built environment, today's focus on integrative practice brings together professionals from all disciplines: Architecture, landscape architecture, engineering, interior design, and construction in order to create the best and most sustainable designed and built environments. Decisions that an interior designer makes in this professional context affects the health, safety, and welfare of the public. In a CIDA accredited program, interior design students are required to take significant coursework in not only building codes, but in fire safety, accessibility, ergonomics, and construction documents. Interior materials play a major role in limiting or eliminating flames and toxicity. Accessibility affects the ability of all persons to safely use and exit a space or building. Students graduating from an accredited interior design program are well versed in the selection of appropriate materials, finishes, and furnishings for a variety of conditions, whether healthcare, assembly, business or residential to ensure the health, safety, and welfare of the consumer. Legal recognition ensures that only qualified individuals through education, experience, and examination represent themselves to the public as registered or certified interior designers. The bill before you does not exclude architects and engineers from their full and comprehensive responsibilities as defined by the law and rules regulating engineering and architecture in Nebraska, and it does not establish any exclusionary practice of these disciplines. The bill does require a minimum of a bachelor's degree, experience, and the completion of the National Council of Interior Design Qualification, NCIDQ, in order to be recognized under LB748. I urge you and your colleagues to support the health, safety, and welfare of the residents of this state

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by addressing the professionalism of interior design in the state of Nebraska. Twenty-six other U.S. states and municipalities, as well as the General Services Administration recognize the profession of interior design. Again, I am requesting your support of the Interior Designers Certification Act, bill LB748 and thank you for your consideration and signed: Wayne Drummond. [LB748]

SENATOR AGUILAR: Thank you, Mr. Hoistad. I'd be remiss if I didn't tell you, traditionally we don't allow you to read someone else's letter. We would gladly accept it and read it into the record but traditionally we don't do that. Just so you know. [LB748]

MARK HOISTAD: Unfortunately the only reason this professor...Wayne Drummond had to be out of town today and I will say that I am in agreement with Wayne Drummond's letter. [LB748]

SENATOR AGUILAR: Very good. Questions for Mr. Hoistad? Senator Adams. [LB748]

SENATOR ADAMS: I'm trying to think of a good way to ask a question, but let me just cut right to the quick. Why should the state of Nebraska be in the business of, by statute, certifying this particular profession? And I could think of a host of others. [LB748]

MARK HOISTAD: Sure. Where one draws the line in the protection of the health, safety, and welfare of the public is indeed your responsibility. It is the assertion of this particular group that indeed as the nature of environment and the complexity of an interior environment has grown, there has developed a subprofession to architecture that has a significant role to play within the context of protecting the public. It is your responsibility to determine where that line should be drawn. But this group, and I think rightly so, advocates that it's come to a point where it is also a profession that deserves the same kind of regulation and consideration. [LB748]

SENATOR ADAMS: Thank you, Mr. Chair, might I follow up? At the risk of being the devil's advocate here, I'm trying to figure out where we draw the line. Are carpenters certified? [LB748]

MARK HOISTAD: No. [LB748]

SENATOR ADAMS: So could one make the argument that carpenters in building a home or remodeling a home are effecting the health and safety of those who may occupy it? [LB748]

MARK HOISTAD: No, I would say there's a distinction between the two because as a carpenter one engages in the process of carrying out the design intentions of a design professional. They aren't in charge of making the decision as to whether or not it has

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been done in a way that is consistent with being concerned with health, safety, and welfare issue. An architect or, in this case, an interior designer does have the role through construction documents and other forms of information to communicate to that individual how they should do it in order to be in compliance with that standard of care. [LB748]

SENATOR ADAMS: Okay. May I, Mr. Chair... [LB748]

SENATOR AGUILAR: Please do. [LB748]

SENATOR ADAMS: ...follow up with one more question and then I'll shut up? Given that there is no certification now in the construction of a hospital or place of education or business environment that was referred to, who's the oversight to make sure the building codes are observed, the ADA codes are observed? [LB748]

MARK HOISTAD: It occurs in a range of professions today, in terms of the architect generally is responsible for the holistic understanding of it. But the engineers are also statutory required to deal with the systems of a particular project as well. And as was stated, this bill would not in any way displace the architect or the engineer in the practice of architecture. This is a title act as opposed to a practice act. So it doesn't define the exclusive of domain that one would have responsibility for, unlike the practice act that architects and engineers operated under. [LB748]

SENATOR ADAMS: So in the realm of paint, carpet, upholstery, which I saw here someplace, at this point it would be the architect that would oversee the designer. [LB748]

MARK HOISTAD: Correct. That's how I understand it. [LB748]

SENATOR ADAMS: Okay. Thank you. [LB748]

SENATOR AGUILAR: Further questions? Seeing none. [LB748]

SENATOR AVERY: No I had my hand up, sir. [LB748]

SENATOR AGUILAR: Oh, I'm sorry. Senator Avery. [LB748]

SENATOR AVERY: I have one question. Would you mind giving me an example of where an interior designer could actually protect the health, safety, and welfare of the public? [LB748]

MARK HOISTAD: Well, as an example for instance, if you're designing in a healthcare environment and there's going to be significant amounts of furniture and other materials,

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finishes that are on the walls, in which there is a degree of expertise that needs to be gained relative to concern about off-gassing from those materials, flame spread or toxicity if they were to catch on fire in those environments where people have a difficult time with mobility and being able to get out of the building. So the interior design profession specializes in those particular areas which one could judge as important ones to have expertise within in order to make sure that we protect the health, safety, and welfare of the public. [LB748]

SENATOR AVERY: And architects cannot or don't do this? [LB748]

MARK HOISTAD: Architects certainly could. But in the range, as was mentioned, of an integrative and practice environment in which a collection of design professionals are all involved in managing the complexity of doing these kinds of projects, it is the assertion of this group that indeed that expertise is an important part of the team. [LB748]

SENATOR AVERY: If I may follow up with one more. You mention that this is more a titling or credentialing issue than it is performance. If it's more credentialing issue, why is it necessary? [LB748]

MARK HOISTAD: In the context of informing the public as to a standard of expertise, it would seem to be in the best interest of the public to know whether one has obtained this level of credentialing, as opposed to having a circumstance where there was no means in place for that credentialing to be understood. [LB748]

SENATOR AVERY: But if the interior designer was not even involved in the project, the architect would do the same work. Am I correct in assuming that? [LB748]

MARK HOISTAD: That is correct, that is correct. [LB748]

SENATOR AVERY: So I guess this takes me back to where I started with Senator Rogert, and that is what problem are we trying to fix? [LB748]

MARK HOISTAD: The problem is one of the nature of the design environment has become increasingly complex, as is the case throughout many professions, to the point where there starts to develop essential specializations within a particular field. And the nature of this circumstance is that it's asserting that the complexity has reached the level where the interior design profession believes it's important to inform the public as to the level of professionalism and credentials for members of their profession as they participate as a member of an integrated practice team. [LB748]

SENATOR AVERY: You train interior designers at the... [LB748]

MARK HOISTAD: No, I'm an architect. [LB748]

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SENATOR AVERY: I know, but within the school of architecture? [LB748]

MARK HOISTAD: No, I'm the associate dean of the college. I'm also the director of the architecture program and the director of the landscape architecture program. [LB748]

SENATOR AVERY: I don't mean you particularly, but does the school...does the College of Architecture also train interior designers? [LB748]

MARK HOISTAD: Yes, we do. I'm sorry. [LB748]

SENATOR AVERY: Okay. I was always impressed with the fact that Dean Drummond came here and supported this because the architects don't. You have to walk a line here that's probably not very comfortable because you're being tugged in two directions, I'm sure. So I guess my concern is to find out just how important is this to the overall field of design and health and safety in buildings. What are we doing here that isn't already being done, and what's the real justification for certifying a title if it's not actually creating a solution to a problem? [LB748]

MARK HOISTAD: Sure. I have my perspective and I think probably people who will testify behind me will be able to talk more articulately about what it means to their particular profession. From my perspective as an educator, we have an accredited program in our college in which students spend four years of very rigorous study to attain a level of expertise and it seemed only right to us that they should also have a level of recognition as a career as part of this process in the interest of protecting the health, safety, and welfare of the public as it relates to the practice of interior design. [LB748]

SENATOR AVERY: Do interior decorators get certified? [LB748]

MARK HOISTAD: Under the nature of this, as you were probably...as I heard you say earlier, you learned the difference between an interior decorator and designer last year. [LB748]

SENATOR AVERY: I think I did. I think it has something to do with the way things are laid out and less than the colors that are picked out for the walls and all that. [LB748]

MARK HOISTAD: I think...I could spend a lot of time of the committee's to start talking about the distinction between the two. I think the fundamental difference between a designer and a decorator is that a designer really is concerned with the total environment that they're involved with. Where one might say that a decorator accessorizes that environment that's already given to them. So that would be fundamental difference. [LB748]

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SENATOR AVERY: And they are or are not certified? [LB748]

MARK HOISTAD: To my knowledge they are not nor, in my opinion, should they be. [LB748]

SENATOR AGUILAR: Further questions? Seeing none, thank you. [LB748]

MARK HOISTAD: Where should I leave the letter? [LB748]

SENATOR AGUILAR: Give it to the page. [LB748]

MARK HOISTAD: Okay. [LB748]

SENATOR AGUILAR: (Exhibits 4-11) Next proponent. While that's coming up, I'd like to read into the record letters of support from Alley Poyner Macchietto Architecture, Michael Alley, Michael Hamilton, Lloyd Meyer, Lori Krejci, Don Prochaska, Lisa McCoid, Lori Hill, and Ann Newcomer. Welcome. [LB748]

TIM HOLLAND: Thank you, Senator Aguilar and committee. I'm Tim Holland. I'm a registered architect in the state of Nebraska. I have a practice in Omaha, Holland Basham Architects, which is nearly 20 years old. We also employ two interior designers. At our company, we have an expectation that our interior designers can meet the functional and aesthetic needs of a client, but in addition to that code compliance there's life safety items, there's building code criteria, and then lastly constructability issues. So it's more than just a decorator who applies finishes to a given space. The reason this is important to us is early on in my career when I was serving on a charitable board, I had the opportunity where someone made a great donation to this organization. They provided a youth development center. They were going to pay for that. They included an interior designer who was going to design the space. That all came to us and I had an opportunity, being on the board, to take a quick look at the drawings before construction started. This was a space for about 100 youth teenagers, and when I looked at the drawings it became evident real quickly that they were full of problems. The space had one door and it swung inwards. Contrary to public safety and our codes, that room needed two doors, they needed to swing out. This was a totally inappropriate design for this space. Luckily it was caught beforehand, before it was constructed. Had it been constructed and had there been a fire and that one door had been consumed, we'd have had 100 youth in our city who would have perished in that situation. We could have put blame afterwards, but the point is that it should never have gotten to that point in the design in the first place. And our perspective is that through this process with LB748 and the certification of an interior designer, that the public can then rely upon their education and their knowledge and the examination of such so that they can trust in those design services that they provide. I believe the state has a fiduciary

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responsibility to make sure that the citizens of this state can rely upon those professional services provided. And so from my personal perspective and operating a company, it would assist me greatly to understand when I'm looking at somebody or someone's in my employ and then my client likewise are looking at those people, that they can rely upon that expertise. And that's all I have to say at this point. I'm open to any questions. [LB748]

SENATOR AGUILAR: Thank you. Questions for Mr. Holland? Senator Adams. [LB748]

SENATOR ADAMS: Did I hear you say you have two designers now on staff? [LB748]

TIM HOLLAND: That is correct. [LB748]

SENATOR ADAMS: I guess I have to ask the obvious. How did you know they were designers? [LB748]

TIM HOLLAND: I knew they were interior designers through the application process, but it took me through the process of interviewing them to understand their education background and their experience to garnish whether they would fit within our practice. So I have a higher expectation of an interior designer than typically one perceives in the community. [LB748]

SENATOR ADAMS: Okay. I understand that. Now let me take it a step further. So let's assume for a moment that we were to pass such a statute to create this designation and you put out notice that you wanted to hire a designer, a certified designer. [LB748]

TIM HOLLAND: Thank you. [LB748]

SENATOR ADAMS: You're still going to interview those people. You're still going to query their resume with great detail, I'm assuming, to see how qualified they are, aren't you? [LB748]

TIM HOLLAND: Yes. [LB748]

SENATOR ADAMS: So we gained the title "certified," which maybe helps narrow your search a bit. [LB748]

TIM HOLLAND: Correct. [LB748]

SENATOR ADAMS: Okay. Thank you. [LB748]

SENATOR AGUILAR: Further questions? Senator Avery. [LB748]

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SENATOR AVERY: You may not be the right person to ask this question, but I'm going to ask it anyway and if you can't answer it, I'll pass it onto somebody else. Don't we already have a society of interior designers, the American Society of Interior Designers? [LB748]

TIM HOLLAND: There's a number of different societies that the interior design profession can belong to and that's part of the other problem. You'll hear about this later but there's a whole host of different organizations they can belong to, and there's a whole list of acronyms that can be behind their names, none of which I or the public can rely upon to understand that they understand the fiduciary responsibility to protect the public safety. [LB748]

SENATOR AVERY: And architects don't have that responsibility? [LB748]

TIM HOLLAND: Yes, we do have that responsibility. But I'm advocating for the fact that this profession, as you heard from Mr. Hoistad earlier, is practicing at a higher level than they used to. Just as your comments earlier about not distinguishing between a decorator and an interior designer, I think there's a past perception that most of it was decorating and it no longer is. We use them in our profession more extensively than just picking out the finishes that go in space. They're involved with creating the atmosphere, the acoustics, the lighting, but more importantly the exiting requirements as they're laying out furniture to make sure they have the widths between the aisle-ways correct, there's no dead-end corridors. All those things that are subtle, but significantly impact public safety. So we use them at a much higher level than the perception of what a decorator did in the past. [LB748]

SENATOR AVERY: And credentialing them would change how we use them? [LB748]

TIM HOLLAND: It would not change how we use them. It would just change my understanding of their level of experience, education that I could rely upon their knowledge to provide those services. [LB748]

SENATOR AVERY: But you didn't admit to having had a problem with that in the past. You have two on staff and through the interview process, you determined they were qualified to do what you were hiring them to do. [LB748]

TIM HOLLAND: That's correct. We don't have a problem with it because I make sure it's taken care of, but I'm not sure industry-wide that occurs. [LB748]

SENATOR AVERY: Thank you. [LB748]

TIM HOLLAND: You can practice as an interior designer not underneath an architect. You don't have to be working for an engineer or an architect to provide those services. If

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you are, the architect has a responsibility to oversee those services. But without that, that's where the concern exists today. [LB748]

SENATOR AGUILAR: Further questions? Seeing none, thank you. [LB748]

TIM HOLLAND: Thank you. [LB748]

SENATOR AGUILAR: Next proponent. Welcome. [LB748]

JESSICA DOOLITTLE: Thank you, committee members, for allowing me the opportunity to speak with you this afternoon in support of LB748. My name is Jessica Doolittle, D-o-o-l-i-t-t-l-e. I'm a commercial interior designer for Altus Architectural Studios in Omaha. I am the director of interiors at that firm. I'm a member of the International Interior Design Association, one of the many organizations we can be a member of, and I have passed the qualifying exam as administered by the National Counsel for Interior Design Qualification. I graduated from the University of Nebraska-Lincoln in 1994 with my bachelor's in interior design. Upon graduation, I worked at a kitchen and bath store, I worked at a large interdisciplinary architecture firm, and I worked at mid-sized architecture firms. In 2002, I started my own interior design business and continuing to work with architecture firms, but also directly with end users. In October of 2007, I merged with Altus Architectural Studios after a prosperous five-year working relationship. In my 13-year career as an interior designer, whether I was at a firm or whether I was on my own, I worked on numerous projects ranging from 800,000 square foot office complexes to civic projects, such as the Strategic Air Command Museum. I've also worked on Omaha Public School remodels and higher education facilities, such as the University of Nevada-Las Vegas Lied Library. More recently I have been working on healthcare projects, such as Nebraska Orthopedic Hospital, Saint Elizabeth Regional Medical Center here in Lincoln, Thayer County Health Center out in Hebron, and Midwest Cancer Center. I also work on smaller projects of varying degrees: It may be a single office remodel, it might be simple furniture replacement, it could just be replacing carpet and paint. In my day-to-day job: I work on floor plans; I work on reflected ceiling plans, the birds eye view of the ceiling; I work on interior wall elevations; and I work on interior elevations of cabinetry and the construction details for those. As mentioned before, as an interior designer I also select the interior finish materials for these spaces ranging from carpet, sheet vinyl flooring, tile flooring, wall tile, wall covering, paint, ceiling tile, cubicle curtains. For all the areas of a project in which I am involved I contribute to the drawings for those projects, not only the floor plans, but also the written specifications for those drawings which is the detailed description of what is selected, of how it's to be constructed, and how it is to be installed. Additionally, I select and specify decorative lighting. While I can select and specify a fixture, I as an interior designer, cannot and do not engineer those elements. But I can select it as what is appropriate for the need for the client. I also work with furniture. I space plan cubicle furniture and open office spaces as well. Many aspects of

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what I do as an interior designer effect the interior built environment in regards to health, safety, and welfare. When I select interior finish materials such as carpet, sheet flooring or vinyl wall coverings, I have to know that it's fire rated and it meets standards for smoke developed and toxicity as well as so it doesn't promote the growth of a fire if that were to happen. I have to know that the tile flooring I specify meets ADA slip resistant requirements of a minimum of .6 coefficient of friction. When I design a reception desk, I need to know that I have to allow an area for wheelchair accessibility of a minimum of 36 inches wide, 36 inches high above the floor. When I select a decorative wall sconce, I need to know that in a corridor it cannot protrude more than 4 inches into the corridor between 27 inches and 84 inches above the floor, otherwise someone with limited vision might be susceptible to injury. When I space plan cubicle furniture for offices, I need to know that I cannot create a dead-end corridor of 20 feet in order to lessen the possibility in case of a fire of someone to become obstructed and confused in trying to find their way out. Everyday I deal with different aspects of interior design that pertain to the health, safety, and welfare of the public. As an interior designer in my case and my career I have pretty much consistently worked with architects and engineers as part of a team, all professionals duly qualified, all working together to do our part to make sure that the built environment is safe for the public. Working with materials and color, I additional affect the public on an atheistic level, but that is by no means the only way in which I affect the interior built environment. LB748 does not allow interior designers to do anything they're not already legally allowed to do nor does it preclude anyone from practicing interior design. Moreover, it doesn't significantly expand state government as we are proposing an independent board which will be cash funded by certificate holders, and based on some early discussions with the engineer and architects board, they would be willing to administer our board much like they do the landscape architects and the geologist. By supporting LB748 Nebraska can join other states and jurisdictions that have already enacted interior design legislation. Thank you. [LB748]

SENATOR AGUILAR: Thank you, Jessica. Questions for Ms. Doolittle? Senator Avery. [LB748]

SENATOR AVERY: Thank you, Mr. Chair. You mentioned the existing codes, that there are codes that tell you basically how far something can protrude and how wide doorways have to be and that kind of thing. The builders have to abide with those codes, right? I mean, your job is not to enforce compliance with codes. [LB748]

JESSICA DOOLITTLE: No, my job...no, no. [LB748]

SENATOR AVERY: So the codes are there. [LB748]

JESSICA DOOLITTLE: Right. [LB748]

SENATOR AVERY: What do you add to the codes that's not already in place at the

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work site? [LB748]

JESSICA DOOLITTLE: I don't add to the codes. I use the codes. [LB748]

SENATOR AVERY: And the architect does not? [LB748]

JESSICA DOOLITTLE: No, they do as well. [LB748]

SENATOR AVERY: And the builders? [LB748]

JESSICA DOOLITTLE: I think as testified earlier in relation to the carpenter example, the builders...they do have knowledge of the codes as well because of their experience. But they, again, are following the plans and the construction drawings that are developed by architects, engineers, and interior designers. [LB748]

SENATOR AVERY: I'm not trying to be hostile to your proposal. I'm just trying to figure out what the need for it is, you know. [LB748]

JESSICA DOOLITTLE: Right. [LB748]

SENATOR AVERY: The title itself I don't find a compelling argument. Now if it adds something to health and safety, then I could be persuaded by that. But the codes are already in place, codes are enforced by inspectors. [LB748]

JESSICA DOOLITTLE: Correct. [LB748]

SENATOR AVERY: The City of Lincoln has inspectors that go out and inspect work sites all the time. You have the architects that draw up the plans and they oversee some of this, and you have the building supervisors, the builders themselves. So I'm trying to figure out what this title does for us to solve a problem. [LB748]

JESSICA DOOLITTLE: Again as testified to earlier, the profession, the design profession is getting more complex and, you know, more diversified. There are architects, engineers, interior designers that work and produce floor plans, construction drawings, written specifications. Occasionally we hire lighting designers, independent lighting designers, who specialize just in lighting. Sometimes on projects we hire acoustical designers who have a specialty in acoustical elements. In my career as an interior designer under an architect I've--you know, short of saying never--I have never worked with an architect who has selected interior finishes. If I select the inappropriate carpet, that could potentially, if there's a fire, promote the growth of that fire, make it spread faster, produce toxic fumes or excess smoke and make it hard for somebody to get out of the space. Then I affect the health, safety, and welfare of the public. I feel that I am credentialed by my education, by my experience, and by passing the National

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Council for Interior Design Qualification Exam, and in order to be qualified in that manner, now...and it's going to be testified to more by the next testifier. But there are...somebody mentioned about interior organizations and there are many of them and there are many appellations and there are many designations that don't necessarily mean anything to the general public. And we're trying to raise the level of professionalism in our profession to a minimum competency level so that the general public when they see certified interior designer they know what that means and they know that behind that comes education, experience, and testing. [LB748]

SENATOR AVERY: Okay. Thank you. [LB748]

SENATOR AGUILAR: Senator Adams. [LB748]

SENATOR ADAMS: Just one quick follow-up question. In your response to Senator Avery, I heard you say that you use acoustic designers and lighting designers, is that correct? [LB748]

JESSICA DOOLITTLE: Correct. In past projects, I have worked on projects where they have been additional consultants. [LB748]

SENATOR ADAMS: And are those people certified by the state? [LB748]

JESSICA DOOLITTLE: I do not know. [LB748]

SENATOR ADAMS: Okay. [LB748]

SENATOR AGUILAR: Next question? Seeing none, thank you. [LB748]

JESSICA DOOLITTLE: Thank you very much. [LB748]

SENATOR AGUILAR: Next proponent. [LB748]

PATTI HAERTEL: Chairman Aguilar and members of the Government, Military and Veterans Affairs Committee, my name is Patti Haertel, H-a-e-r-t-e-l, and I appear before you in support of LB748, the Interior Designers Certification Act. And I would like to thank Senator Rogert for introducing this bill. I graduated from the University of Nebraska here in Lincoln with a degree in interior design. I have passed the National Council for Interior Design Qualification Examination and I am a professional member of the American Society of Interior Designers. I worked for 16 years in the design department of a retail store, first as a staff designer and eventually as director of interior design for the store's three locations. I'm currently co-owner of Designworks Interior Design Group here in Lincoln where we practice both residential and commercial interior design. As a qualified interior designer, one who is knowledgeable about

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building codes and codes for interior materials and finishes, I can oversee and facilitate these projects with the contractor and subcontractors. But I know that when necessary I will call in the appropriate professionals, such as the architect, the landscape architect or an engineer. Many times I will recommend these professionals to my clients. Whether working as the primary coordinator of a project or alongside associated design professions, my primary goal is to protect the health, safety, and welfare of my clients. Whether I'm remodeling a commercial space that may house an orthodontist office or I'm working with a retired couple building a new construction single family residence for the people that want to age in place by incorporating an elevator, making sure the bathrooms are ADA or ADA compliant, which is the Americans with Disabilities Act compliancy. I am always keeping that health, safety, and welfare of my client at the forefront. In fact, even tomorrow morning I'm going to be teaming up with a group of my professional colleagues and students from the University of Nebraska to begin demolition of the CenterPoint facility here in town which provides outpatient rehabilitation for clients with mental illness and substance abuse issues. And we'll be renovating two group therapy rooms, not only to improve them physically in the space, but to make them more comfortable and inviting for the mental wellness of the clients that occupy these spaces. Again, the health, safety, and welfare of the public is always a priority. Having a legal definition of interior design through LB748 will benefit the public by assuring them that the individuals they entrust with designing their interior spaces are qualified as professional interior designers. It was mentioned earlier that we are inundated, I think, in society overall in many industries with acronyms that can be very, very confusing and our industry is no exception. We have the American Society of Interior Designers, the International Interior Design Association, the National Kitchen and Bath Association, the International Facility Management Association, and on and on. There are a number of these. All of them have different levels of membership. There may be student membership, professional membership, associate or allied membership, educator membership, and even industry partners which are usually sales people. With this variety of organizations and membership levels, there's no easy way for the consumer to differentiate who is qualified in the codes issues from those that are not. There is no universal code of ethics among these organizations and there is no universal requirement for continuing education among those organizations. Also membership organizations have little authority to police the profession overall. A member not abiding by the organization's code of ethics can, at best, just be kicked out of that organization. The purpose of LB748 is to provide the public with information to make sure that they know that that individual they are hiring is qualified to protect their health, safety, and welfare, not just to provide interior designers with a marketing tool. LB748 also has reciprocity provisions. Since our neighboring or nearby states already have interior design legislation: Colorado which passed in 2001, Iowa which passed in 2005, Missouri passed in 1998 and was amended in 2004, and Oklahoma which passed in 2006. This makes it easier for Nebraska interior designers to become registered in these other states and be able to compete fairly for design projects in these locations. Thus bringing the money back to Nebraska, which is great for the economic

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development of our state right here. The National Council for Interior Design Qualification Exam is a universal exam for all 26 states and jurisdictions which already have design legislation in place. Like the architect registration examination, it's a national exam not a state exam, and it's the only exam that covers the full scope of work of an interior designer. Other exams such as, certified kitchen design or certified bath design or the council for qualification of residential interior designers exam qualify individuals in specialty areas but do not cover the full scope of work of an interior designer. The National Council for Interior Design Qualification Exam determines whether or not an individual has met minimum competency standards to practice interior design. LB748 does not, however, exempt anyone from practicing in their selected field or their specialty. It is a title act and is voluntary registration. It also does not affect anyone working in the retail design industry. Your support of LB748 will help to provide safe interior environments for all the citizens of Nebraska. I thank you for listening to my concerns. Do you have any questions? [LB748]

SENATOR AGUILAR: (Exhibit 12) Thank you, Patti. Questions? Seeing none, thank you. Next proponent and can I get a show of hands how many more proponents there are? Well, that was easy. First opponent, and I would also read into the record a letter of opposition from Gretchen Dolson, professional engineer. No opponents? Come on, we know better. Mary, get up here. Welcome. [LB748]

MARY CAMPBELL: (Exhibits 13-15) I apologize for the fumbling. My name is Mary Campbell, C-a-m-p-b-e-l-l, and I'm the registered lobbyist for AIA Nebraska, which is to say the American Institute of Architects, the Nebraska component of that group. As this goes on, it gets a little more confusing and you're laden with a lot of detail. What I would like to do is just try to pose some very, I think, simple policy questions to you for your consideration. And I'll be followed by Ed Vidlak, who is an AIA architect with Leo Daly and he'll provide the professional perspective and be able to get into those technicalities if that is a need on your part. You are the Government, Committee, obviously, and I think that's a very important beginning point. You are the first arbiter, if you will, of what is government purpose, and it is our contention in opposing LB748 that this proposal would move government into an area where it is not required, where that kind of intervention and regulation and use of state resources is not warranted. And I think a very efficient way as I've done in the past to perhaps make some of that point is to share with you again a veto message from the governor of Indiana from just last spring, May of '07. Just hitting a couple of the highlights in his veto message, he wrote that government has a legitimate role to play in the regulation of certain business occupations and professions, and he defined those as we've been discussing today as those in which the public's health and safety is at stake. We do, as you know, regulate a lot of professions in this state for improper practice which substantially impacts health, safety, and welfare. And as we do that regulation, we also impose significant and important consequences when there is the improper practice. We would contend again that the practice of interior design does not rise to that level of substantial potential

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impairment of the public's health and safety and that this bill does not, in the event of improper practice, provide sufficient consequences for that. I know that in the lobby and perhaps in the communications to your office this bill has been portrayed as a turf war between architects and interior designers, and I would submit that at this stage, at this level of legislation, it is more about creating a distinction between decorators and interior designers. And again, going back to the governor, he found no compelling public interest that is served by making that kind of distinction--public purpose. Certainly a professional, an economic to the individual distinction might be warranted, but not a government purpose. He also quoted the columnist George Will who wrote somewhat extensively about this when he was looking at similar legislation which failed in some of the western states, and he labeled those bills "rent-seeking" or more pointedly a "bizarre misuse of government," using government authority to obtain a private advance. And though there are needs in this area but we would submit that they are served by the marketplace and by the professions through their own rigorous testing and credentialing opportunities within the profession without a requirement that government do this with them. And so in summary, this bill would have you expand government for no government purpose. It would have you expand government for the competitive advantage for some, when again the marketplace and professional associations already can and do fulfill those functions. It would create a solution where we feel no real government problem exists. And I guess I'll take this one step further, and I hope you won't take me to be a paranoid in saying this because we say it by looking at actual examples in other states that this is a first step down a legislative path which takes the interior designers to a practice act. And at that point our respectful opposition today would become significantly heightened because then you really are blurring practice lines within that built environment, and you really can be creating significantly increased consumer protection problems and concerns. And so I would suggest that maybe we maybe don't need to start down that path with this first certification. I'll leave with you also some brochures, and I think in summing, if you open it to the last two paragraphs, I'll just quickly read from them. Interior designers will tell you that they are involved with much more extensive interior build-outs, which sometimes involve moving nonstructural walls and ceilings and in a sense they will be right. But with this crucial qualification, interior designers working on extensive interior design projects always, always work under the supervision on the design of the building--the architects, the engineers, the licensed personnel on the scene. What this is about is interior designers trying to break free from this system, which currently safeguards the public. And that is where we're looking for the moment and further down the road. And suggest that, not a government purpose. Take questions. [LB748]

SENATOR AGUILAR: Thank you, Mary Campbell. Questions? Senator Pahls. [LB748]

SENATOR PAHLS: Thank you, Chairman. Mary, I have a question. I'm reading this, interior designers receive adequate training and areas are (inaudible) etcetera, etcetera, and a little while earlier I heard somebody representing, I would think, the university

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saying that they are trained. [LB748]

MARY CAMPBELL: Um hum. [LB748]

SENATOR PAHLS: I mean, do I see...am I not understanding the weakness? [LB748]

MARY CAMPBELL: And I think maybe some of that might appear in this little brochure I just shared with you. Again, if you open it, on the left column here there is a comparison of education in terms of what degrees are required, internships, and some of the credentialing by testing. And so maybe that...yeah, just right down here on the inside, and maybe that would help to sort it out. Mr. Vidlak following me would certainly be far more expert to answer that. [LB748]

SENATOR PAHLS: Okay. Thank you. [LB748]

SENATOR AGUILAR: Senator Adams. [LB748]

SENATOR ADAMS: Mary, as you were giving your testimony I was developing a question and I must tell you I think maybe the answer may lie in the last few statements you made or in this brochure, but I'm going to ask it anyway. [LB748]

MARY CAMPBELL: Okay. [LB748]

SENATOR ADAMS: It seemed as though most of your testimony was that government doesn't need to be in this realm and knowing full well you don't represent some antigovernment organization, I'm saying to myself, so why does the society of American Institute of Architects not want this certification? Is it really about too big of government or... [LB748]

MARY CAMPBELL: I think it is about the misuse of government in that it could create a false sense of consumer protection by an implication that there is more training or more expertise because it now has this state stamp on it. And I think that's at the heart of it, that if the profession is not really about substantial health, safety, and welfare issues, then why is government being called into to do that which their own profession with their own testing and credentialing and additions after the name can already provide for them? When our 25-year-old house needed renovations, we engaged the wonderfully talented services of an interior designer in Lincoln, and the ASID after her name was one of the many reasons I chose that person. But really it was more a case of levying the marketplace choose her for me by seeing her work in the homes of others who we know. And so I think those kinds of things, to know that there was extra preparations and then also to see the work at hand, that meant more to me than that maybe someplace and some annals of state government there's a file that says "certified." [LB748]

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SENATOR AGUILAR: Mary, you don't suspect that a certified interior designer would ever try to pass themselves off as an architect, do you? [LB748]

MARY CAMPBELL: I would certainly hope not. I think that would be a disservice to all. [LB748]

SENATOR AGUILAR: And what brought that to light was the comparison in that magazine, I mean, I guess I didn't understand the point of that. I need one more question and I don't expect an answer. You didn't by any chance bring 26 copies of the governor's signatures that signed this bill, did you, from the other states? [LB748]

MARY CAMPBELL: Well, my flip to that would be there would be an equal number of states that haven't done this. Thank you. [LB748]

SENATOR AGUILAR: Thank you. Senator Avery. [LB748]

SENATOR AVERY: Thank you, Mr. Chair. Do you know of any designers of any kind, subsets that get certified, like certified kitchen designers, certified garage designers or bath designers? [LB748]

MARY CAMPBELL: I don't personally. There are some others to follow me that might be able to address that, maybe where you're going with that. [LB748]

SENATOR AVERY: I have an e-mail here from someone who claims to be certified as a bath designer and certified as a kitchen designer, took necessary coursework and exams to get those certification, and now considers that if we pass this legislation, she will now have to do another certification which she sees as redundant to what she already has. [LB748]

MARY CAMPBELL: I do think that the language describing what they can do in the bill is very broad, and I think there is that possible interpretation that we're putting out a very wide net here and bringing in other professions that already feel that they are adequately qualified and credentialed to do their particular profession without adding this burden to it. [LB748]

SENATOR AVERY: I have a stack of e-mails here from a group called the NKBA--I presume everybody else got those--which is something I've never heard of, the National Kitchen and Bath Association and... [LB748]

MARY CAMPBELL: And they're very passionate about those views. [LB748]

SENATOR AVERY: Yeah, and they claim they're already certified. Did the AIA's oppose

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that certification? [LB748]

MARY CAMPBELL: I don't know that has ever come before the state of Nebraska. This information coming from the national and that's the sole extent of my knowledge of that organization. I just became aware of their position this weekend. As I said... [LB748]

SENATOR AVERY: Would you consider ASID to be a national organization? [LB748]

MARY CAMPBELL: Yes, it is. [LB748]

SENATOR AVERY: And do you see that as kind of...a least a substitute certification for interior designers or... [LB748]

MARY CAMPBELL: To my mind it is. [LB748]

SENATOR AVERY: Okay. [LB748]

MARY CAMPBELL: And to my mind it is rigorous one. [LB748]

SENATOR AGUILAR: No further questions, thank you, Mary. [LB748]

MARY CAMPBELL: Thank you. [LB748]

SENATOR AGUILAR: Next opponent. If you're waiting to testify, you might want to move to the front. There are empty seats up here. Welcome. [LB748]

ED VIDLAK: My name is Ed Vidlak, that's V-i-d-l-a-k, and I'm here representing the American Institute of Architects. Thank you, Senator Aguilar and the committee for allowing me the privilege to address you today and to speak on behalf of our state and local chapters of the American Institute of Architects, which includes in this state AIA Omaha, AIA Lincoln, AIA western Nebraska, and AIA Nebraska. I have served as past president for both the AIA Lincoln chapter and AIA Nebraska chapters, and I'm currently serving as one of two representatives to our national board representing the central states region. I forwarded a draft of what I wanted to speak today to you to Mary, and in the interest of time she edited it pretty well for me, so I'm going to be as brief as I possibly can (laughter). Just very quickly, first of all, the right of passage or the process to become a professional architect in this country and in the state of Nebraska is a heavily scrutinized and a very rigorous process. It includes a six year education process where you earn a professional accredited degree in architecture. It includes a three year apprenticeship program that is monitored, an extensive examination program that touches all disciplines related to construction and design, and after registration there is a continuing education process that is mandated in order to maintain your license. The process is scrutinized and rigorous for one very simple reason: The preservation of the

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public's health, safety, and welfare. And upholding the public safety and overseeing this responsibility from design through construction with every discipline involved in our projects is a job that we are proud to assume and a job that we take very seriously. In regards to LB748, you may have heard today from interior designers that the national trend is for state certification of interior designers and our research shows that the trend is actually the opposite. In spite of 15-20 years ago when there seemed to be momentum for certification or registration of interior designers, over the past 6 years we found only 3 states have passed regulatory programs, including Kentucky, New Jersey, and Iowa. But similar legislation was defeated in Oklahoma, for example, and rejected by no less than a dozen other states over that same period since 2002. Alabama declared the Interior Design Act unconstitutional and Colorado implemented language that specifically excludes interior designers from the state's Architectural Practice Act. And as Mary shared with you, the governor from Indiana clearly vetoed a similar act in their state. You may have heard today from the interior design lobby that landscape architects are certified, why can't we be certified under our state laws? Whereas landscape architect's education and registration process is similar in that of engineers and architects and are responsible for health, safety, and welfare of codes outside the building envelope, the work of an architect is directly responsible for the health, safety, and welfare for building occupants. Allowing interior designers certification only confuses the public's understanding of who is ultimately responsible for the safety within the building envelop. You may have heard today that the American Institute of Architects and professional architects across our state already endorse new methods of project delivery, and I think this was part of a couple of testimonies. One such project delivery is integrative practice, which is a process that is heavily endorsed by AIA. It's a process that includes all design and construction disciplines and it occurs throughout the life of a project, starting in design, through construction, and ultimately the occupancy of a building. Now though interior designers are recognized as important and very valued partners in this process, at the end of the day the architect is still the most qualified and best equipped to oversee the team and the compliance of health, safety, and welfare code issues. Further, though integrative practice requires teamwork and collaboration, many of the professionals on this team are not nor do they require certification by the state. Owners are not necessarily certified, cost estimators are not certified, specialized design consultants and many specialized subcontractors are not certified but are certainly all part of this team. Mr. Hoistad in his earlier testimony is correct that the design team and the process for delivering projects is an ever increasingly and complex situation which is only more reason why we must ensure that the architect continue to serve as the team's manager or the team's captain. You may have heard today that the public is demanding legislation for state certification of interior designers, and the truth is there is very little if any evidence of that. Current practice laws have served our state well for the last 80 years or so. Our greatest concern with this bill, as Mary pointed out, is if advanced it further clouds the public's understanding over who is ultimately responsible for the design of that project. Who among the project team understands life safety code and is ultimately responsible for design compliance

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related to health, safety, and welfare. We urge the interior design lobby to--as in other similar professions--to pursue refinement and the promotion of the self-regulation processes that are already in place for their profession. And we urge this committee to please vote against this bill and to preserve the existing regulation systems in our state, not water down or cloud the clarity of the existing laws that have served the public and this state so well for so many years, including the laws that allow this great building, which we are convening in today, to exist and serve our state so proudly over the past nine decades. So thank you again, Senator and the committee, for your attention. [LB748]

SENATOR AGUILAR: Thank you, Ed. Questions? Senator Pahls. [LB748]

SENATOR PAHLS: Chairman. I do appreciate the concept of self-regulation, less government. But also, you know, you indicated that a lot of these ideas have been defeated within the last few years, rejected by a dozen states. But don't you attribute that something to the power of your organization, the lobbying power because when you think of an architect, I mean...your organizations had to be fighting this. [LB748]

ED VIDLAK: Well, I think if that's true--and I'm sure in some states it has been true--it's only because the issue of clarity had become a problem in those jurisdictions, and there was push-back from the architectural community as a result of that. [LB748]

SENATOR AGUILAR: Senator Adams. [LB748]

SENATOR ADAMS: Are you familiar with why, I'm curious, the state of Alabama Supreme Court ruled their certification language unconstitutional? Didn't you say in your testimony that the Alabama State Supreme Court had ruled their statute unconstitutional? [LB748]

ED VIDLAK: That's correct, sir. [LB748]

SENATOR ADAMS: Do you know why? [LB748]

ED VIDLAK: It went back to that issue of clarity and the fact that the architect and engineer is ultimately responsible for the health, safety, and welfare of the building or for the projects. [LB748]

SENATOR AGUILAR: Further questions? Seeing none, thank you. Next opponent. Welcome. [LB748]

D'LEA BECKER: (Exhibit 16) Hi. Chairman and committee members, my name is D'Lea Becker, B-e-c-k-e-r. I am the vice president of government relations for the Nebraska chapter of NKBA. An acquaintance of former Senator Mary Price said I was to keep this

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to five minutes, so I think I'm at three and a half and what I've handed out is like bullets so it's not a major statement. We believe in NKBA there's no justification to add state regulation and license for interior designers. We believe this to be a marketing ploy to promote a portion of the interior design community. Is it the government's position to restrict the marketplace and impact the ability of Nebraska's working designers to compete effectively? LB748 will create a monopoly. It will create barriers to enter the profession and it gives government-imposed advantages to those already practicing. We have found at NKBA with our Ed Nagorsky, you've received e-mails from him and he's been watching litigation throughout the United States that a title act is the first step towards a practice act which is the ultimate goal. Is it the role of government to sanction one group of competitors over another and aid in their marketing campaign? Ed has said that ASID spent \$5 million in legislative actions as a marketing strategy to restrict competition. NKBA members on the other hand have spent millions, \$3 million annually in advertising, informing, and educating the public on the benefits of selecting NKBA members based on their knowledge, their education, their industry awareness, and professional affiliations. What happened to free enterprise? What happened to competition based on merit, skill, portfolio, work, and client references? How many consumer complaints have been filed in Nebraska because of unregulated interior designers? In 1985, 5 different states and agencies since 1985 have examined the need for titling and/or licensing laws for designers. All five found no benefit to the public. Many of you have received an extensive e-mail from Ed from the NKBA association and he lists the Alabama, the Indiana, also the veto by governor in Colorado and the veto in one other state, and also there is litigation going in the state of Texas for the constitutionality of their law down there. Public safety and awareness issues first and foremost, the public is not asking for protection nor the Division of Consumer Affairs nor the Attorney General's Office nor the Better Business Bureau. Nebraska citizens are protected in the built environment by the state's Architectural and Engineering Practice Acts and existing building codes through local inspectors and Fire Marshals. Nebraska citizens have consumer protection laws to pursue damages due to deceptive practices from any trade that they might hire. LB748 will not increase consumer protection, only add regulation and increase consumer confusion. Currently, there is only one accredited FIDER accreditation interior design program in Nebraska, which is UNL. Of those who graduate, less than half take the NCIDQ test and of those who take the test, only about 40 percent pass. The interior design community is seeking the aid of government regulations to help market their services and limit competition. The proposed LB748 legislation has nothing to do with public safety and welfare. It's all about a handful of designers who wish to distinguish themselves from the rest of the design community, even their own allied members who wouldn't be certified at the time, with the help of the state. We believe there's no justification to add state regulations and license for interior designers. Thank you. [LB748]

SENATOR AGUILAR: Questions? Senator Pahls. [LB748]

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SENATOR PAHLS: I'm just reading this and I appreciate the bullets. I see ploy, barrier, impose, the marketing, lack of free enterprise, limited competition, barriers. These are pretty tough words. [LB748]

D'LEA BECKER: I'm passing on bullets from various people in our Nebraska organization and from the national organization as their representative being the VP of Government Relations. [LB748]

SENATOR PAHLS: This is not a reflection on you. I'm just saying (inaudible). It's not at all meant that way. I'm just saying there are some really strong statements being made here. Okay. [LB748]

D'LEA BECKER: If a practice act should happen, it would affect anybody that does flooring, tile installation, Lowe's, Home Depot, all of those people. And if this is the first step to prepare for that, it's going to affect a great deal of people who are employed and employers in the state and we're already in almost a recession now. [LB748]

SENATOR PAHLS: Thank you. [LB748]

SENATOR AGUILAR: One of the points is, is it the role of government to sanction one group of competitors over another? Who do you consider the competitors of a certified interior designer? [LB748]

D'LEA BECKER: Well, NKBA certifies its people and they have associates, a certification in kitchen and certification in bath, so it would be placing them over us and giving them authority that we wouldn't have. [LB748]

SENATOR AGUILAR: You just said they are already certified. [LB748]

D'LEA BECKER: Right, but that's our association. So if they used the term interior designer, we're kitchen and bath designers. [LB748]

SENATOR AGUILAR: Another statement you made was that the public was not asking for protection. That may very well be the case but they certainly expect it. [LB748]

D'LEA BECKER: That's true and they have lots of means for that with their safety through codes, building codes, inspectors, architects, engineers, all of those practice acts and codes and guidelines are there to protect the consumer, and anyone even installing a kitchen or a bath has to have it approved by a code inspection if they're putting in appliances and fixtures. [LB748]

SENATOR AGUILAR: Then why are the kitchen and bath people certified? [LB748]

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D'LEA BECKER: Because we have taken the education and we've had the experience through the organization and our college education as well. [LB748]

SENATOR AGUILAR: Thank you. Further questions? Senator Avery. [LB748]

SENATOR AVERY: Thank you, Mr. Chair. Your organization certifies bath and kitchen designers, right? [LB748]

D'LEA BECKER: Correct. [LB748]

SENATOR AVERY: Do you have a state board that further sanctions your certification? [LB748]

D'LEA BECKER: Ours is a national organization and we have independent testers and a company that does all of the testing. It's not done by our national or a state group. It's done by an independent organization that tests through the national office. [LB748]

SENATOR AVERY: This legislation would create a new state board... [LB748]

D'LEA BECKER: For the interior designers. [LB748]

SENATOR AVERY: ...for interior designers. Is it your understanding that they currently have a national organization similar to yours, such as the ASID... [LB748]

D'LEA BECKER: Correct. [LB748]

SENATOR AVERY: ...that provides them with that certification? [LB748]

D'LEA BECKER: But who administers the test, who grades it, and who monitors its? Ours is independent. [LB748]

SENATOR AVERY: But they already have...the ASID, already has a testing process, and if you put ASID beside your name, that means that you have taken the test and you have passed it presumably and you are then "certified." The only difference is it's not a sanction by the state and not administered by the state. [LB748]

D'LEA BECKER: Correct, for them, as far as I understand, for them. [LB748]

SENATOR AVERY: Thank you. [LB748]

SENATOR AGUILAR: Further questions? Seeing none, thank you for coming down today, Ms. Becker. [LB748]

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D'LEA BECKER: Thank you. [LB748]

SENATOR AGUILAR: Next opponent. [LB748]

JEAN PETSCH: Good afternoon all. I'm Jean Petsch, P-e-t-s-c-h. I'm executive director of the Associate General Contractors-Nebraska Building Chapter. The Nebraska Building Chapter does oppose LB748, and I think all of our reasons have already been presented this afternoon. Two things that are probably unique from the construction side of things, the construction community and the architects and engineers work very close in team environment to protect the health, safety, and welfare of the public when they're constructing new and remodeled structures. One issue, the interior designers do have a lot of education and a lot of that is in areas that's different from the architects and from our members that are graduates with degrees in construction management. I think that the difference the architects and the construction management graduates have much more extensive coursework in what it takes to...the more in depth knowledge of complex building methods and procedures to develop the infrastructure that building codes and more complex buildings do require. So you know, basically our stand is although the interior designers do add to the process at the design level in working with the architects, they do not directly effect the public health, safety and we just really don't feel that the regulation is necessary. They're already working in conjunction with registered architects or registered engineers and so we feel like it's a duplication or not necessary. [LB748]

SENATOR AGUILAR: Thank you. Questions for Jean? Seeing none, thank you for being here today. Further opponents? All right. How about some neutral testimony? Welcome. [LB748]

MELINDA PEARSON: (Exhibit 17) Thank you. I have a handout. Good afternoon. My name is Melinda Pearson, P-e-a-r-s-o-n. I am the executive director of the Nebraska Board of Engineers and Architects and I am here today to testify in a neutral capacity and I have handed out a one-page synopsis. Our board took a vote at their last board meeting on January 11 to provide neutral testimony. I am here really to answer any questions that you might have of me. [LB748]

SENATOR AGUILAR: Okay. Thank you. Let me start off with one. Have you ever heard of an instance where an interior designer tried to pass themselves off as an architect? [LB748]

MELINDA PEARSON: Pass themselves off as an architect? No. Because Nebraska has a practice act for architecture and engineering, that means that they would actually have to say they were an architect and that does not happen. I mean, that just doesn't happen. I think what would be more typical would be an interior designer who might maybe blur that line between what is "interior design" and what would be the practice of

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architecture or engineering. That would fall into the unlicensed practice portion. [LB748]

SENATOR AGUILAR: Thank you. Senator Pahls. [LB748]

SENATOR PAHLS: Thank you, Chairman. Melinda, I have a question. I see the word practice act now. One of the statements said earlier a title act is usually the first step towards a practice act. Is that what you think is the goal here? [LB748]

MELINDA PEARSON: Do I personally? I have no idea. I do know that this reads as a title act, in my opinion and I'm not schooled in the law. To me it reads as a title act. I do know that a couple of years ago I think they did propose a practice act, but personally this looks to me like a title act. [LB748]

SENATOR PAHLS: Okay. Thank you. [LB748]

SENATOR AGUILAR: Further questions? Seeing none, thank you for coming down today. [LB748]

MELINDA PEARSON: Thank you and feel free to contact our office if you have any further questions. [LB748]

SENATOR AGUILAR: We appreciate that. Any other neutral testimony? Seeing none, Senator Rogert to close. [LB748]

SENATOR ROBERT: Thank you, folks. It's been a long afternoon. I'm going to try to be quick, and I'm going to try to answer a few of the questions that were brought up as we went through. The testimony that was written out and handed to us on the official by the AIA, I circled a section down here about half way. It says, more people who are killed are injured annually by interior fires and structural failures. In my opinion, this is a reason why exactly we need this type of a title act, it certifies those that are qualified in that area rather than those that are not by their education and their experience. I think it's interesting to me that the architectural college is in favor of this. There are architectural firms that are in favor of this. However, the AIA is not in favor of that. Senator Avery, you mentioned that the architects are against this and actually some architects are against this. The AIA does not mean all architects. That to me means that ALEC and NCSL speaks for us every time and they don't. The AIA, if they claim that it's not a turf war between the architects and the designers, but rather a clarification between designers and decorators, I have questions about that. If they weren't really concerned about losing some notoriety, maybe their lobbyists wouldn't be here claiming better government. So I think that designers are already free from the system that they mention. They're practicing on their own by using distinctions that they're probably not qualified for. All this does is it certifies that they have the education and the requirements and the experience necessary to perform those types of jobs. The

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instance that Mr. Holland mentioned with the structure that was obtained and remodeled for the use of children, they didn't hire an architect. They were designers that tried to do this on their own, obviously without the experience and the education needed. Luckily Mr. Holland caught that as an architect being on the board by pure coincidence and stopped the problem that could have been bad. That's why we're also...another reason why we're claiming to need this type of certification. Twenty-six states have done this. The GSA, the General Service Administration has said that it's a good idea. It was mentioned that there are just as many states that don't have it and I would also say that most of these certifications have come about in the past 10 or 15 years, the meaning that a lot of these states are starting to see a need. The National Kitchen and Bath Association is another one of many, many, many organizations that different designers can be a part of. And that's not a state certificate but it's just an organization, just like the AIA is just an organization that architects can be members of, that's not a state certification. This title act provides that and it actually levels the playing field rather than creating, you know, another group. It levels the playing field and says if you are qualified and you have the experience, take the test and prove it and then you are just fine. If you're not...it was mentioned that 40 percent passed this exam, 60 percent don't--60 percent aren't qualified and that bothers me that we have some of those folks out trying to do the work that they're not qualified to do because they're not required to work under an architect in any state or by any (inaudible) means. So I guess that's really all I have. I appreciate your time for this afternoon and with that, I'll close. [LB748]

SENATOR AGUILAR: Questions? Senator Pahls. [LB748]

SENATOR PAHLS: Thank you, Chairman. Senator, you said this is a title act. [LB748]

SENATOR ROBERT: Yes. [LB748]

SENATOR PAHLS: We're in agreement with that. Do you think this is the first step? Is that... [LB748]

SENATOR ROBERT: I don't. I actually think it's the opposite. If they came through with a practice act a couple of years, they realized that was not a, you know, not a necessary step or an obtainable step. They've come with the title act in lieu of. [LB748]

SENATOR PAHLS: Okay. Thank you. [LB748]

SENATOR AGUILAR: Senator Rogert, as a business person, in your opinion do you think an architectural firm could enhance their abilities if they had an interior design person on their staff? [LB748]

SENATOR ROBERT: I think so and I think most of them do have interior designers on their staff, but they are able to advertise in their bids that they are certified interior

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designers that will actually perform the interior design work. And it actually with the reciprocity portion of this, would allow firms in Nebraska to do work in Council Bluffs, in Kansas City because we do...our big firms do make bids across the Midwest. And if they're requiring that certification of the interior designers on their staff and we don't have it, they're out of the bid process right away. [LB748]

SENATOR AGUILAR: Which would explain why some architects are in favor of this legislation. [LB748]

SENATOR ROBERT: I think so. [LB748]

SENATOR AGUILAR: Thank you. Senator Avery. [LB748]

SENATOR AVERY: Final question, Mr. Chair, thank you. Senator Robert, we already have the Engineers and Architects Regulation Act... [LB748]

SENATOR ROBERT: Yeah. [LB748]

SENATOR AVERY: ...which governs the practice of engineering and architecture in the state, safeguarding life, safeguarding health, and property, (inaudible) public welfare, similar things to what you're proposing here with this new agency or new commission that carries a fiscal notice in excess of \$30,000. Is this really necessary? [LB748]

SENATOR ROBERT: Well, it was mentioned here just towards the end of the testimony that the architects and engineers form a nicely organized team and they work well together for these types of things. I think that for concerns of public safety and welfare, adding another member to the team certainly can't hurt. And that's a fairly innocuous dollar figure in the large scheme of things, you know. One major accident that would be kept off the books would be worth it, in my opinion, for that amount of money. [LB748]

SENATOR AVERY: Oh, I agree, but engineers and architects already charged with that responsibility. [LB748]

SENATOR ROBERT: But engineers and architects aren't always there on these projects. Nobody has required to hire an engineer or an architect when they remodel a daycare, for example. [LB748]

SENATOR AVERY: Would they be required to hire an interior designer? [LB748]

SENATOR ROBERT: No, but they may be able to afford to hire an interior designer with a certification, and if they have the certification, they would be more well assured that they could, you know, do it safely for the kids. [LB748]

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SENATOR AVERY: But they still have the building codes. [LB748]

SENATOR ROBERT: Right. But some of these things aren't always building codes, you know. I think surface, you know, paint, carpets, antislip, there are extra things over and above building codes that apply towards different applications such as children rather than adults that would be more utilized by a certified... [LB748]

SENATOR AVERY: I will grant you that. The building code does not cover things that are generally thought to be aesthetic but also might have another value that adds to safety... [LB748]

SENATOR ROBERT: Yeah. [LB748]

SENATOR AVERY: ...and well-being. But you know, if you build a deck on your house, you're going to have to meet codes. [LB748]

SENATOR ROBERT: Sure. [LB748]

SENATOR AVERY: And the city is going to send an inspector out to make sure you did. [LB748]

SENATOR ROBERT: Sure. [LB748]

SENATOR AVERY: And if you didn't do it, they're going to make you tear it down. [LB748]

SENATOR ROBERT: I agree. [LB748]

SENATOR AVERY: I have some experience with this, I think (laughter). I have no more, Mr. Chair. [LB748]

SENATOR ROBERT: If you'd have hired a certified designer, maybe you could have been a little better. [LB748]

SENATOR AGUILAR: No further questions...yes, there is one. Senator Karpisek. [LB748]

SENATOR KARPISEK: Thank you, Chairman. Senator Robert, you talk about the reciprocity. If we had someone in Omaha that was doing...wanted to do business in Iowa or Kansas where they have the law, could they take the test and be licensed in that state? [LB748]

SENATOR ROBERT: Yes. Several of the folks here are...they have taken the test but

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they can't carry...we don't have designation of certified. And so, I mean, you might have to subnote it and say, yeah, well, we're qualified, we just don't have the state certification and the process and, you know, not actually having it is a few steps down from having the certification even if you're qualified. [LB748]

SENATOR KARPISEK: Couldn't you say certified in Kansas? [LB748]

SENATOR ROBERT: I suppose, if you had taken their certification and became licensed there. [LB748]

SENATOR KARPISEK: Okay. Thank you. Thank you, Chairman. [LB748]

SENATOR AGUILAR: No further questions? Thank you, Senator Robert. That closes the hearing on LB748 and the hearings for today. [LB748]

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Disposition of Bills:

LB748 - Held in committee.

LB822 - Advanced to General File, as amended.

LB904 - Advanced to General File.

Chairperson

Committee Clerk