

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: Tom Brewer from Gordon, representing the 43rd Legislative District and I am the Chair of this committee. For the safety of our committee members, staff, pages, and the public, we ask those attending our hearings to abide by the following policies. Due to the social-distancing requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it's necessary for your bill hearing. Now today, we won't worry about that because I don't think we're going to have an overflow crowd. The bills will be taken up in the order that they're posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between bills to allow time for the public to move in and move out and our pages to clean the table. We request that everyone utilize the identified entrance and exits to the hearing room. Please note the exit door is on the side of the hearing room to the right for me, left for you. Request that you wear your face coverings while in the hearing room. Testifiers may remove their face covering during testimony to assist committee members and transcribers in clearly hearing and understanding your testimony. The committee members-- for the committee members, I will leave it up to your discretion on whether to wear the face covers or not so that you can properly be heard. Keep in mind, we do have the plexiglass and the dividers-- plexiglass dividers and spacing to assist in proper distancing. Pages will sani-- sani-- sanitize the table between each presenter. Public hearings for which attendance reaches the seating capacity, the entrance door will be monitored by the Sergeant at Arms. Again, I don't know if that will be a problem today. The Legislature does not have the ability, due to HVAC projects, to have an overflow hearing room, so those waiting to testify would need to wait in the hallway. We ask that you please limit handouts or eliminate them. The committee will take up bills in the order they are posted on the agenda-- again. Our hearing today is your public part in the legislative process. This is your opportunity to express your position on proposed legislation before us today. Committee members might come and go during the hearing. This is just part of the process. We have bills to introduce in other committee hearings. Senators will also be working off their computers in order to electronically look up bills and also will be getting notified via their cell phones when they're up to speak in other committee hearings. Please silence or turn off any cell phones or electronic devices so it does not distract from presenters. No food or drink in

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

the hearing room. Please move to the reserved chairs when you get ready to testify. We've got the chairs on the side and we've got the designated chairs that you'll see the white signs on-- those are the ones-- and then just move forward as your bill is being presented and, and you're a presenter. Let's see, introducers will make their initial statement, followed by proponents, opponents, and neutral testifiers. Closing remarks are reserved for the introducing senator. If you're planning to testify, please pick up a green sheet and be sure and have that ready to present when you come forward to do your presentation. Please print legibly. When it's your turn to testify, present that to either one of the pages or to committee clerk. This will help us accurately record your testimony. If you're sending letters in, they must be posted by-- letters in for testimony must be posted by 12:00 p.m.-- and that's Central Standard Time-- the day prior. If you have handouts, please make sure you have 12 copies to give the pages so that they can distribute them. If you do have letters that are inbound, they must identify the bill number, whether you're a proponent, opponent, or neutral. We will only be reading the letter-- the number of letters in each of those positions. Mass mailings will not be included. When you come up to testify, please speak clearly into the microphone. Tell us your name and then please spell your first and last name to ensure that we get an accurate record. We will be using the light system for testifiers today. You will have five minutes for your initial remarks to the committee. Your yellow light will come with one minute to go and your red light and an audible alarm should go off when your time has expired. No displays of support or opposition to bills or vocal-- vocal or otherwise will be allowed during hearings. Committee members with us today will introduce themselves starting on my right.

BLOOD: Good morning. My name is Senator Carol Blood and I represent western Bellevue and southeastern Papillion, Nebraska.

McCOLLISTER: John McCollister, District 20, central Omaha.

SANDERS: Good morning. Rita Sanders, District 45, Bellevue-Offutt community.

M. HANSEN: Matt Hansen, District 26 in northeast Lincoln.

LOWE: John Lowe, District 37.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

HALLORAN: Steve Halloran, District 33, which is Adams and parts of Hall County.

BREWER: Committee legal counsel, Dick Clark, on my right and on the corner over there, our committee clerk, Judy Condon-- Julie Condon, and our pages in the morning is Jon Laska-- Jon-- he's a senior at UNL from the town of Genoa, and Ryan Koch-- where's Ryan-- over in the corner over there. He is a senior also and he's from the striving metropolis of Hebron. With that said, Senator Briese, we need to get you to another committee, so come on up.

BRIESE: Thank you and good morning, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. I'm Tom Briese, T-o-m B-r-i-e-s-e, and I'm here today to introduce LB283. LB283 would move Nebraska into year-round daylight savings time once two conditions are met. First of all, the federal government must allow states to do so and second, three of our neighboring states must pass similar bills. This bill first came to me from a discussion with a constituent who wanted to know whether Nebraska was a part of the growing number of states who have implemented legislation allowing for year-round daylight savings time. As of this time last year, the number was eight. After the 2020 legislative sessions, it is now 14. The answer of why we cannot currently simply move to year-round daylight savings time is somewhat complicated. After the, after the end of the Second World War, daylight savings time was observed in many states, but not others and began and ended on various days in those states. This led to a very confusing few weeks every spring and fall, so the federal government in 1966 passed the Uniform Time Act, which allowed states to opt out of daylight savings time, but which gave prescribed beginning and end dates for those states which do participate, meaning that state's choices are, as it stands now, year-round standard time or change our clocks twice a year. It seems everyone in the state hates the idea of having to change their clocks twice a year and I really do mean everyone. The feedback my office and others have gotten-- has gotten over this has been overwhelming. The opinions on some Facebook polls conducted by local media and from what my office has received points to as much as 85 percent of folks strongly supporting an end to changing our clocks twice a year. And they're not wrong. The medical and personal costs are substantial. Folks with epilepsy and other conditions causing seizures report seeing an increase in the week after the change. Heart attacks go up too. A study by the University of Michigan, the University of

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

Colorado, and the U.S. Department of Veterans Affairs in 2014 found a 24 percent increase in heart attacks on the Monday following the time change and other studies have shown statistically significant increases for up to a week after that. A study by Finnish researchers in 2016 showed an increase in stroke of up to 25 percent for the two days following the spring time change. Another study by the University of Colorado, over 700,000 car accidents found a 6 percent increase in fatal car accidents in that week after changing times. This practice is actually hurting and even killing people. The time change is also costing us money in the cost of injuries and in other ways. An organizational economist with the University of Oregon found a 6 percent increase in workplace injuries among miners and the injuries more severe than the typical trend, resulting in a 67 percent increase in lost workdays. A 2012 study published in the Journal of Applied Psychology showed a substantial decrease in worker activity and an increase in idle time in the mornings of the days following the time change. Between medical costs, sick days from heart attacks, strokes, and car accidents, lost workdays from workplace injuries, and simple decreased efficiency at work, the costs really do begin to add up. Furthermore, an economics and analytics company undertook a study entitled "Estimating the Economic Loss of Daylight Savings Time," which led others to create a lost hour index and an interactive map to show the economic cost to businesses. That analytics company estimated that businesses in the U.S. lose over \$430 million of economic activity every year in the days after the spring change. Considering that Nebraska makes up around point-- 5.22 percent of the U.S. economy by GDP, it's safe to say, according to that study, our businesses are losing over \$2.2 million a year all to carry out an anachronistic practice. And that leads me really to the-- one of my greatest reasons for suggesting this time change and that is the potential in economic activity that this time change could generate. You know, we talk all the time here about growing our state, creating opportunities for our residents. We can talk tax policy. We can talk business incentives. We can talk our education systems and need for childcare, but generating economic activity, generating opportunity for our citizens should always be a goal of ours and I would suggest that year-round daylight savings time could be a tool in our efforts to grow our state's economy. Countless commentary suggests a net increase in consumer spending and hence economic activity flowing from an extra hour of daylight in the evening. In, in November of 2016, JPMorgan Chase and Company published a study-- which I've handed out. You can review--

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

assessing the economic impact of daylight savings time. They did this by comparing economic activity for the 30-day periods immediately before-- immediately after the beginning of standard time and the beginning of daylight savings time in three urban areas to the-- compare that to the activity found in Phoenix, where daylight savings time is not recognized. In it, they found an average increase in credit card activity of 1.5 percent for the 30 days immediately following the start of daylight savings time and an average decrease of 3.5 percent following the start of standard time. As the Chase study noted, their comparisons indicate that economic impact of daylight savings time is not uniform and the impact on a given city is an empirical question, but their data does raise some intriguing considerations. Depending on the source you ask, consumer spending in Nebraska roughly totals \$80 billion a year, give or take, and for the sake of simplicity would equal \$6.6 billion a month. If we could surmise from the Chase study that year-round daylight savings time would generate perhaps a 2 percent bump in economic activity for the four months, for the four months of winter we're talking about, we're talking about roughly \$530 million in increased economic activity. Now these numbers are admittedly speculative. I wouldn't take them to the bank, but I think they're definitely food-- food for thought as you look for ways to grow our state and generate economic activity in our state. And finally, another reason to consider year-round daylight savings time over standard time is a trend nationwide. In 2017, no states had passed legislation calling for doing away with the time change. As of today, 14 states, including Wyoming, have passed legislation to go to year-round daylight savings time. There are also bills in the U.S. House and Senate to allow for this. So my last message to the committee is, is this: the trend is happening regardless of what happens here in Nebraska. Fourteen states have already done this and at least 26 more states have legislation introduced in the current session to do away with the time change. Almost all of those passed and introduced bills contain triggers much like LB283. They don't take effect until one of our neighboring states pass similar legislation or in this-- case of this bill, three states. Once something passes at the federal level, the dominoes on this are going to begin falling very quickly, I would predict. I don't believe that any of us want to see Nebraska left behind when states all across the country stop changing their clocks and have us sitting here still carrying out this deadly, costly, and pointless exercise. And again, I think if it's implemented soon and if we get federal authority soon

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

enough, this could be another tool that can help our businesses
recover from the impact, impact of the pandemic going forward. So I
would ask for your consideration of this bill. I'd be happy to answer
any questions or I could be happy to answer in my closing, which I'll
try to be here for that. Thank you.

BREWER: Thank you, Senator Briese. All right, questions for Senator
Briese on LB283? Senator Blood.

BLOOD: Thank you, Chairperson Brewer. Thank you, Senator Briese. I, I
actually have a question-- I'll make it quick because I know you need
to go to another hearing. I remember the last time we had this bill
and the time before that one of the people whose opinions differ with
the numbers that you showed us were the golf courses in Nebraska.

BRIESE: Yes.

BLOOD: And they had substantial evidence that showed that were we to
move forward on this, they would lose a lot of money. What would be
your response to that?

BRIESE: Their objection was in response to Senator--

BREWER: Brasch.

BRIESE: --a previous senator-- Senator Brasch's bill, two years ago or
three years ago to move to year-round standard time. And they would
have lost that extra daylight in the evening during the summer and
that was a legitimate concern and really that concern is what stopped,
I think, the implementation of year-round standard time because that
would have cost us that extra hour. This, this preserves an extra
hour, at least in the winter months relative to now, and that's why
this is a different-- obviously a different bill--

BLOOD: Right.

BRIESE: --different approach and I think from the economic argument
standpoint, this, this makes sense.

BLOOD: And then what would be your response on why we're not waiting
for the federal government to get it done?

BRIESE: Why we're not waiting?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BLOOD: Right.

BRIESE: Well, so we have the-- my response would be so we have this in
place when the federal government does approve it.

BLOOD: And do we--

BRIESE: We, we could implement it probably a year quicker this way,
having it in place.

BLOOD: Haven't they worked on it for more than a decade, though?

BRIESE: Well, there's been a lot of talk about-- I think President
Trump was probably trying to do it. I think Senator Marco Rubio has
been trying to do it and, you know, there, there was-- I, I think
gaining momentum over time. And, and again, this is a-- I think it's
another one of those tools that can help us as we recover from the
impact of the pandemic. And I think the federal government really
ought to consider that aspect of it too. Nationwide, it could be a
tool for a lot of states to use to help, help economic recovery.

BLOOD: Fair enough. Thank you.

BRIESE: And I, and I would add I think there's probably someone coming
behind me that's a pretty good expert on some of these issues too--
would be probably helpful.

BREWER: All right, additional questions? Senator Halloran.

HALLORAN: Thank, thank you, Mr. Chairman. So this is kind of a
no-harm, no-foul bill, right?

BRIESE: That--

HALLORAN: --and nothing, nothing will happen unless the federal
government or adjoining states--

BRIESE: Right, plus three adjoining states--

HALLORAN: All right.

BRIESE: --yes.

HALLORAN: OK, thank you, Senator.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: And currently we have one if, if Wyoming has--

BRIESE: Yes, Wyoming did it, I believe this last session. There is
currently several bills having been introduced to do the same thing.

BREWER: So it basically sits on the shelf until we have enough states
hit the trigger--

BRIESE: Yes.

BREWER: --to move forward with it?

BRIESE: Yes, in a, in an effort not to be an island here by ourself.

BREWER: Yeah. I'm sure the airlines would pull out their hair if that
got to be too--

BRIESE: Yes.

BREWER: --much of a checkerboard of states that--

BRIESE: And I would certainly predict as more states implement this,
you know, the dominoes will fall and I would think other states will
be following it.

BREWER: All right, additional questions? Seeing none, you need to go
to Revenue--

BRIESE: Yes.

BREWER: --and then you think you'll come back for close if possible?

BRIESE: I'll try to be back here, yes.

BREWER: All righty. Thank you for your opening.

BRIESE: Thank you.

BREWER: All right, we'll do a quick cleanup of the, the testifier's
chair. Jonathan, we've been scoring people on the quality of work they
do and we by far think you're the best cleaner of all of them.

JONATHAN LASKA: Got to make sure it's clean. Thank you.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: You're thorough and you move with a purpose. I like that. All right, our first proponent for LB283, come on up.

SCOTT YATES: [INAUDIBLE]

BREWER: Well, you can just-- you-- no, you, you can grab-- just as long as you're in line there, you're good. And you got the green sheet passed out. All right, you passed all the checks there. Welcome to the Government Committee.

SCOTT YATES: Thank you very much. It's an honor to be here. My name is Scott Yates, Y-- S-c-o-t-t Y-a-t-e-s. I'm from the neighboring state of Colorado and it's a real honor to be here. I remember some of you from the last time I was here in Nebraska to testify and it's, it's, it's great to be back. I don't have a prepared testimony. You know, my name is Scott Yates. I'm sort of the international leader of the Lock the Clock movement, otherwise known as just me and my blog. I've been doing this-- this is my seventh year now. When I started, it was just a blog with me complaining because I didn't like the daylight saving time change. What I realized pretty quickly was that there was a lot of research about all of the reasons that it does make sense to get rid of changing the clock twice a year and I collected that research into my blog and made it very handy for legislators and so we've had great success around the country. All-- Senator Briese's testimony was fantastic and a good compilation of all the research. And, and it's been an honor to be part of that process by having all that research handy and all in one place. So I don't come to you necessarily as an advocate for any one particular group, but I can tell you, you know, if the situation was different, you'd have a string of experts that would come before you and advocate for one of various slices of the positions that go along with this topic. For instance, if we had farmers here, they would tell you that farmers often get blamed for why we have daylight saving time in the first place and it turns out that that has never been the case, that the reason that we all think the farmers wanted daylight saving time is that a, a retailer in Boston wanted daylight saving time and thought that he would have better success if he said the farmers wanted it and not so that it would help his retail sales at his store in Boston. So Wyoming, as was pointed out earlier, did pass a bill last year and we were very happy to have the farm bureau in Wyoming in support of the bill, locking the clock in Wyoming and so, so that-- so anyway, farmers, if, if-- I don't know if we have any farmers-- anybody from the Farm Bureau here

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

to testify or from dairy. I testified-- as to the other two states that you would need for this bill to take effect, I testified last week by Zoom in Iowa and that bill sailed through the committee and I think that there's a very good chance that Iowa's bill will pass last [SIC] year. And then actually after I'm done here today, my son and I-- who is back row-- are going to get in our car and drive down to Topeka and talk to the sponsor of the bill there. They've-- he said-- he told me by email last night that he has, I think, 40 cosponsors already, so he thinks there's a pretty good chance that Kansas is going to pass this year also. If there were health experts here, they would tell you, as Senator Briese pointed out, that, that, you know, ending the clock changing is the most important thing. There was a new study that just came out this year that admissions to hospitals for just about everything go up in the few days after the spring-forward time change because we're going and robbing an hour of sleep from people in the middle of the night. People aren't expecting it. They wake up on that Sunday and especially on that Monday morning and things-- everything from wrist injury to kidney failure all go up in the few days after the spring-forward time change. So if they were here, they would say that you should definitely pass this bill. Business, obviously, as Senator Briese pointed out, would be strongly in favor of this bill. There are some people that would be opposed to this bill because they say that we should be in permanent standard time. There's a group of sleep experts who say that the best thing for everybody would be is no matter where you are in the time zone, that you should be in permanent standard time and that's a legitimate point of view. There are other sleep scientists that say that's not as significant of an issue in our modern era because of all of the electronic devices and the way that we live our life is not so much dictated by the sun as it was-- had been. There are other experts-- mental health experts that would say that this is a great way to avoid Seasonal Affective Disorder. Also, a lot of child health experts who say that it's very important for kids to get exercise and to-- for kids to get exercise, the most important thing is that they have time after school to do that. So I think if we gathered all of those-- that research together, what everybody would say is the best thing that you could do is pass LB283 and, and, and, and, and so I think that's the best solution. And then if you'd like, in question and answer, I can maybe speak to Senator Rubio's bill and the way that this might interact with the federal legislation, but thank you very much.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: All right, thank you. All right, questions for Scott? Oh, yes, Senator Hansen.

M. HANSEN: Thank you, Chairman. Could you talk about the federal bill?

SCOTT YATES: Yes, happy to. So I've been working with Senator Rubio's Office and also there, there was a representative from Utah that had a bill that was similar that was in the House. Senator Rubio's bill-- if Senator Rubio's bill, in the form that was in the last Congress were to pass, you wouldn't actually even need this bill because that bill, Rubio's bill said that everybody just goes to daylight saving time automatically. No choice about it at all. I've been working with them to try to get that amended to make it so that if there are states that want to go into permanent standard time, they would be able to. But it seems like the pretty strong will of, of the Nebraska Legislature is that you move into permanent daylight time, so that wouldn't affect you. It's still a good idea to pass this because what his office has told me is the number one way that they are able to get cosponsors is if a legislature has passed a bill, they then go to the senators from that state and say, hey, your legislature has passed this, so why don't you cosponsor the bill? And the response is almost always positive, so passing this would be helpful on Senator Rubio's bill. On the bill that appeared last year in the House-- and that representative retired, but I think the new representative from that district in Utah is going to pick it up-- that would put-- that would make it so that states could either opt for permanent daylight saving time or permanent standard time or keep changing. I'm also trying to work with-- the staff member continued over and so I'm working with that staff member to try to get that amended because that creates the, the patchwork-- that problem where you have-- you're not sure which states are in which time zone. I will say, you know, Arizona is an example of a state that, that, you know, quit-- in fact, they had a representative a few years ago that put forth a bill that said we should start changing the clock twice a year because that will help us in our business dealings with-- their, their main trading partner is California and that will help us stay more in sync with California and be able to increase business activity. And the representative that introduced that was so overwhelmed with constituent response saying we don't care. It's confusing for them. It's not confusing for us. We like not having to change the clock, that the representative from Arizona actually had a press conference announcing he was killing his

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

own bill because he didn't want to risk the ire of his constituents.
So anyway, I hope that answers the question.

M. HANSEN: It does.

SCOTT YATES: In regards to federal bill, this is-- we, we have yet to
see what is going to happen with the way that that bill is going to be
structured, but there's no-- so even if Rubio, if Rubio passes the
exact same bill as that had been proposed before, this would still be
helpful in getting that bill passed.

M. HANSEN: All right, thank you.

BREWER: All right, additional questions? I mean, I guess my opinion on
this is that it would be nice not having to worry twice a year about
either being late for church or early for church, so thank you for
your testimony and have a good drive to Kansas.

SCOTT YATES: Thank you very much. Thank you.

BREWER: OK, next proponent of LB283.

SCOTT HILLEN: My name is Scott Hillen, S-c-o-t-t H-i-l-l-e-n. I reside
in Omaha and I would like to start by saying that Senator Briese and
Mr. Yates made a lot of the same points that I was intending to make
and in some cases, they expressed them far better than I could have.
That being said, thank you, Chairman Brewer, and members of the
committee for giving me the opportunity to be heard regarding this
legislation. As I understand it, this would place Nebraska in a
standard time, abolishing the semiannual time change we all dread. I
have been a proponent of this for many years and as has been
mentioned, I know every one of you know several people who complain
about having to get up an hour earlier in the spring and set their
clocks ahead. The scientific studies that had been mentioned show lots
of stress on the body, increased risk of heart attacks. There are
accident increases in this time after the-- excuse me-- accident
increases in traffic because of the time change because people were
driving sleep deprived for those first couple of weeks. In some
people, it also increases symptoms of depression. In these instances,
it is known as Seasonal Affective Disorder. A lot of people don't
think about the time change until it is upon them and that's when the
stress begins. I have included with me-- I have a couple of actual web

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

links to some studies that have been done that do reflect a lot of these things. And I believe as this bill is written, it would put the-- put us to the current summer hours. Am I correct in that? I fully support that because at certain times of the year, there would be less traveling directly into the glare of the sun and it would also promote possibly more outdoor physical activity. It would give people time to do things that they need light to do, like pick up dog poop in their yard. That's why it's also hard to do when you leave for work in the dark and you come home in the dark. Further, there is a stipulation that this legislation not go into effect until three other states adjoining us have adopted similar resolutions. I don't think that that stipulation should be necessary. Arizona does not have that requirement. Hawaii doesn't have adjoining states. Waiting until other states adopt similar legislation could take years, so why should our decisions rely on their decisions and, and their permission? I think that makes it a-- it's a state issue and I think that those do provide others the opportunity to possibly undermine our sovereignty as a state. And we all know that the federal government is currently trying to usurp as much power as it can with all their overreaches and what many consider unconstitutional actions, picking and choosing which laws should be enforced and ignoring those which are inconvenient for a specific agenda. We as Americans must stand against this trampling of our rights at every opportunity. This is why I would also strongly support a resolution making Nebraska a constitutional sanctuary state in that we will constantly and vehemently oppose any agendas being pushed by some in Washington, D.C. that would trample on our freedoms, but that is an issue for another day. Yes, it may be a little bit challenging to put this into place. There may be some question by certain agencies and yes, it will take a little getting used to, but I feel that getting rid of the biennial time change will, in the long run, be for the benefit of everyone. As some anonymous person-- and I have no idea who said this many years ago-- only government would believe that you can cut a foot off the top of the blanket, sew it to the bottom of the blanket, and have a longer blanket. So once the next March time change rolls around after this legislation is adopted, let's leave it there. Thank you very much for your time.

BREWER: Thank you and thank you for staying within the time. All right, questions? Well, I would tell you, I, I'm probably pretty sure that if we did do away with it, it wouldn't be long that people forget that we ever had one time or the other because it's, it's just-- I, I,

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

I don't think we're going to miss changing time if we do that because
it always seems like it's on that weekend when you forget and then you
end up out of sync with everything else going on.

SCOTT HILLEN: Exactly.

BREWER: All right. Well, thank you for your testimony.

SCOTT HILLEN: Thank you very much and you all have a wonderful day.

BREWER: Thank you. All right. We will continue with LB283 and
proponents. Any additional proponents? All right, we'll let Jonathan
get a little bit of cleaning done. Real quick, could I see the hands
of those that are here as opponents? How many are here in the neutral?
We got a neutral. All right, just to double-check, we didn't have any
opponents? We are transitioning directly to those in the neutral
testimony. Senator Halloran comes in here and eats lunch on that
table, so that's why we got to clean it.

JOE KOHOUT: Chair--

BREWER: Joe, welcome to the Government Committee.

JOE KOHOUT: Chairman Brewer and members of the Government, Military
and Veterans Affairs Committee, my name is Joe Kohout, K-o-h-o-u-t,
registered lobbyist appearing today on Nebraska-- on behalf of the
Nebraska Golf Association or Alliance, excuse me, of which the
Nebraska Golf Association is a member, but it's, it's an allied
organization of the Nebraska Section PGA, the Nebraska Club Managers
Association, and the Nebraska Golf Course Superintendents Association.
And let me explain a little bit about why we're sitting up here in a
neutral capacity because I think that would be helpful. It was
referenced before that during testimony in previous years, we stood in
opposition to the move to, to Central Time. And, and part of that
basis was because there's an enormous financial benefit that inures to
golf courses and to those who own them when you have that extra hour
of, of time during the day because a lot of our rounds during the year
are played in that 4:00 p.m. to 8:00 p.m. period during the rest of
the year. So-- and the PGA has taken a position-- national position in
opposition to that move. So I'm sitting here in a neutral capacity
because none of our organizations have taken, to my knowledge, a
position on moving it back in the time. The question that always comes

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

up and this is just-- and the, and the-- and our association asked me to just mention this to the committee, is what impact does this have on rounds in that time, in that time frame? Because in some cases, 70 percent of our revenues are coming in from those periods of times during those months, from those late evening rounds, whether you're talking about food and beverage or you're talking about rounds themselves, rentals, and that sort of thing. So we don't stand here in opposition. We just sit here and say, for your information in the past, we, we have opposed it and just for your information.

BREWER: All right, thank, thank you for your opening there-- or your testimony, Joe. Now just so I have it right, so if we go to daylight savings time, we've got more time, more daylight time during the day when you could golf, right?

JOE KOHOUT: Right and that's, and that's, I think, one thing that those previous bills did not do. They did not do that. And obviously, when we had our conversation, we didn't have the knowledge that, that I just heard today. And frank-- I'll be frank with everybody, when I was coming in here, I was planning to oppose it, but based on the testimony I heard, I've cleared moving to that neutral capacity in part because I think it's clear now what the intent is here and that is to move it to that, to that full daylight savings time. And so in that regard, we appreciate that. When we were talking, obviously, it wasn't just golf when these guys-- when these individuals start talking, they start talking about what happens to the, to those baseball games? As a baseball dad, I can't tell you how many times it's been light at 9:15 p.m. while we're still out there and they're, and they're in the fifth inning. That being said, it is, it is something that I think if, if we're able to identify that, then I, then I think we would-- you would not see us in a neutral capacity. You'd see us at the front end of the line.

BREWER: Kind of why I threw that question out there, but thank you for that clarification. And that was a, a nice shift of fire there from being opposed to neutral, kind of leaning a little bit toward the positive side. All right, questions for Joe? Senator Lowe.

LOWE: Thank you, Chairman. Joe, I just have a brief statement--

JOE KOHOUT: Um-hum.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

LOWE: --that I think I would really enjoy this because we'd be one
hour closer to lunch.

JOE KOHOUT: Yes, that is true.

BREWER: OK, any other words of wisdom? All right, well, thank you and
thanks for your testimony.

JOE KOHOUT: Thank you, Mr. Chairman.

***KORBY GILBERTSON:** Good afternoon, Chairman Brewer, and members of the
Government Committee. My name is Korby Gilbertson, I am here today to
testify on behalf of the Nebraska Broadcasters Association (NBA) in
opposition to LB283. Jim Timm, the Executive Director of the NBA was
unable to be here today but asked me to share the following testimony.
The NBA represents the interests of Nebraska's over the air, radio and
television stations, which are licensed by the Federal Communications
Commission to serve their respective communities of license. Our
membership over 40 different companies that operate over 200 radio and
TV stations across Nebraska. LB283 would be highly disruptive to our
members, to other businesses, and ultimately to the people of the
state of Nebraska and those across state lines who rely on
Nebraska-based radio and television stations to stay informed. The NBA
wants to make it abundantly clear that we don't oppose the concept of
year-round daylight saving time. If all 50 states moved to permanent
DST at once we would be in full support. What we oppose today is the
potential of a patchwork makeup of three yet-unidentified states of
the six states we share borders with operating on clocks different
than those in use in Nebraska. In the early part of the 20th century,
when the country was not at war, states individually chose whether and
when to change time standards. This patchwork approach caused
problems, leading Congress to pass the Uniform Time Act of 1966. This
law imposed uniform time observance across the country, including
setting annual beginning and end dates for DST. Broadcasters oppose
state-by-state time shifts because adopting different time standards
on an individual basis would put each state out of sync with its
neighbors, making program scheduling as chaotic as the patchwork time
zone map itself. This would be especially problematic in TV and radio
markets that stretch across state lines, such as the designated market
areas (DMA's) of Omaha-Council Bluffs and Cheyenne-Scottsbluff. This
would also be problematic for Nebraska stations that serve audiences
and advertisers across state lines from stations licensed to cities

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

like Chadron, Falls City, McCook, Superior, Valentine and others. Some broadcasters may be forced to air programs on tape delay. Setting start times for live events such as sports and awards shows would become especially difficult. Drive-time radio in markets that cross state lines would suddenly serve less of its typical intended audience. The operating power, and hours, of most AM radio stations are regulated by the Federal Communications Commission (FCC) and are tied to daily sunrise and sunset times. For the AM radio stations in our membership, operating on different clocks than those in neighboring states would negatively impact a large segment of their listeners and advertisers. Additionally, TV station programming may comply with FCC rules for the time a program is permitted to air in one state but would violate the "safe harbor" rules in another. Individual state time changes would bring significant operational complications and therefore, a risk of financial loss, to local TV and radio broadcasters and the people and businesses that local broadcasters serve. We believe it should be left to Congress to uphold the reasoning behind the Uniform Time Act and ensure that states in the same time zones remain aligned. We respectfully ask that you not allow LB283 to advance as proposed. Thank you for your time and consideration.

BREWER: All right, so we've gone through proponents and opponents. Anyone else in the neutral? All right, seeing none and not seeing Tom Briese here to close, we're going to go ahead and close the hearing on LB283 after I read in that we have-- position letters, we have one from-- one in opposition. And on the written testimony, we also have one opponent, a Korby Gilbertson of the Nebraska Broadcasters Association. That we'll set aside. And Senator Stinner, are you on a tight time schedule? All right. I, I have one small bill I need to, to jump ahead of you. Well, actually, it's on the schedule, but I, I-- we could have changed it, but I better go do my--

STINNER: Just came in to see if you could pronounce that three times.

BREWER: I was-- I would have been able to until you put the pressure on and now I'm going to choke it up. Good. All right, I am going to hand the gavel over to Senator Halloran. Senator Halloran, on this page here, you have position letters and--

HALLORAN: OK. All right, we will proceed with LB275 and I need to say first that this gavel is almost too heavy for me to handle.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: I probably should not give an opening for LB409, but-- the story there is don't keep to many speeches on your desk at the same time.

HALLORAN: Senator Brewer, welcome to the Government, Military and Veterans Affairs Committee. If you're not familiar with it, we can kind of brief, brief you on the committee.

BREWER: I'll be OK. It's a little harder to say than Ag Committee, isn't it? All right, good morning and-- Senator Halloran and fellow members of the Government, Military and Veterans Affairs Committee. My name is Tom Brewer. That's T-o-m B-r-e-w-e-r and I'm here to do an opening on LB275. LB275 is about Nebraska's plan to commemorate the 250th anniversary of the United States and to mark-- and, and mark this dedication-- the Declaration of Independence from, from 1776. The, the National U.S. Semiquincentennial Commission is encouraging every state to create a commission for this purpose. Eight states have done it so far. Several more are in motion. In 1972, the Eighty Second Legislature established the Nebraska American Revolutionary Bicentennial Commission to celebrate the 200th anniversary of the American Revolution. Fifty years later, the One Hundred Seventh Legislature has the opportunity to recognize this unique experiment for America. I hope your-- I hope our efforts inspire a new generation of Americans to be passionate about patriots and work to achieve our country's highest ideals. LB275 creates a board of 17 members appointed by the Governor to serve in a time-limited capacity and assist with the execution of the commemorative events and implementation of educational activities, events, celebrations that are related to the Semiquincentennial of the United States. The members of the commission will-- would include representatives from tourism, economic development, education, humanities, and representatives from a variety of groups, including the Native American, Latino-American, and African-American groups. The members of the commission will receive reimbursement for their expenses. History Nebraska will provide administrative and budgetary support and will provide the chair of the commission. As you can see from the bill's fiscal note, History Nebraska indicates that they are able to provide this support with cash funds and donations. This bill will have no General Fund impact. You like that stuff? OK. The-- let's see, Trevor Jones, executive director and CEO of History Nebraska, is here today in support of LB275 and stands ready, willing, and able to coordinate and spearhead the state's efforts. It is often said that to look

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

forward, you must also be able to look back. LB275 ensures that Nebraska is prepared to move ahead in its time and place to celebrate and remember our nation's past. Our, our committee legal counsel has prepared an amendment to cure a possible constitutional issue. AM99 would increase the number of choices that would be offered to the Governor when the Governor appoints members of this commission. They are-- there are more details on the need for this amendment that the legal counsel will share. The-- let's see, this concludes my opening on this bill. I believe Mr. Jones from History Nebraska will be able to answer more detailed questions if you have them. Thank you and I will take any questions you have.

HALLORAN: Thank you, Senator Brewer, for your opening. Any questions from the committee? Seeing none, thank you, sir.

BREWER: I'll stick around for close.

HALLORAN: I was going to ask you. I'm glad you'll do that. Proponents for LB275? Good morning.

TREVOR JONES: Good morning.

HALLORAN: Welcome to the Government, Military and Veterans Affairs.

TREVOR JONES: Thank you. Good morning, Senator Halloran and members of the Government, Military and Veterans Affairs Committee. My name is Trevor Jones, T-r-e-v-o-r J-o-n-e-s, and I am director and CEO of History Nebraska, the state's historical society, and I'm speaking today in support of LB275 to create a semiquincentennial commission for Nebraska. So this is a body that would help coordinate commemorative events for the 250th anniversary for our country, which will be held in 2026. And in 2016, the federal government appointed a United States Semiquincentennial Commission, which is a bipartisan group made up of members of both houses of Congress, as well as the heads of agencies such as the National Park Service. Just at this-- the end of 2020, the recent legislation brought in the, the national commission scope and it added to its members the Justice of the Supreme Court, the chairperson of the National Endowment for the Arts, and the chairperson for the National Endowment of the Humanities. And the national body has encouraged every state to create its own commission in order to ensure that this momentous anniversary of our country is coordinated nationwide. Other states, as Senator Brewer

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

said, have created their own commission, an effort that was, of course, led by states that formed the original 13 colonies, but other states are following suit this year. The ones that I know about, Kentucky, Michigan, and Washington also have commissions in progress. And having celebrated Nebraska's 150th anniversary in 2017, I know firsthand how important it is to have a central coordinating body to schedule and promote these kind of activities. In 2026, that need for coordination is going to be magnified exponentially. All states are going to come together to share, to remember, and to discuss the ideas upon which our nation was founded and there have been several bills introduced in the U.S. Congress to fund both the national commission and to provide money to every state in support of their own commemoration efforts. So if LB275 passes, then Nebraska's 250th commission will be ready and willing to coordinate events and comply with any federal requirements that are included in order to receive federal funding. So LB75 [SIC] has structured the commission to provide a wide diversity of perspectives and opinions and ensure that the commission efforts are representative Nebraskans past and also representative Nebraskans present. As Nebraska's only statewide historical organization, History Nebraska, the state historical society, is uniquely positioned to coordinate and spearhead the state's efforts to commemorate the 250th anniversary of our great nation and it would be very much our honor to do so. Thank you.

HALLORAN: Thank you, Mr. Jones. Any questions from the committee? I just have a quick comment. COVID has interrupted a lot of things, but one of the things I really regret is the reception that we can't have that you folks put on. That was always a great reception and I look forward to it soon.

TREVOR JONES: Yeah, we are going to do-- in April, we're going to do an outside event at the Kennard House, so just a block away, and so we'll invite you to that and so we can do that safely.

HALLORAN: OK.

TREVOR JONES: So that's, that's the plan because yeah, we miss that too.

HALLORAN: All right. Well, thank you. No questions from the committee. OK, thank you for testimony.

*Indicates written testimony submitted prior to the public hearing per our COVID-19 response protocol

TREVOR JONES: All right. Thank you, appreciate it.

HALLORAN: Are there additional proponents for LB275? Is there anyone here in opposition to LB275? Anyone in the neutral capacity for LB275? Senator Brewer, it looks like you're on board again.

BREWER: So not to mess up that chair and since there wasn't any questions, I'm going to waive close.

HALLORAN: You're going to waive closing? OK. For the record, there were two position papers, two proponents: American Association for State and Local History and the Humanities for Nebraska. There were no written testimony submitted for this bill. That concludes LB275 and I will return the sledgehammer to the Chair.

BREWER: Thank you. All right, quick change out to the next bill. All right, since we've got a nice, clean chair, Senator Stinner, come on up. Welcome to the Government, Military and Veterans Affairs Committee.

STINNER: Thank you. It's great being out of quarantine.

BREWER: Yes, it's good to see you back.

STINNER: Should take this off, right? Good morning, Chairman Brewer, Brewer and members of the Government, Military and Veterans Affairs Committee. For the record, my name is John, J-o-h-n, Stinner, S-t-i-n-n-e-r, and I represent the 48th District, which is comprised solely of Scotts Bluff County. LB59 authorizes the Nebraska Tourism Commission to contract directly with retailers to sell tourism merchandise. Payments received by the commission for the sale of merchandising will be credited to the Nebraska Tourism Promotional Cash Fund. Currently, the commission sells merchandise through Grow Nebraska. History Nebraska has stores across the state and has plans to sell product through Nebraska Game and Parks, but currently, statutes do not allow the commission to sell wholesale to retailers. Due to the massive spike in demand for the commission's merchandise and subsequent interest expressed by some retailers, LB59 will be needed if the state is to build upon the commission's recent success in promoting Nebraska as a tourism destination. I want to highlight that this legislation would not significantly alter the commission's current function as the state's tourism agency. It simply allows for

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

more efficient negotiations of its contracts. As shown in the fiscal note, the commission anticipates no burden created by the-- this legislation and any cost related to implementation could be absorbed by current staff. Fiscal Office concurs with this assessment. There will be a couple of proponents behind me to testify on a more granular details of the topic, including John Ricks from the tourism commission. With that, I thank you for your consideration and would entertain any questions.

BREWER: Thank you for that opening. Questions for Senator Stinner? Wow, OK, Senator Blood, you're up.

BLOOD: Thank you, Chairman Brewer. Senator Stinner, can you refresh my memory? I thought we voted that out of committee last time.

STINNER: We did and--

BLOOD: What happened to it?

STINNER: --created, created a legislation that would allow them to sell through Grow Nebraska--

BLOOD: Oh.

STINNER: --directly owning the product and selling. Now they want to take product, some retailer wants to buy the product on a wholesale basis that's-- this would allow them to do that.

BLOOD: OK, thank you for clarification.

STINNER: Yeah.

BREWER: And Senator McCollister.

McCOLLISTER: Yeah, thank you, Chairman Brewer. What's the magnitude of this proposed?

STINNER: I don't know if we've quantified how much income that will bring in, Senator. I think possibly the director can answer that better than I.

McCOLLISTER: Thank you.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: And this question here, it, it may-- it doesn't specifically address what we're doing here, but you may be one of the few that may know the answer to it. There was always a lot of Nebraska tourism stuff that you could get at the Capitol Gift Shop. Capitol Gift Shop, is it permanently closed? Was it-- are they a victim of COVID-19 or--

STINNER: I think they're just closed for COVID-19, but I will let chairman--

BREWER: There may be someone behind you that has the answer to that, so we'll ask there. It's just-- if you were bringing people to tour the Capitol, that was always a place you could take them to get something that was very Nebraska and so we, we don't have that luxury anymore and it was just a curiosity item, but all right. No other questions? Thank you and you're sticking around for closing?

STINNER: I'll stick around for closing. I may waive the--

BREWER: OK, thank you. All right, we will start with proponents to LB59. Trevor, come on up. Welcome back to the Government, Military and Veterans Affairs Committee.

TREVOR JONES: Thank you. So good morning, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. Again, my name is Trevor Jones, T-r-e-v-o-r J-o-n-e-s, and I am director and CEO of History Nebraska, the state's historical society. So I'm speaking today in support of LB59, which would expand Nebraska Tourism's Commission ability to work directly with retailers to sell tours and promotional project-- products. So as you may know, History Nebraska operates a network of museums and historic sites. And when the new tourism branding campaign was launched, customers were repeatedly asking our staff where they could buy this merchandise if, if we were selling it and so we had conversations with the Tourism Commission and we entered, entered into an agreement to sell a limited number of their product at our sites via interagency transfer. And so the intent of this was to basically gauge customer interest while meeting an expressed customer demand and we discovered that there is definitely an interest in Nebraska tourism materials and that interest comes from both in-state and out-of-state customers. And the pandemic really disrupted our efforts, quite honestly, so I wish my numbers were, you know, more accurate this year, but it was still a success. So in two months of sales prior to the pandemic hitting, our net sales of

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

tourism merchandise at, at only two locations in Lincoln was about \$1,500 and then when we started selling in Lincoln, customers at our other sites around the state also requested the merchandise, so we added them there as well, at Chimney Rock and at Fort Robinson. And then of course, the pandemic hit and that disrupted retail operations completely, but even though we were closed about eight of the last 12 months, we generated about \$4,500 in sales of tourism material alone. In a typical year, I would have expected that net sales to be about \$13,000 or more and so I think that this limited effort shows that there really is a demand for this material. And if they had the ability to work directly with commercial outlets, they could sell on a much wider basis than we're able to provide for them. And I think this-- you know, the other part of that and we're not disinterested in this, is that these, you know, the sales that they could earn get invested back into Nebraska tourism efforts and tourism is the third-largest industry in the state. It's very important to us and so it would benefit both History Nebraska to have this ability and it would also benefit hundreds of cultural attractions throughout the state. And so I think it's just a win for the state. It would be a win for tourism and it would meet a customer demand. So thanks and I'll take questions on this and then I'll answer the gift shop question from earlier.

BREWER: Very good. All right, thank you for that testimony. Questions? Senator McCollister.

McCOLLISTER: Yeah, thank you, Senator Brewer. How are retailers selected? Is there an open process, any retailer that wants to sell the product has the, has the ability to do so?

TREVOR JONES: I think that's a better question for Director Ricks, who's going to come and--

McCOLLISTER: OK.

TREVOR JONES: --testify, so-- because I, I don't know how they'll do that.

McCOLLISTER: Right on. Thank you.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

TREVOR JONES: We did approach them. They did not approach us. We said we've got customers. They want your product. Can, can you-- can we do it? So--

BREWER: And could you give kind of a general example of what, what the products would, would be?

TREVOR JONES: So what we sold is-- we sold the, the Nebraska "not for everyone" brand. And so we did T-shirts, baseball T-shirts, hoodies, and a mug-- campfire mug for those. And the, the most popular thing that we sold out of that, that limited run were the, the T-shirts. Those sold quite well and they sold-- and, and we sold a lot of those at the Chimney Rock site and most of those honestly went to people that are out of state.

BREWER: So let's talk about the gift shop. What happened?

TREVOR JONES: So the gift shop is closed until the next phase of the Capitol HVAC system is done. It moved our location from our regular location down the hallway and that, combined with COVID, meant that we were losing thousands of dollars per month. We could not be profitable in, in this current COVID environment, so it is our hope that as soon as that-- this phase is done, we can move back to our regular location and be profitable once again. And hopefully by that time, we'll have vaccinations and greater support, but we just couldn't keep it open when we were losing several thousand bucks a month.

BREWER: That's a-- that's probably a wise business decision. It just-- you know, you, you-- I was worried it was permanent.

TREVOR JONES: It's not our, it's not our plan to be permanent--

BREWER: All right.

TREVOR JONES: --but it-- you know, a retail location needs to make money.

BREWER: It's, it's a great place to show off-- you know, if you want to share stories of Nebraska, there was always books there, you know, Willa Cather or wherever and, and so it was a place you could go to and you always knew you had something to, to give people that come here to see the Capitol, so--

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

TREVOR JONES: Well, if you, if you want some exercise, you come a couple of blocks down in the Nebraska History Museum and the gift shop is open there. We just reopened today.

BREWER: All right, good point. All right, one more time, any questions? Thank you for your testimony.

TREVOR JONES: All right, thank you.

BREWER: All right, next proponent to LB59.

JEFF MAUL: This is a really good job by the way. I have three teenagers and this feels like after dinner at my house.

BREWER: He's top of the line. All right, welcome to the Government, Military and Veterans Affairs Committee.

JEFF MAUL: Yes, good morning, Chairman Brewer and members of the committee. My name is Jeff Maul, J-e-f-f M-a-u-l. I'm the executive director of the Lincoln Convention and Visitors Bureau right here in beautiful Lincoln, Nebraska. I appear before you today on behalf of the Nebraska Travel Association, or NTA, and the tourism industry from across our state. Many of us have, have gone through great loss in the last 11 to 12 months in the tourism, tourism industry. Senator Halloran, I, too, can't wait to get people out there again and, and start doing some fun things. Two years ago, after our Nebraska Tourism Commission launched a remarkably successful campaign to promote Nebraska as a tourism destination, the Legislature gave the commission authority to expand that campaign by selling promotional items such as cups and T-shirts. The cups and T-shirts have gone over very well at my house and across the state and we can see the brand as far as I can see. We appreciate Senator Stinner's introduction of LB59, which would simply allow the commission to work with retailers to sell those promotional products at stores like the From Nebraska Gift Shop in the Haymarket. The bill would further expand the reach of the commission's promotional work. It would also give retailers across the state an opportunity to expand revenues by selling products that have been enormously popular. It is a great idea and the use of public and private partnerships to promote the state of Nebraska is a good one at this time. Sales are up. Online sales are up. In-person retail sales are up during the pandemic and we would like to see something like this move forward. I know John Ricks, the executive director of the

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

commission, will follow me and is well equipped to hit this one out of the ballpark and to answer any questions about the commission's plans and how LB59 would work. On behalf of the Nebraska Travel Association, we strongly urge you to advance LB59. Thank you.

BREWER: All right, thank you for your testimony. Questions? Let, let me hit, hit you with one here on the way out. If you were to give us a synopsis of, of what you actually do in your job with the travel association, what all does that encompass?

JEFF MAUL: You know, as a member of the Nebraska Travel Association, I am one of, of many communities across the state. We meet on a regular basis to talk about legislative issues, challenges that we have in the industry, and how we can support our Nebraska Tourism Commission. It is a membership-based organization, but an advocacy group in so many ways for tourism across our state.

BREWER: OK, thank you. I appreciate you coming in.

JEFF MAUL: Thank you.

BREWER: All right, we are still on proponents to LB59.

JOHN RICKS: Good morning, everyone.

BREWER: Good morning and welcome to the Government, Military, and Veterans Affairs Committee.

JOHN RICKS: Thank you, sir. Good morning, Chairman Brewer and members of the committee. My name is John Ricks, J-o-h-n R-i-c-k-s, and I'm executive director of the Nebraska Tourism Commission. I'm here today to support LB59, which would authorize us to enter into agreements directly with retailers to sell tourism promotional products. Back in 2019, legislation was passed allowing Nebraska to sell promotional products based on what at that time we felt was an evolving demand resulting from the introduction of our "honestly, it's not for everyone" marketing effort. Initially-- and we talked about it back then-- we agreed that we were going to take baby steps and we can talk about that in a little while. And, and we did. We partnered with the folks at Grow Nebraska and they've been really, really well for us, but it is basically just an online test to see if we could-- to see if what we felt was demand was actually true and we found out that it was. You know, it could be a new revenue stream for the commission's

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

promotional cash fund, which then is used to defray marketing costs in carrying out our mission. This approach, again, was a test to assess what seemed to be a pretty good opportunity. Since July 2019, Nebraska tourism has sold about 2,700 individual items totaling about \$44,200. This is really sizable, considering that we only had about six to seven months of activity before the pandemic hit, when everything-- well, I-- everything here slowed down immediately and dramatically. I would say everything just shut down. People's obviously attention was turned elsewhere than buying T-shirts. As the availability of the promotional items became more visible through links from visitnebraska.com, our social media efforts, and sales through Grow Nebraska, we started to get a few inquiries from retailers in the state about whether they could sell these products in their stores. Because of the wording in the initial legislation back in 2019, it's not possible for retailers to make any money off sales of our products because quote, according to the bill, all revenue generated had to be remitted to the State Treasurer through Nebraska tourism and then credited to the promotional cash fund. And obviously, if you're a retailer, you're not going to sell something and not, not make any money out of it, so this is a correction of that. LB59 is designed to add provisions to the initial legislation enabling the commission to enter agreements with retailers whereby promotional merchandise, merchandise would be purchased from the commission and sold in retail outlets. LB59 also distinguishes between processing payment and reporting procedures for online and retail sales. LB59 will potentially expand distribution and availability of tourism-related promotional items throughout the state and provide new items for retailers to generate much-needed income for local businesses, especially as we start to move into recovery coming out of the pandemic. The tourism/hospitality industry is close to entering into this recovery phase. There is, without question, enormous pent-up demand and people wanting to get out and travel again. When we again promote-- begin promoting Nebraska as a great choice to visit, as people become more and more confident about traveling safely-- safely, we're confident that having tourism promotional products available in retailers throughout the state will not only enhance our promotional efforts, but generate revenue for small businesses, attractions, and events in communities throughout, throughout Nebraska. If you have any questions, I would be more than happy to try and answer them.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: Thank you, John. All right, questions? Yes, Senator
McCollister.

McCOLLISTER: I had a couple of questions I ask before that they
promised that you would answer, so--

JOHN RICKS: Oh, good.

McCOLLISTER: --what's the magnitude of these sales, maybe in '19, so
we have a--

JOHN RICKS: You know, so, so far we're about \$44,000 and that's only
and really, truly pumping about seven months. So, you know, it's not a
lot of money, but I can tell you today, any money we can put into our
promotional cash fund goes right into our marketing program. And
frankly, \$40,000 can truly buy us, for example, a lot of social media,
a lot of, of things like that because it's fairly inexpensive and
reaches a lot of people. So I don't-- we don't have a full year yet. I
think that if we do open it up to retailers-- and this is another one
of your questions that I can address-- we have currently a list of
people-- Grow Nebraska is pretty popular out there-- and then they
have a list of people who have inquired, so we'll start working on
that list-- examples like the Golden Spike Tower in North Platte. We
have anything from that all the way to Calamus Outfitters up near
Burwell. They have some places. There's a lot of place-- Jilly's Sock
Store, they were on our passport program last year, they're
interested. So they're not going to individually buy a lot, but I
think that we can get a number of outlets that will help boost the
overall volume and also really help generate some income for these-- a
lot of these stores who have really been hit in the last year plus.

McCOLLISTER: So \$47,000 is--

JOHN RICKS: Right now, we're at 40-- \$44,200.

McCOLLISTER: --is gross sales?

JOHN RICKS: Yep.

McCOLLISTER: And the net profit or profit margin?

JOHN RICKS: We haven't done a, a-- we have-- we bought a bunch of
merchandise initially. I would say we're-- it's around double. I mean,

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

about half of that is in the, the cost of goods sold and things. But
understand, we, we still haven't-- we, we-- obviously, we buy
everything through UNL and they do all the bidding and things and we--
because of obviously costs if you buy more, you get-- we have
inventory yet that was the initial outlay, \$23,000, I think, so-- and
that's not all sold yet.

McCOLLISTER: So how many retailers do you have now?

JOHN RICKS: None. We have-- well, the-- I don't know if we can
consider the--

McCOLLISTER: Wow--

JOHN RICKS: --history people--

McCOLLISTER: --OK.

JOHN RICKS: --a retailer. Basically, they were a test. Honestly, what
happened was we noticed that and started working with them. We went
back into the bill and thought, wait a minute, we-- we've got a
problem here, so we had to come and fix it is--

McCOLLISTER: Thank you.

JOHN RICKS: --honestly what we're doing.

BREWER: All right, additional questions? Seeing none, thank you for
coming out and--

JOHN RICKS: Thank you very much for your time.

BREWER: --clarifying this for us.

JOHN RICKS: All righty.

BREWER: Have a good day.

JOHN RICKS: You bet you.

BREWER: All right, we're still on proponents for LB59. Any additional
proponents? All right, do we have any opponents? Anybody in the
neutral? Senator, come on up. Oh, you're going to waive closing.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

STINNER: Waive closing.

BREWER: Well, Michael just-- or Jonathan just finished cleaning up
there, so--

STINNER: [INAUDIBLE]

BREWER: All right, that will-- oh, hold it. I got to read in-- we
had-- where was it? There it is, right here. We had one letter as a
proponent from the Lincoln Chamber of Commerce, no opponents, and none
in the neutral position. So with that, we will close on LB59 and close
the morning hearings and we'll--

[BREAK]

BREWER: Welcome to the Government, Military and Veterans Affairs
Committee. I'm Senator Tom Brewer, representing the 43rd Legislative
District. I'm the Chair of this committee. For the safety-- try this
with some readers. Oh yeah, that's much better. All right, for the
safety of committee members, staff, pages, and the public, we ask
those attending our hearings today to abide by the following
procedures. Due to social-districting requirements, seating in the
hearing room is limited. We ask that only those that are in for this
hearing be in the hearing room. Bills will be taken up in the order
posted outside the hearing room. The list will be updated after each
hearing to identify which bill currently is being heard. The committee
will pause between each bill to allow time for the public to move in
and move out and the pages to clean. We request that everyone utilize
the identified entrance and exit doors to the hearing room-- right--
my right, your left for exit. We request that you wear a face covering
while in the hearing room. Testifiers may remove their face covering
during testimony to assist committee members and transcribers in
correctly recording your testimony. For committee members, I leave it
up to your discretion on face coverings because of the plexiglass
dividers and social distancing. The public hearing for, the public
hearing for which attendance reaches a capacity or near capacity, we
will have the Sergeant at Arms control the door and those accessing in
and out. Persons waiting to come in for their hearing, our only
option, because of the HVAC project, is the hallways. We ask that you
please limit your number of handouts or eliminate them. Committee will
be taking up the bills in the order posted on the agenda. Our hearing
today is your public part in the legislative process. This is your

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

opportunity to express your position on the proposed legislation before us today. The committee members might be coming and going, as I will, because we have hearings in other rooms. This is just part of the process that we have to introduce bills through different committees. You'll see the senators on their computers or cell phones normally. Well, all they're doing is just the digital information provided, either the bills or the information on the bills or looking up information or finding out when they got to be somewhere else. I ask that you abide by the following procedures for better facilitating of today's procedures. Please, please silence or turn off your cell phones or other electronic devices. No food or drinks in the hearing room. Please move to the reserved chairs that have been designated for those who are going to testify. Introducers will make their initial statements, followed by proponents, opponents, neutral testimony, and then closing remarks by the introducing senator. If you're planning to testify, please pick up a green sheet that is on the table in the back of the room. Please fill out the green sheet and be prepared to turn it in when you come to testify. There will be no letters-- or the letters for our record must be in by 12:00 p.m. Central Standard Time the day prior to the hearing. If you have handouts, please make sure you have 12 copies and the pages can assist you if you need copies. Each letter must have the bill number, proponent, opponent, or neutral position on it. Mass mailings will not be included. When you come up to testify, please speak clearly into the microphone and tell us your name and then spell your first and last name to ensure an accurate record. We'll be using the light system for all testifiers. You will have three minutes-- and that's not just for this bill, but the, the mass number of bills that we're-- speakers we're going to have for the [INAUDIBLE] bills-- to make your initial remarks to the committee. You'll get a yellow light at one minute and red light and an alarm when your time expires. No displays of support or opposition for a bill, vocal or otherwise, will be allowed in this public hearing. Committee members with us today will introduce themselves starting on my right.

BLOOD: Good afternoon. I'm Senator Carol Blood, representing, representing District 3, which is western Bellevue and southeastern Papillion, Nebraska.

McCOLLISTER: I'm John McCollister, representing District 20 in central Omaha.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 3, 2021

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

SANDERS: Good afternoon. Rita Sanders, representing District 45, which is eastern Bellevue in Sarpy County.

M. HANSEN: Matt Hansen, District 26 in northeast Lincoln.

LOWE: John Lowe, District 37.

HALLORAN: Steve Halloran, District 33: Adams and parts of Hall County, Hastings area.

HUNT: Megan Hunt, District 8, midtown Omaha.

BREWER: To my right is Dick Clark, our legal counsel. On the left corner over there is Julie Condon, the committee clerk. Our afternoon pages are Caroline-- raise your hand-- Caroline Hilgert and she's a junior at UNL and Payton Larson in the back and she's a sophomore at UNL. And with that, we will have our first bill, Senator Groene, LB50. And nothing personal, but I got to run to Natural Resources, so I'm going to be handing the gavel over to Senator Halloran, so you're going to deal with him. My speech--

HALLORAN: Welcome, Senator Groene.

GROENE: Thank you, Senator Halloran and the committee members. Name is Mike Groene, M-i-k-e G-r-o-e-n-e. I'm bringing LB50 at the request of my local County Sheriff Kramer and I brought it two years ago, but we've, we've-- after hearing testimony, then we perfected the bill to address some of the concerns of others. A voice stress analysis exam is an investigative tool for truth verification. The results are not admissible in court. However, it's a valuable tool for law enforcement, both for criminal investigation and most significantly, the screening of applicants to join the force. LB50 changes the licensure requirements to become a voice stress "analyzizer"-- examiner under the Licensing of Truth Examination-- Examiners Act. These change, these changes do not apply to polygraph examiners. Currently-- excuse me-- the most significant change to the license requirement is the removal of the internship program. The internship requirement for voice analyzers is eliminated because there is insufficient number of people qualified in a small law enforcement agency to use this to-- for-- to have two employees to do it, one that's seasoned and can be the mentor to the intern. Besides educational, the education of continuing education experience

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

requirements are rigorous and sufficient to make the internship requirement unnecessary. And testifiers behind me are-- we have an expert here and would appreciate if people would ask questions because three minutes is not adequate at all for what he has to say and he came from Florida. But to become a certified law enforcement officer in Nebraska doesn't require a four-year college degree. Presently, the law says you have to have a four-year college degree to be a polygraph operator or a voice analyzer. The standard should be the same for someone applying to the voice stress analyzer exam. Therefore, LB50 would eliminate the requirement that the applicants have a four-year "bachelorate" degree to be an examiner. Instead, it is replaced by the requirement that they are-- be a certified law enforcement officer. The present requirement remains in place that they have four years' investigative experience at the federal, state, political subdivision, or was a private-licensed investigator or has at least four years' experience of administrating voice stress examinations. The reality is that under the current law, the requirements are too strenuous and it is nearly impossible for an individual to spend the time and money to become licensed. Small law enforcement agencies can absorb the cost and give the time off to get the training or devote multiple people to a meeting, to meeting the internship requirement under current law. You will hear more pacific [SIC] explanations later from the experts. I want to first tell you only four states don't allow either-- the-- a voice analyzer because of past history of opposition. Let's just call it occupation or protectionism from the-- from those who run polygraphs. We are the only straight-- state that has these types of qualifications, only state. The other 46 or so that have it-- 45-- 44 that allow it, they just accept the certification from the training because there is only one company that trains. There's only one software and it's only used for, for, for law enforcement-- is not for sale to the open public. All the other states accept that certificate of the training for the office. California uses it. Florida uses it. California uses it to pretest every applicant for every job in law enforcement. Orange County does the same thing in California. Florida does the same thing. Most of these states use it for preemployment in law enforcement. The federal government uses it. The FBI uses it. It is a common tool in law enforcement other than, than the polygraph and so-- but I'm going to turn it over to Sheriff Kramer. And, and our law enforcement in Lincoln County does have a, a valuable tool with Deputy Smith, who, who has been doing this for three or four years and he'll

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

testify and then we have our expert from the CVSA association to visit
with you. So any questions?

HALLORAN: Thank you, Senator Groene. Any questions from the committee?
Seeing none, thank you for your opening. We will receive our first
proponent for LB50. Good afternoon, sir.

JEROME KRAMER: Good afternoon.

HALLORAN: Welcome to the Government Committee.

JEROME KRAMER: Thanks, you guys and thanks, Senator Groene. I'm
Sheriff Kramer, that's Jerome Kramer, J-e-r-o-m-e K-r-a-m-e-r. I'm the
Lincoln County Sheriff. My agency has been using computerized voice
stress analyzer, CVSA, for about 13 years with tremendous success. I'm
here today to-- for one simple request. That request is to get
examiner licensing in Nebraska in line with the other states in the
United States. In other states, a certification by CVSA and a possible
exam is the final requirement needed by the state in order to obtain a
license. Nebraska has an additional requirement of getting 40
supervised exams in a year and possibly a one-year extension. That
doesn't seem like much, but it's impossible for small agencies. CVSA
is very attractive to small agencies because they can get a very
functional, proven tool to use in their agency for a fraction of the
cost of polygraph. In order to prove that CVSA examiners are highly
qualified examiners in Nebraska, they're, they're-- are recertified
every two years. I didn't say continuing ed. I said they get
recertified every two years. This is their assurance that CVSA
examiners are and will remain the very best examiners possible. Two
years ago, I testified on behalf of CVSA and polygraph on this issue.
Polygraph examiners across the state, including some large agencies,
told me that they were having the same issue with performing the
number of exams in the allotted time. To my surprise, Nebraska
Association of Polygraph Examiners testified against the bill. It was
obvious from the testimony that polygraphs simply believe that they
were-- have a superior instrument and did not want CVSA to succeed in
Nebraska. No one who opposed it had any firsthand experience with
CVSA. Their testimony was quoted nearly word for word from information
from Google. Which instrument is the best is not why we're here today.
I'm here today on behalf of small law enforcement agencies in
Nebraska. I do preemployment exams on all my applicants. I also do
exams on employees who are accused of misconduct. At a time when we

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

were trying to assure that we were hiring and, hiring and retaining good, honest officers, polygraph examiners were trying to prevent the movement by not allowing small agencies this tool they need to vet their [INAUDIBLE] candidates and bad employees. CVSA has used-- is used in many countries around the world, the FBI, the military, as well as 46 states in the United States, within those states, thousands of agencies. You will hear today that polygraph is only opposing this because polygraph is superior product and they are simply trying to preserve their commitment in Nebraska. I would question why you would give consideration to the testimony of a handful of examiners than the proven success of thousands of CVSA examiners worldwide. This year, there have been several bills introduced to attempt to hold law enforcement more accountable for racial bias and officer misconduct. This tool can quickly sort out the employees that are suspect of any misconduct. For the good of law enforcement in Nebraska, I ask you to allow CVSA to expand in Nebraska, just as in 46 other states and around the world. Small law enforcement agencies need your support. Thank you, Senators.

HALLORAN: Thank you, Sheriff. Is there any questions from the committee? Senator Blood.

BLOOD: Thank you, Senator Halloran, and thank you for your testimony.

JEROME KRAMER: Thank you.

BLOOD: I just have a question that I'm-- I keep looking back and I'm not sure I have the answer when I read through this bill. So I'll go back to Bellevue. There is a retired officer who started a business where he does this type of work. Is this going to affect the people who are making money outside of law enforcement at all, do you think?

JEROME KRAMER: This--

BLOOD: Because I know he does it for some of the law enforcement agencies.

JEROME KRAMER: Right, this instrument is not available to people that are outside of law enforcement. It's only sold to law enforcement. Now if you're a retired law enforcement--

BLOOD: Which he is.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

JEROME KRAMER: --you could continue to use it.

BLOOD: So that's-- and that's-- everybody I know that does it is
retired law enforcement, so you don't think it will take away from
their client base at all?

JEROME KRAMER: Oh, golly, I, I don't know to what extent they do--

BLOOD: Yeah, nor I.

JEROME KRAMER: --exams in the private practice. I can't imagine that
this would be a huge impact. I don't know what they charge for an exam
either. I don't--

BLOOD: Nor I.

JEROME KRAMER: --we don't have anybody in our part of the country that
does it as a, as a business--

BLOOD: OK.

JEROME KRAMER: --but I do know it happens.

BLOOD: I, I appreciate your honesty. I just am-- you're trying to work
through it and I don't want to make-- I want to make sure that we can
help you without hurting somebody else--

JEROME KRAMER: Right.

BLOOD: --so--

JEROME KRAMER: Right.

BLOOD: Thank you.

JEROME KRAMER: Thank you.

HALLORAN: Any further questions? Senator McCollister.

McCOLLISTER: Yeah, thanks, Senator Halloran. Is there a qualitative
difference between a polygraph test and this internal mechanism that
you're describing?

JEROME KRAMER: I'm sorry, would you--

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

McCOLLISTER: Is there a qualitative difference between a polygraph
test and the internal mechanism that you're using?

JEROME KRAMER: There is, but I would probably waive that answer. I
think you'll get a lot better answer from the expert that came from
Florida.

McCOLLISTER: Thank you.

JEROME KRAMER: I could probably just confuse you.

HALLORAN: All right. Any further questions? Senator Lowe-- excuse me--
Senator Hunt.

HUNT: Oh, thank you, Senator Halloran. Thank you for being here today.
What are some-- how do you use the CVSA? Like, how-- what are some
questions that you would typically ask or what purpose would you use
it for? You said to use it on recruits. Do you ever use it on
criminals or people who are detained?

JEROME KRAMER: We do.

HUNT: How do you use it and how often do you use it?

JEROME KRAMER: We can use it pre-- in, in investigative criminal
investigations as well and it's a, it's a very nonintrusive. It's
simply a laptop sets in front. It has a high-quality mike and it picks
up the voice and it goes by the-- there again, you're asking some
technical questions that you'll get a better answer from, from
somebody else, but it's-- there's a, there's a conversation that goes
on ahead of time. The suspect or the applicant is very relaxed with
the questions. They know the questions ahead of time. There's no
surprises. It's very-- it's a very gentle exam. It's, it's not
intrusive at all. And, and then the, the computer will build a chart.
At the end of it, the examiner reads the chart and he comes to a
conclusion and the conclusion will have to match the computer's
conclusion because it has a conclusion too.

HUNT: Um-hum.

JEROME KRAMER: And if they don't, then it has to be sent to another
examiner for an opinion because the conclusion has to be-- they have
to agree.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

HUNT: Do you use it a lot like a polygraph test? Like, would you ask
the same kinds of questions?

JEROME KRAMER: Pretty similar.

HUNT: OK, how often is this type of exam administered? How many times
a month do you use it in your field?

JEROME KRAMER: Well, Larry has been doing it for us for three years, I
would assume. I think that's right. Three years roughly and he has
100-some exams under his belt.

HUNT: OK.

JEROME KRAMER: So then having a jail-- you know what the turnover is
in jails-- we use it a lot for, for preemployment as, as our detention
officers.

HUNT: What percentage of, of pretrial defendants or just detained
people would you say use it on?

JEROME KRAMER: Larry would be able to tell you that exactly.

HUNT: OK, thank you.

HALLORAN: Thank you, Senator Hunt. Any further questions from the
committee? Senator Lowe.

LOWE: No, that was--

HALLORAN: That was the question?

LOWE: --pretty much the question that I had.

HALLORAN: Sure. Quick question: this is kind of a dollars-and-cents
issue, is, is it not? Am I understanding that correctly? Is polygraph
more expensive for you?

JEROME KRAMER: The polygraph is a lot more expensive. It requires a
longer training and, and the instrument is far more expensive. I don't
know. I can't give you those dollars, but, but it's-- polygraph is
just under the certain-- well, either one right now. They're not
attainable for a small agency and that's my main goal. I wanted, two
years ago, to make it attainable for both instruments by getting

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

Nebraska to mirror the rest of the states. Polygraph chose to not be included in that, so we excluded them this year out of courtesy and survival.

HALLORAN: So you're looking for options, right?

JEROME KRAMER: We are and quite honestly, we are the only foothold in Nebraska. And if we don't continue, CVSA is, is not available to anybody else in Nebraska, probably ever, and that would be sad.

HALLORAN: OK. Competition is a good thing.

JEROME KRAMER: Yeah, you know what happens when you have no competition?

HALLORAN: I do. Thank, thank you, Sheriff.

JEROME KRAMER: OK.

HALLORAN: Any further questions? Seeing none, thanks for your testimony and--

JEROME KRAMER: Thanks, you guys, and thanks for the work you do, appreciate it.

HALLORAN: Keep up the good work.

JEROME KRAMER: Thanks.

HALLORAN: Next proponent for LB3-- excuse me, LB50.

LARRY MEYER: Always reassuring when your boss says she'll be happy to answer your question. Thank you.

HALLORAN: Good afternoon and welcome to the Government Committee.

LARRY MEYER: Thank you, sir. I'm Sergeant Larry Meyer, L-a-r-r-y M-e-y-e-r. Good afternoon, Mr. Acting Chairman and senators of the Government-- Government, Military and Veterans Affairs Committee. I am Sergeant Larry Meyer from the Lincoln County Sheriff's Office and I'm assigned to the Criminal Investigation Division. Currently, I am the only active certified law enforcement officer licensed to perform computer voice stress analyzer, CVSA, examinations in the state of Nebraska. I attended training and was certified by the National

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

Institute of Truth Verification, NITV, in June of 2015. The purpose of my testimony today on LB50 is to inform the committee of the arduous process I have endured regarding the licensing requirements for CVSA, which applies to all agencies in Nebraska, large and small. Nebraska is the only state to require internship licensing requirements for the CVSA. The current rules and regulations require an intern to complete a total of 40 examinations after being certified through the NITV. The first 25 of those examinations must be monitored in person by an internship supervisor. Based on the number of criminal cases and new hires from June 2015 to 2016 at the Lincoln County Sheriff's Office, I was only afforded the opportunity to conduct 21 examinations in the first year. A one-year extension was granted by the Secretary of State and based on the opportunities again for examinations, I was still unable to conduct the required number of examinations. Leniency was granted by the Secretary and I was able to satisfy the requirements in December 2017, two and a half years after becoming certified through NITV. I completed the remaining internship requirements and was licensed to conduct exam-- examinations in 2018. To date, I have completed 105 examinations, 28 of those being criminal in nature and 77 involving the preemployment process. If not for the ability to conduct preemployment examinations, I still would not have met the licensing requirements in Nebraska after five and a half years of examinations. I have recently fulfilled the requirements now to become an internship supervisor. I then would be responsible to supervise and monitor examinations for the next examiner who completes the NITV certification. Depending on which agency in Nebraska the examiner was from, I would be required to travel to that location to monitor at least the first 25 examinations at great cost, obviously, to the taxpayers of the county or the state of Nebraska. Over the course of my examination, candidates for law enforcement positions have been screened out, as well as many innocent suspects in criminal cases have been excluded. The CVSA has and will continue to protect the citizens of the state of Nebraska. In regards to polygraph, all I will say is it would be frivolous to try to debate which discipline is better. Both CVSA and polygraph are equally effective instruments for investigative and preemployment applications. In closing, with the advancement and passing hopefully of LB50, all Nebraska law enforcement agencies will be afforded the opportunity to obtain a cost-effective, ethical instrument for truth verification, notwithstanding the unmatched quality of training we receive and the required recertification every two years. The expansion of CVSA in

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

Nebraska will do its part to increase the integrity of truth
verification in our beloved state. Thank you very much for your
attention and I would be open to address any questions now or later.

HALLORAN: Thank you, Sergeant Meyer. Any questions? Senator
McCollister.

McCOLLISTER: Thank you, Senator Halloran. Thank you for appearing.

LARRY MEYER: Yes, sir.

McCOLLISTER: If I understood the testimony correctly, the information
you have obtained from a suspect cannot be used in court?

LARRY MEYER: Correct.

McCOLLISTER: Not admissible in any way?

LARRY MEYER: No, sir.

McCOLLISTER: I see.

LARRY MEYER: It is merely a tool, an investigative tool.

McCOLLISTER: And it's more useful to determining innocent people than
guilty people, is that correct?

LARRY MEYER: I, I would say in, in my 105-- well, let's say the 30
examinations I've done in criminal cases, the vast majority of those
are suspects, suspects who were taken off the list, so to speak.

McCOLLISTER: What's the so, so-called error rate?

LARRY MEYER: I have no idea. I'll let Chief Endler answer that
question.

McCOLLISTER: OK.

LARRY MEYER: Well, let me take a stab at that. I appreciate that. What
I will tell you from my experience, the error rate so far in all of my
examination, examinations has been none. In those situations where I
may have done an examination as a, as an interviewer, as a human,
maybe I have preconceived notions of maybe this person is guilty or
this person is innocent. Following a lengthy pre-interview where we

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

build rapport, put the people at ease, we then conduct our examination. There are no tricks to this. Anyone that would do a criminal or even a preemployment examination, I go over every question that I'm going to ask them. We talk about those questions before we even start the examination in those situations where maybe my gut, so to speak, would tell me that one person was innocent and/or guilty, when the instrument has told me, the instrument has never been wrong. And what I mean by that is maybe I thought someone was a very good, viable suspect. They passed with flying colors. In every case that that's happened, that has ultimately been the result of my investigation is that person is not the person that I'm looking for.

McCOLLISTER: So would it be fair to say that you get one of three answers: a yes, the person is telling the truth, no, they're not telling the truth, or you can't determine?

LARRY MEYER: So CVSA is designed to-- there's either stress involved in your answer or there isn't. Other disciplines may have a conclusive, inconclusive, or not conclusive. That's not part of the makeup of CVSA. Either I ask you a question that involves jeopardy, whether or not you were involved in the burglary, if you have stress in your answer, we need to talk about that. That is a sign of deception. If you're able to answer that question with no stress whatsoever, I have no other reason to believe that you're lying to me.

McCOLLISTER: Thank you.

LARRY MEYER: That's the simple answer to that.

McCOLLISTER: Thanks for your testimony.

LARRY MEYER: Important question, thank you, sir.

HALLORAN: Thank you, Senator McCollister. Any further questions from the committee? Senator Lowe.

LOWE: Thank you, temporary Chair Halloran, and thank you, Sergeant Meyer for being here--

LARRY MEYER: Sure.

LOWE: --and for your service.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

LARRY MEYER: Thank you.

LOWE: Why do you think that the requirements were put into statute
that are there now that we're trying to relieve?

LARRY MEYER: I'm going to leave the history of this mystery to Mr.
Endler. However, most everything on the books, truth verification
wise, in the six or seven remaining states has been there forever.
There's a multitude of reasons why technology was completely different
30 or 40 years ago. We now do digital-- I mean, everything is, is
digital and there was analog. There was even predecessors to analog. I
think, I think it came about just because it was the best guess at the
time to make sure we're doing this correctly. And we are light years
ahead, Senator, from where we were in the '80s.

LOWE: Thank you, so staying on that same thought, technology for, for
the CVS system, it's updated constantly so that new technology takes
over the old technology, so maybe it's-- you already said it's very
accurate--.

LARRY MEYER: Yes.

LOWE: --but is it more accurate now than it was three years ago?

LARRY MEYER: Is it more accurate? I would say no. In, in reference to
the updates, one of the first things we do obviously with CVSA-- and
I'm not going down the polygraph route, but as far as CVSA, to be
licensed-- to continue to be licensed in the state of Nebraska, I must
get a recertification every two years. So closest for me is Boulder,
so I travel to Boulder every two years. I spend-- it's a matter, I
think 24 hours, 30 hours of recertification. At that time prior to
that training, normally our instrument is taken by the instructor. All
the updates are put on. There's things that we do prior to that to
make sure it's, it's working well. As far as did it-- does it work
better now than it did then? The simple answer to that is, you know,
an instrument is as good as the interviewer. So I think if you have a
good examiner and someone who can do adequate, thorough interviews,
it, it makes it better. Guys doing this three years ago, they may have
been better than me, but in my experience, I would, I would say it's
not better than it was.

LOWE: Thank you.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

HALLORAN: Thank you, Senator Lowe. Any further questions from the committee? Senator Sanders.

SANDERS: Thank you, Senator Halloran. Good afternoon. Thank you for coming out. Can you give me an example of-- it, it isn't used in court, but what is the tool? How do you use it as a tool in your investigation?

LARRY MEYER: So there, there's kind of two facets to that, Senator. And number one would be in, in a criminal-type case or preemployment. Preemployment-- I'll just start there. A preemployment examination is an examination of 25 questions in, in theft, drug use, domestic abuse, affiliation with anti-government groups. Those are some of the questions that we ask on that. That's pretty up front and forward. I have a, a preemployment questionnaire that's standard for each person that I do. I merely go down the checklist. We talk about who you are, where you're from, siblings. We get to know each other. We talk about, you know, have you ever been accused of stealing money? Have you ever been convicted? Have you used narcotics, those kind of things. We go through that. I get to know them. Like I said, that then transitions to the examination, which I will then go over all the questions that I'm going to ask that person to make sure-- an example would be have you used marijuana in any form in the last three years? Well, their question may be yes. So I say, OK, tell me when the last time you used. They say well, all right, a year and a half ago, I was in Colorado and whatever, whatever. OK, so we talk about that. When I get to the examination, I will change the question for marijuana is other than June of 2019, have you used any marijuana in any form? That's how it's used in a tool as far as preemployment. A criminal case-- I made, I made the comment to the senator earlier today-- I have elicited probably more confessions from guilty people before I even-- I didn't even have to do an examination, but the fact that it was there and we're interviewing it, they know they're probably not going to pass. In, in, in that way, it is a tool because it's-- I've elicited a, a legitimate confession from someone and never even done an examination. If they take the examination and they're being untruthful, I explain to them and show them quite frank-- literally this is what the chart shows. This is what a, a nonstressful answer looks like. This is what a stressful-- you know, does that look different to you? Well, yes, it does. Well, the reason it's different is because you're, you're not being truthful with me. That then hopefully breaks a barrier down where we can continue to interview and hopefully elicit the

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

information that we need. Long answer to a short question, my
apologies, Senator.

SANDERS: Thank you.

HALLORAN: Senator McCollister.

McCOLLISTER: Yeah, one more short question and thank you, Chair. Do
you-- is a person under some suspicion for a crime under any
obligation to take the test?

LARRY MEYER: Absolutely not.

McCOLLISTER: So just like a confession, they, they don't have to. You
know, they have certain rights that-- and you're respecting those
rights as they come in, correct?

LARRY MEYER: Correct and what's standard in every-- prior to any type
of interview examination I do, a waiver is signed. If I do-- if it's a
criminal examination, before I even-- it may be a suspect. The waiver
is signed and Miranda is talked about and given every time I do an
examination for a criminal case.

McCOLLISTER: Got it, thank you so much.

LARRY MEYER: And that, that is part of state law. I have to keep those
records as well, so that's viewable by anyone.

McCOLLISTER: Thank you, Sergeant.

LARRY MEYER: Sure.

McCOLLISTER: Thank you, Senator McCollister. Any further questions?
Senator Lowe.

LOWE: Sergeant, by doing what we're trying to do here in LB50, this
will allow other sheriff's departments and police departments to
become CVS certified without all the restrictions and it'll make it
more reasonable for other departments to do this, correct?

LARRY MEYER: I very much appreciate that question, Senator, very much.
If the sheriff and I unfortunately were not to make it home alive
today, CVSA in Nebraska is done. I am the only one at this point. I

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

have more than 75 examinations so I can apply to become an internship supervisor. I then become-- so the example I would use-- I was planning on using if Senator Brewer was in here, but let's say the next law enforcement officer is from Valentine and he wants-- his sheriff wants one of his guys to become certified in CVSA for cost and training-wise expenses. You know, it's, it's a savings of money and it's just as effective. When that deputy or whomever finishes that training in Boulder, I then would become their internship supervisor. As the law is currently-- rules and regs are currently written, I would either have to travel to Valentine or that person would have to do their exams at Lincoln, Lincoln County, at least 25 of those. So I would have to travel. Now let's, let's just say it's Sioux City. So I, I would have to travel from North Platte to supervise those in Sioux City 25 times and then another 15, the last of the 15 of the 40, I have to be able to monitor those.

LOWE: You got nothing else going on.

LARRY MEYER: I try to travel as much as possible and my sheriff kind of frowns upon that, so anyway-- but I appreciate that because it's-- I, I would-- you have to be a licensed CVSA examiner with more than 75 examinations to even be eligible to mentor, so to speak, and observe the, the second licensed person. I hope that is clear.

LOWE: Yeah, so the training you get in Boulder--

LARRY MEYER: Um-hum.

LOWE: --that would pretty much suffice what this will do. I mean, you wouldn't-- you don't have to monitor those individuals.

LARRY MEYER: Correct. Now hopefully, Chief Endler is taking notes because nationwide, he has a whole better grasp of what everybody else is doing. But what this would do for us is that deputy or that investigator from Valentine would, you know, go to Boulder or-- I mean, every surrounding state around us all allow CVSA with no internship licensing requirements. So once you leave there with your certification from NITV, you come home and you go to work. That's, that's simply a-- Nebraska remains the only state that has any type of internship requirements to even become licensed. And like I said in my testimony, it is-- it took me two and a half years based on my agency size and the, and the number of examinations that I even have the

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

opportunity to do to even be eligible to get a license. That's Lincoln
County, North Platte. You know, let's transpose this to the smallest
agencies in your department, your, your jurisdiction. They may not
have 20 examinations in ten years.

LOWE: Thank you and travel safely.

LARRY MEYER: Yes, I hope so. Thank you, Senator.

HALLORAN: Thank you, Senator Lowe. Any further questions? So to
rephrase what Senator Lowe was asking, if we don't pass this bill and
change the license-- licensure requirements, it'll obviously make it,
if I understand correctly, very difficult for other jurisdictions to
use CVSA in the state, correct?

LARRY MEYER: Yes, very much.

HALLORAN: Would it make it-- if we don't pass it, is it going to make
it impossible for you to maintain the use of CVSA for Lincoln County?

LARRY MEYER: As long as I am able to recertify every two years, I will
continue to keep my license. That's different than other disciplines
because if I don't recertify every two years and, and give the
Secretary of State my certification every two years, I lose my
license. That's not the same for other disciplines. So yes, I mean,
throughout my career, if I continue to recertify, I can continue to do
CVSA. And, you know, the, the number one reason that we're here today
asking for help is for the expansion of CVSA in Nebraska. It's a, it's
an equal tool that's far less expensive.

HALLORAN: Understood, thanks, Sergeant Meyer, appreciate it.

LARRY MEYER: Thank you.

HALLORAN: All right, if there's no further questions, we'll accept the
next proponent for LB50. Don't get picked up on the way home. Good
afternoon.

WILLIAM ENDLER: Good afternoon.

HALLORAN: Welcome to the Government Committee.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

WILLIAM ENDLER: Thank you. My name is William Endler, Wi-l-l-i-a-m E-n-d-l-e-r. I'm a retired chief of police out of Indiana. I was in law enforcement for 30 years. I was a polygraph examiner for 17 years and I've been a CVSA examiner for 24 years. I am the chief instructor for the National Institute for Truth Verification. I have used CVSA all over the world. I was-- went to Iraq during Operation Iraqi Freedom. I was there for three months with the Defense Intelligence Agency. I ran 50 examinations there, some of the high-value individuals, the prime minister, the vice president, Saddam's brother, several of his key individuals. I've tested al-Qaida. I've tested Taliban in Pakistan utilizing the CVSA. And as I say, I'm, I'm certainly not here to bash the polygraph or anything like that. I used it for 17 years and I was satisfied with it, but to me, this is a far better instrument as far as that's concerned. It's much more user friendly. It's-- it takes a lot less time. The charts are-- believe me, the charts are a thousand times easier to read. And really, the whole point, as we've been-- you know, everybody's been discussing is that, you know, you are the only state in the United States that has this, this requirement. We have instruments in probably 45 of the 50 states and we train these individuals in five days. It's a very hard training process. We go from 8:00 a.m. to 5:00 p.m. every day, Monday through Friday. Plus, they have at least two hours of homework every night during that week. And when they leave there on Friday, they are capable of running an examination. I mean, we-- you know, we teach the interview process. We teach the, the equipment process. And it is basically a software developed by the National Institute of Truth Verification placed in a laptop computer. The big difference between the polygraph and voice stress-- and again, they're essentially-- they're both truth verification instruments, whereas the polygraph will record the breathing, the heart rate, and the GSR, the finger electrodes, whereas we record the voice. And what we do is we put a microphone on them. We ask them questions similar to what a polygraph examination would be. It's a lot less intrusive. It's a lot less combative than a polygraph examination is. And very simply put, how it works is we have-- our voice box is nothing more than a muscle. And when we speak, the air passes over that muscle and it vibrates and it vibrates at a certain rate, normally between 8 to 14 hertz. When the sympathetic nervous system kicks in and causes these physiological changes to occur in our body, these muscles in our voice box tighten up. So when we speak, it still vibrates, but it just doesn't vibrate at the same rate that it does when we're relaxed. And in essence, what

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

it does is it changes the frequency of our voice and we can tell by
looking at the graphs whether you're under stress or not, just by
looking at the graphs.

HALLORAN: Thank you, Mr. Handler.

WILLIAM ENDLER: I'm sorry. I was long winded there, I apologize.

HALLORAN: Three minutes isn't very much time.

WILLIAM ENDLER: I figured you might want to know how it works.

HALLORAN: Yeah and, and--

WILLIAM ENDLER: Any questions?

HALLORAN: --that was a good, accurate description. Are there questions
from the committee? Senator Lowe.

WILLIAM ENDLER: Yes.

LOWE: Thank you for traveling here today.

WILLIAM ENDLER: Oh, you're welcome. Hopefully I can get out tomorrow
morning.

LOWE: Yeah, well, maybe we'll keep you. In an average state, because
you say Nebraska is the only one that has these regulations--

WILLIAM ENDLER: Yes.

LOWE: In an average state, how many of these CVS or CVSA units are
there in an average state? Nebraska has one.

WILLIAM ENDLER: Well, for example, California Highway Patrol, they
have 32 CVSAs. They have, like, 100 and probably 70 examiners. They
use it for preemployment. The Missouri Department of Safety has 52
CVSAs throughout all their prisons and all over the state. So our,
our-- probably our biggest concentration as far as states are
concerned is the Midwest: Indiana, Ohio, Missouri, those states. We
have a very large population in Florida. We have a very large
population in California and, of course, you know, spread out
throughout, but that's our main-- as far as the largest number of
systems are concerned, is probably in those areas.

*Indicates written testimony submitted prior to the public hearing per our COVID-19 response protocol

LOWE: Nebraska, with its very diverse population--

WILLIAM ENDLER: Um-hum.

LOWE: --how many should we have in our state?

WILLIAM ENDLER: Well, I guess the, the-- really the whole point-- and I, and I think the whole point of this hearing is, is basically to allow a lot of these sheriffs in the smaller communities the access to getting it and that's really the key, I guess. That's really what this, this is all about. And the, and the, the main difference, of course, in the, in the price factor, of course, is the training itself because, you know, with polygraph, you're looking-- when I went to polygraph school, it was 12 weeks and I think now it's down to about eight. I'm not, I'm not certain on that, but I'm guessing it's probably at least six to eight, whereas with the CVSA, you're looking at one week. So that's a major difference. I think instrumentation wise, they're probably fairly similar because they're both laptops now, you know. So I would say that the instrumentation, I would think that they're fairly similar, but the whole key is the, is the-- how long you're losing an officer. You know, you're paying them to be gone for eight weeks plus-- you know that, so that's, that's really the biggest factor, I believe, in the cost.

LOWE: OK, thank you.

WILLIAM ENDLER: Um-hum.

HALLORAN: Thank you, Senator Lowe. Any further questions? Senator Hunt.

HUNT: Thank you, Senator Halloran. Can you tell us about this handout?

WILLIAM ENDLER: I'm sorry? Yeah. Oh, I'm sorry. Yeah, the-- they will-- a lot of the, the polygraph individuals will talk about the studies that have been done, the laboratory studies that have been done. And, and when it comes to these laboratory studies, what makes any instrument work, OK, is what we call jeopardy. Again, whether it be polygraph, whether it be voice stress, the individual that you're testing has to have some jeopardy. In other words, they have to be afraid of something. They have to be afraid of getting caught. They have to be afraid of the punishment associated with what they're doing because that's what causes the sympathetic nervous system to kick in

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

and cause these physiological changes to occur. Because that's what we're recording on the polygraph or the CVSA is these physiological changes that occur, OK? In all of the laboratory studies that were done, every one of them was financed by the Department of Defense Polygraph Institute, OK, plus the fact that none of them-- and I personally participated in two-- none of them had any jeopardy in their-- when they did the study. The only realistic study that can be done utilizing this type of equipment is what we call a field study, OK, individuals coming in, taking the examination that have been accused of whatever the crime, OK? We are the only instrument that a field study has been done. And this handout that I gave you is basically a synopsis of a field study that was done by Professor James Chapman. It's an 18-year field study. It's, it's been peer reviewed. It's been published in a scientific journal and I just-- I thought I would give you this just for your information. And as I say, this is a synopsis of it, but it, it basically gives you some pretty good information as far as the accuracy, all that sort of thing.

HUNT: Thanks.

WILLIAM ENDLER: You're welcome.

HUNT: What's the, what's the scientific journal that this was published in?

WILLIAM ENDLER: It was in Israel. I'm not sure the name-- it's, like, Criminalistics and Court Expertise I believe was the name of it.

HUNT: OK.

WILLIAM ENDLER: And it was in Israel.

HUNT: OK, this is an Israeli journal?

WILLIAM ENDLER: Yes, I believe so.

HUNT: OK, from what I can see, it looks like a Ukrainian journal and that this is--

WILLIAM ENDLER: Well, maybe it is. I, I might be wrong on that.

HUNT: --and that this is the only edition of it ever.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

WILLIAM ENDLER: Oh, now that I don't know, that I can't tell you.

HUNT: OK, OK. If we're just talking about research, I want to make
sure that it's credible--

WILLIAM ENDLER: Oh, no I understand.

HUNT: --so I'll look into that more.

WILLIAM ENDLER: That's my--

HUNT: Thank you.

WILLIAM ENDLER: --my understanding is that it's-- it was peer
reviewed. It was printed.

HUNT: Uh-huh, thanks.

WILLIAM ENDLER: Um-hum.

HALLORAN: OK, thank you, Senator Hunt. Senator Lowe.

LOWE: Thank you and you said you were over in Iraq?

WILLIAM ENDLER: Yes.

LOWE: Does this have language problems? I mean--

WILLIAM ENDLER: No.

LOWE: --it, it-- you said it has a microphone--

WILLIAM ENDLER: Um-hum.

LOWE: --so it may record the voice, but the main purpose is to record
the vibrations.

WILLIAM ENDLER: Right.

LOWE: And so if a law enforcement officer in Kearney, where I'm from--

WILLIAM ENDLER: Um-hum.

LOWE: --does this and somebody from another country--

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

WILLIAM ENDLER: Um-hum.

LOWE: --comes in and there's an interpreter--

WILLIAM ENDLER: Um-hum.

LOWE: --you really don't have to know what they're saying at the time.
You have to understand what they're--

WILLIAM ENDLER: Well, you, you just have to trust your interpreter.

LOWE: Yeah.

WILLIAM ENDLER: But I mean, as far as language goes, the patterns look
the same--

LOWE: OK.

WILLIAM ENDLER: --no matter what language-- in fact, I have several
different-- you know, when I would-- like I say, when I was over in
Iraq, I used-- probably out of the 50 exams that I did, I used an
interpreter for probably 45 of them. And I mean, the only, the only
issue with that is you have to trust your interpreter to make sure
that they're asking the right questions, but as far as language is
concerned and the instrument itself and the patterns, it doesn't
matter.

LOWE: OK, thank you.

HALLORAN: Thank you, Senator Lowe. Any further questions from the
committee?

WILLIAM ENDLER: All right, well, thank you for your time.

HALLORAN: All right, Mr. Endler, thank you for being here and it was
very informative, appreciate it.

WILLIAM ENDLER: Thank you.

HALLORAN: Are there additional proponents for LB50? Good afternoon and
welcome.

NICOLE FOX: Good afternoon, Senator Halloran, Halloran and members of
the Government, Military and Veterans Affairs Committee. I'm Nicole

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

Fox, N-i-c-o-l-e F-o-x, and I am director of government relations for the Platte Institute and I'm here today in support of LB50. And a lot of the points I put in my testimony have already been covered, so I'll try and be brief there. But just a little back-- bit of background. Senator Groene's Office did invite me, during the interim of 2018, to sit down and talk about the issue of the truth and deception examiners licensing. And at that time, I do recall there was a representative from the Secretary of State's Office and that individual indicated that the truth and deception examiners license was one of the most vigorous licenses the office administered. So it's already been stated in most states to be a voice analysis examiner, all you have to do is complete a certification program and then maintain that certification by recertifying every two years. But in Nebraska, of course, we require additional elements and that one being the internship. And back in 2018 when we had this first initial meeting, the sole internship supervisor in Nebraska was getting ready to retire, so it sounds like luckily Sergeant Meyer was able to complete all of his verification exams and fill this void. Additionally, LB50 eliminates the bachelor's degree requirement and this is understandable because not all law, law enforcement agencies require-- or law enforcement certification programs require bachelor's degrees, so we, we think that this is reasonable. Basically, Nebraska's law was created with good intentions, but has resulted in some unintended consequences. Basically, what's happened is it's put more rural parts of our state and smaller agencies facing a shortage of individuals who can provide this voice analysis exam. And so I think what's most important is that while, you know, again, it was-- there, there was a good intention and we have a couple of different ways, the voice analysis and then there's the polygraph, we can't just take a one-size-fits-all approach. I think we need to-- you know, I-- we agree with these changes to the law because it allows smaller and more rural agencies the flexibility to decide which type of exam best meets their needs. So with that, I will conclude my testimony. I would like to say, though, to those sitting in this room that are in law enforcement, thank you so much for your service. I greatly appreciate, appreciate your sacrifice. And I thank Senator Groene's efforts to reduce burdens for Nebraska workers and I urge the committee to advance this bill. And with that, I'm happy to take any questions.

HALLORAN: Thank you, Ms. Fox. Any questions for-- from the committee? OK, seeing none, thank you so much.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Government, Military and Veterans Affairs Committee February 3, 2021

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

NICOLE FOX: Um-hum.

***SEAN KELLEY:** Chairman Brewer and Members of the Government, Military, and Veterans Committee, my name is Sean Kelley, spelled S-E-A-N K-E-L-L-E-Y and I am appearing today as a registered lobbyist for the Nebraska Fraternal Order of Police in support of LB50. The current internship requirements for the CVSA's all but impossible for most law enforcement agencies in Nebraska. The number of exams and the Internship supervisor requirements are outdated and unnecessary for our discipline. Other forms to detect deception are free to impose whatever requirements they see fit, but CVSA does not need those requirements. Nebraska is the only state of the 46 with CVSA that require any type of internship. In essence, if the rules and regulations are not removed, CVSA will no longer be around in Nebraska as there is only one person qualified to do intern supervision oversight. The Nebraska Fraternal Order of Police urges the committee to advance LB50.

HALLORAN: Are there additional proponents for LB50? Seeing none, are there those that wish to speak in opposition to LB-- LB50? Good afternoon.

BEN HOUCHIN: Good afternoon.

HALLORAN: Welcome.

BEN HOUCHIN: Chief Deputy Ben Houchin from the Lancaster County Sheriff's Office.

HALLORAN: Could you spell your name?

BEN HOUCHIN: Yeah, B-e-n H-o-u-c-h-i-n. I've been-- 22 years of-- in the criminal division there. I've been an investigator. I've been the sergeant. I've been the captain. The Backster polygraph school is where I graduated in '99. I've been licensed since 2000 and since 2005, I've been on the truth and deception board, which does this licensing. And one-- they don't have to do any more training if all they're doing is exams. That's not correct. None of us do, so I want to get that out first. On the exams that he was talking about, when there is no threat, the polygraph does 97 percent when there's no threat. So you can imagine when somebody has something to lose, how accurate it is. So I wanted to get those things out. Training hours,

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

this is the same license that they get. We have to do 250. They only do 60. There are only seven voice stress people that do this right now in the state that are licensed. Only one is active. There's 40 of us that are active doing polygraph and here they come in and they want to-- the tail wants to wag the dog on how we want to do these things. You know, we're right now in the middle of-- my profession has taken a beating and they're talking about more training and they're talking about us, you know, between the citizens and politicians not trusting us. And so with one of the things that we are talking about, truth, we're going to reduce the training and the requirements? I don't get it. I don't understand how we can think that that is a good idea. I've been on this board forever and I've watched these guys come in and they do the test and I watch when they started to when they finished. And the improvement in the internship is ungodly. Why? Because they have somebody there to help him and teach them and do it right. When I left polygraph school, I had 360 hours and thank God I had an internship so that somebody could help me. So you don't go out knowing everything and if you think you do, you're crazy. And I tell you, if you're going to call somebody deceptive, if you're taking a polygraph test or stress, don't you want the best trained? I'd hate to be called a liar and not be one. One of my concerns from doing all this is I've only had to sit on one committee to "delicense" somebody. You start reducing training and having people help, you're going to have more of that and people get sued. Agencies get sued. I am from a bigger department, but why in the world do you think I spend \$4,000 on an instrument and send somebody for eight to 10 weeks and not do the, the easier way? I don't want to get sued. So as I go through all this stuff and I'm, and I'm listening to these things, I, I have-- you know, I have some red flags. Why are they wanting to get-- make things less? What is going on? How much is the recertification? Is that company the one making this research? Are they paying it-- having to pay to do that? Well, that would probably be an answer of why they're making them go "recert."

HALLORAN: Could you finish up for us? Your time is up.

BEN HOUCHIN: Yeah.

HALLORAN: Are there questions from the committee? Senator Lowe.

LOWE: Thank you. Are polygraph investigators, are they required to recertify?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BEN HOUCHIN: No. We do-- most agencies require them to go down and do trainings and they are part of associations in doing that. But nobody, even-- yeah, nobody has to go do that. The only time you have to go and have specific a number of trainings in polygraph exams is if you're going to be the sponsor or the intern. So those are the only times. So, you know, they're coming in and saying they having to do all these things that, that is not-- that's not correct. I've been on the board since, like I said, '05. I've done a lot of these. Most agencies in Nebraska have steered away and they do. They spin the price. It's about \$50,000 to send somebody through there and do that part of it-- on the polygraph portion of it and doing that. When you have-- they have to go someplace. They got a-- you know, room and board, they-- the, the training, the, the instruments and things of that nature. So it's a huge investment. I understand that on that end of it. But with that, Omaha, we-- Omaha doesn't use it. Lincoln doesn't use it. Lancaster County doesn't use it. I'd start to ask myself why. If it's so much-- if it's equal, why wouldn't we do that? So with that-- and I do have some answers for you. It's about \$300 that they charge for a private exam on that for preemployments and doing those kind of things. So yes, there are probably about 16 private licenses out there that polygraph do and that's what they were doing other than other, other things for companies.

HALLORAN: Senator Blood.

BLOOD: Thank you, Senator Halloran. I was specifically thinking of Fran Gallo.

BEN HOUCHIN: Um-hum. I know Fran very well.

BLOOD: I do too, so thank you.

BEN HOUCHIN: He's a good guy.

HALLORAN: Senator McCollister.

McCOLLISTER: Yeah, thank you, Senator Halloran. Thank you for being here.

BEN HOUCHIN: You bet, sure.

McCOLLISTER: Is there a qualitative difference on the results, in, in the two processes or the two methodologies?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BEN HOUCHIN: We do-- we have deceptive-- no, no deception indicated and inconclusive. And the reason why they're inconclusive there is for the innocent person that's having a hard time that will not be-- land in deceptive. Finding somebody deceptive is easy. Finding somebody truthful, who's being truthful, you got to work at that. I don't know if any of you would like, but you'd be accused of having relations with your eight-year-old daughter. That's a hot question and I think a lot of people respond to those things too. So you better know what the heck you're doing and how you can go about getting a-- if they're truthful, a truthful response. Because I tell you, you start accusing people of that-- and I, I have a hard time. I don't know how he knows he's 100 percent because there's been times people fail and we just plain couldn't prove the case. So I don't know how he did it. I've, I've been doing this since '99. There's been people I thought have done things and-- but I could not prove it on that end of it because the case just went inactive on those kind of things. So, you know, the one thing I'd ask is why isn't polygraph using the voice? If it's such a great instrument portion, why does it-- you know, we do. We do blood. We do galvanic. We do NEUMO. Why aren't we adding that? It sounds like that would be the best idea if it was good, so that's how I'll answer that question.

McCOLLISTER: One more follow up.

HALLORAN: Yes, Senator McCollister.

McCOLLISTER: Again, thanks. Would Nebraska be harmed by enabling smaller communities to use this, this cheaper device?

BEN HOUCHIN: You know, I don't know a whole lot and I'm not here to bash it right at this point in time, I'm not. I didn't come here and wanting to do that part of it. I will say my agency will not use it. I will answer it that way.

McCOLLISTER: Thank you, sir.

HALLORAN: So I think Senator McCollister's question was-- and I'm not sure-- maybe he's satisfied with the answer, but I think he was asking is there a qualitative difference in the results between the two technologies?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BEN HOUCHIN: I, I suggest-- I'm-- because I don't have the top-- you know, off the top of my head. I do know that the-- some of the trainings and some of the things I've gone to and talking to other people, it's a flip of a coin on one of them and that, that concerns me. And again, I will, I will just stress why isn't polygraph using that? We have had the studies. We have done those things. And if you start looking in-- looking into the studies and doing some of the things, I think you will learn why some of the stuff is the way it is and why agencies are doing what they do. You know, you get what you pay for. And I'm not here to say we can't-- they can't have it and can't do that, but if I'm going to have the same license as somebody, why am I not-- why aren't we doing the same requirements?

HALLORAN: I guess my next question was-- and Senator Lowe alluded to it but-- or asked the question, but why is it that polygraph don't require precertification?

BEN HOUCHIN: A lot of the times, we end up-- we just-- they don't do that. We go to the schools and we go through that and we were required to go on to the trainings by the agency. I make my guys go, so that's one of the reasons why. They did-- the polygraph just hasn't done that portion of it. I think it probably would be a good idea, but we're lucky enough where I'm from that it-- we've got other agencies. We do quality checks all the time on our, our exams and making sure those things are doing it. Now I can imagine being a smaller department, that could be more difficult, but gosh, guys, in this day and age, you can send an email, a chart to anybody.

HALLORAN: I think it's all about choices. I guess my question to you is do you have any heartache allowing for smaller communities to have that choice to use this technology?

BEN HOUCHIN: No, I don't. I, I, I-- if that's what they want to do in those kinds of things, that's fine. They need to do the research and understand what they're in-- they're, they're buying and doing that part of it. Again, I'm just here as a law enforcement agencies at this point-- he talked about, you know, in these hard times. Oh, do you want to have-- you know, making sure these people are honest and that? Yeah, you want to do that, but don't you want to make sure your examiners are qualified and doing it correct? They come from the school, you know, who knows how well they did at it? Maybe they just barely passed and they need a lot of help. There's nobody there. I

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

don't want to be the one sitting there taking an exam with that, not with having somebody there that has done it, been through it, and can give pointers. That's the thing I learn the most out of all of my, my training and I had to do 75 at that point in time and be watched to do those. We've reduced them down, trying to help smaller agencies, but when, when do you stop? So like I said, there's-- I like this. I've been part of it. I think-- I have so much pride in our profession and that includes voice stress. I don't want to see it go down because we don't require people to get the training and then making sure they do it right. Because I tell you, doing it in the field is a lot different than doing it in the classroom. If I only had 60 hours in polygraph, I, I don't even know if I'd have been able to read the NEUMO at that point in time. So with that-- you know, and even after my 360 hours of training, again, I will say I am so happy that I had somebody there to help me, not just with the instrument, but with all the-- how you test and how you do it and your question formulation and all those things.

HALLORAN: Do you believe that if we expand the opportunity for CVSA that there will be more opportunity for expanding the, the number of jurisdictions that use it and then consequently, the, the oversight and, and the ability for people to work with those people for training?

BEN HOUCHIN: You know, I've been on the board, like I said, since '05. I've never heard anybody ask us about this or, or-- usually they're talking to us about different schools that go for polygraph. We have not had a whole lot of interest other than Lincoln County bringing these things up. Now I, I don't live in western Nebraska, so I can't always answer that question. I do know with the agencies here in eastern Nebraska, it won't grow here, probably.

HALLORAN: OK, so final question for me is so you don't have any apprehension about letting other jurisdictions use this technology?

BEN HOUCHIN: No, I just think we have lowered the standards far enough and we need to stand firm on where we are at this point with this bill and making sure everybody does the, the testing correctly and that if there is a bad apple in there that doesn't know how to do it, that there's somebody there to call them on it and say you're not ready for a license. And we have done that with polygraph examiners. You need to go back and do more tests. You're, you're not where you need to be.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

HALLORAN: Senator Blood.

BLOOD: Thank you, Senator Halloran. I, I just-- I want to clarify. So if I hear you correctly, what you're saying is that one, that you, you hold no ill will towards the smaller agencies that may want to do it. And number two, it sounds like your biggest concern is that because the expertise is different than, say, someone who does polygraph, that your concern is that somebody who may potentially be innocent is found and treated otherwise.

BEN HOUCHIN: That's the worst thing you can do as an examiner.

BLOOD: All right, thank you for clarifying.

BEN HOUCHIN: That's the one thing I never want to do.

BLOOD: Thank you.

HALLORAN: Has it ever been done?

BEN HOUCHIN: For me? No.

HALLORAN: For any of the polygraph?

BEN HOUCHIN: Oh, I'm sure it has.

HALLORAN: OK.

BEN HOUCHIN: Probably the ones that don't have a license.

HALLORAN: You-- there are polygraph people that don't have licenses?

BEN HOUCHIN: In other states, yeah.

HALLORAN: OK. Any further questions from the committee? Senator Lowe.

LOWE: Has it ever happened in Nebraska?

BEN HOUCHIN: There was one that we were questioning that he got his license-- I think it ran out of time, but he got brought to the board because-- I don't know what he was doing in-- on the exam and it was bad. And so he was going to lose his license, but I think he just let it expire at that point. But that was the only one we've ever had.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

LOWE: Has, has been anybody convicted because of the bad polygraph?

BEN HOUCHIN: In Nebraska?

LOWE: In Nebraska.

BEN HOUCHIN: No. Most of the time, like they said, it isn't
admissible. I think the only time it really is admissible-- if that
both sides wanted in and that's not going to happen.

LOWE: One side.

BEN HOUCHIN: One side's going to not want it.

LOWE: Do most agencies have a polygraph-- somebody that can do a
polygraph test?

BEN HOUCHIN: I don't know. Around here, I know we-- and one of the
things when I started doing these things is I offer ours up and we do
a lot of preemployment for smaller agencies around so that they have
apt people qualify. Because as you know, in our profession, somebody
does something bad in New York, Minnesota, or anything, we all take a
beating. Now that, that was true this year. So with that, I want to
make sure we get good people. So I have no problem with our examiners
going in and doing polygraph tests for others. And we don't charge. We
just let them come in and do it for them.

LOWE: As we heard from Sergeant Meyer, probably two-thirds or more of
these tests that he does are for hiring.

BEN HOUCHIN: Um-hum.

LOWE: Is that the same with your department?

BEN HOUCHIN: That we do mostly for hiring? Yes. Luckily, we don't lose
a lot of people, but I know the Lincoln Police Department does a lot
for preemployments and do-- doing those tests. That's probably-- and
even for us, I would say it'd be the majority of the exams.

LOWE: Thank you for your service.

BEN HOUCHIN: You bet. Thanks.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

HALLORAN: OK. Any further questions from the committee? Seeing none,
thanks for your testimony.

BEN HOUCHIN: Thank you, guys. Have a good day.

HALLORAN: Is there anyone else who wishes to testify in opposition to
LB50? Seeing none, is there anyone in the neutral capacity? Seeing
none, Senator Groene, if you'd like to close?

GROENE: Thank you. Senator Lowe, when the officer was questioned in
the Beatrice Six situation, he testified that two of the Beatrice Six
failed the polygraph test and it led him to further pursue the case.
You can look up the testimony. I'm going to read you something from
Mr. Phinney, he said he didn't care. He wasn't against the CVA and you
had this letter from him, I think, that he sent to us when we inquired
if he would help support because we are leaving polygraph alone. The
position of NAPE and CVSA does not work as a method-- is that CVSA
does not work as a method of detecting deception that is such any
effort to expand its footprint in Nebraska would be contradictory to
our association's commitment to truth. He has a bias, a very bad bias
because that's what he does. You heard the testifier before him. He
had both. One of the major experts on polygraph, he came here from
Florida to testify, one of the major-- the number one expert on CVSA.
He's done both and you heard his testimony. They're both very good and
very reliable tests. The reason CVSA does not need as much training is
because the software itself doesn't lie. Polygraph is trying to look
at heart rate, other matters-- there's three of them. I can't remember
them all-- and they're looking at that and, and one contradicts the
other, they can have faulty conclusions. All right. Senator Hunt, the
expert gave you a study from a college professor. Mr. Phinney-- the
professor did the study. You might doubt the journal. Mr. Phinney said
it's 97 percent accurate, polygraph is, when it's none stressed, when
it's a study. Where's the study? Where's his facts? Where did he pull
that out of? It works. It's very reliable. It's not admissible in
court. There are 40 lie-- polygraph licenses in this state. He was
correct. There's seven in Nebraska, CVSA, only one active. We had two
at the Lincoln Police Department, one of them just retired, 20 of
the-- 18 of the 40 polygraph are private, 22 are in police, mostly in
Omaha, Lincoln, and State Patrol. There's actually one or two in North
Platte. This is a tool. It doesn't take a-- the point you ought to
remember is you've got to have four years of investigative experience
in the police department or private detectives. So you, you know,

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

you've been around individuals who are criminals and, and you got a feel for it in the first place. This test is just a tool. As they said earlier-- as he said and so did Sheriff Kramer, we face a situation in Nebraska, in, in the United States about trust of our police forces. If we can weed them out, bad characters up front, it makes everything a lot better. You heard-- sorry, Officer Meyers- I was calling him Officer Smith, but earlier-- they ask about racial profiling. They ask about, they ask about if you belong to an anti-government organization. They weed those folks out and we need that tool in rural Nebraska. We need it in Kearney. We need it in Hastings. We need it in, in North Platte. We need it in Gordon, Nebraska-- that ability. That's awful nice of the, the Omaha Police Department or State Patrol to let us drive all the way to, to the Lincoln with a candidate to take a test, a lie detected-- a polygraph test. We can do it out there. We can do it out there. It's a good law enforcement tool. It protects the innocent. I believe talking to Sergeant Meyer earlier, you sign a waiver and then he goes through the pre-- pre-questioning and gives them the questions. They can still back out. At that time, they can still back out and say no, I decided I don't want to take it. The judge don't know that. County attorney don't know that because it's not admissible in court. It's a, it's a very good tool. We need it in rural Nebraska. Remember, no other state makes the onerous requirements on polygraph or CVSE [SIC] as we do. And I asked, when I brought the bill last time, where did those requirements come from? They sat in a room and they negotiated; 300 hours, 400 hours, six weeks, 10 weeks. No science behind it. No facts behind those numbers. We just-- some senator before us, to get it passed, put those onerous requirements into that-- the state of Nebraska is the only state requires it, the only state. That's on polygraph and CVSA, those kind of requirements. Yes, we do not make the CVSA person recertify every two years. The organization does. The organization says every two years, you have to come in for retraining to keep your certificate that then you take down to the Secretary of State and, and re-- and prove-- get your license and recertify your license. They don't do that with polygraph. That individual-- I don't know if he's still doing it-- from the State Patrol, I believe, did the one in the Beatrice Six, if he's still working or not. Mr. Phinney is biased, is biased by-- you have a letter in front of you against the CVSA. It's a pride thing. It's obvious we have professional protectionism going on here, which is not good for the people of Nebraska, not good for good government. These individuals are government employees we train with

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

our tax dollars. And Sheriff Kramer is elected by the people of Lincoln County and they trust him. And if he wants a tool, it protects the people of Lincoln County, we ought to give it to him. Remember, the federal government uses this. The FBI uses this, CIA, whoever asked-- did it on suspects in Iran and Iraq. They didn't do a polygraph test, did they? It is a well-respected, well-policed system. It is software that can only be used and is only sold to law enforcement agencies, period. And then if you are a licensed law enforcement and you retire, you can continue your certification and go into private business or whatever you wish to do. But it's a good-- it's a great tool. And because of some arbitrary numbers put out by some senator in some-- this committee years ago, who have not proved effective, are unnecessary. It doesn't mean we have to continue that policy. We need to have more tools for our law enforcement and that's what I'm trying to do here.

HALLORAN: And thank you, Senator Groene--

GROENE: Any questions?

HALLORAN: --for the close. Are there questions? Yes, Senator Hunt.

HUNT: Thank you, Senator Halloran. I don't love lie detector tests. I don't love lie detector technology. There's a reason that these tests aren't admissible in court. There has been extensive research by people who are advocates of criminal justice and justice reform into the efficacy of polygraph tests, stress tests, a myriad of lie detector tests, many of which are available on the market commercially. By that, I mean a lot of businesses are in the business of detecting lies and if they can convince law enforcement agencies, if they can convince state governments that this isn't pseudoscience, that it's real, then they stand to make a lot of money, right? I'm not saying that's what this is, but since you brought up this study on the record, it's-- I want to speak to that given my comments that I just made. This journal, Criminalistics and Court Expertise, this is not a peer-reviewed journal. This is published by the Ukrainian government and the doctor-- well, the, the professor and the research analysis-- analyst who did this study-- from cursory research that I did and this was covered by CBS. This was covered by Dateline. They tried to get it published in a peer-reviewed journal, but it was rejected so many times they had to send it to Ukraine to get published. And a search found no record of this journal in any kind of journal research

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

database and so this speaks to my concern about lie detectors on the whole. I don't want our government to become a channel for commercial business, for people trying to make money off of lie detector tests. And again, that, that doesn't say anything about if this is useful, if this is a good tool sometimes. If seeing a polygraph or a CVSA or a lie detector thing on the table doesn't make criminals spill their guts and confess, that's a different question. But if we're talking about the validity and credibility of a tool, this study is not going to say anything about the validity of this, so that's just something I wanted to get on the record--

GROENE: I haven't looked at it.

HUNT: --since we had the study put on the record. Thank you.

GROENE: I'll ask him about it later, but I also would ask the individuals-- you cannot use a lie detector test in the United States for preemployment, can't do it. You can use it afterwards. I asked him the question if somebody's-- Senator Lowe would get this-- somebody's stealing-- you're getting short in the till in a bar. Can you ask an employee to take a lie detector test afterwards? Yes, you can do that, but you can't do it for preemployment. So as far as that goes, private industry is not going to start using it on employment. It's been banned. I believe there's an exception for fiduciary institutions where a lot of money is handled, that you can do it there, which I think would be a good idea. No, this is used accurately. It's not entrapment of anybody. It's more for preemployment. I hear from law enforcement how many bad apples-- I, I can't go into the stories-- how they've caught individuals who applied for a job and later it was proven-- seen by small town that individual should have never been hired and wasn't hired because they were, they were found out ahead of time. A lot of people like to carry a gun. It's a good thing, but some of them want to go into law enforcement and we need to weed those characters out before they get into law enforcement. They want to carry a gun for the wrong reasons. That's what Sheriff Kramer wants to do. He's a good officer, a good sheriff. And a lot of the other-- I'm not-- we're not just talking sheriffs. We're talking about towns the size of Ogallala, Gothenburg, Cozad-- I could go on down the list-- that can't afford a polygraph, the strenuous requirements for passing it. Nobody's ever prove-- said that those strenuous requirements are necessary. It's just what somebody arbitrarily said they needed to do, the company that-- there's a company that controls the polygraph

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

technology. There's a company that controls the CVSA. Polygraph sells to anybody. They sell to private [INAUDIBLE]. CVSA has-- the, the, the person who, who created that, that software could have got rich selling it to Wal-Mart, selling it as a kids game. You sit around and you try to see if you can beat the, beat the machine. He didn't do that, did he? He only sells and only allows law enforcement to use his, his technology. It's-- we need it. We can't let it die-- a great tool-- law enforcement tool die in the state of Nebraska because of the cost. It's the cost.

HUNT: And I want to be clear that I'm not impugning the integrity of our law enforcement officers, just the validity of this study--

GROENE: All right, well, I will--

HUNT: --which, which shouldn't even be called a study.

GROENE: What I will do is I will sit down with, with the individual and find out what he knows of the test and I'll get back to you, Senator Hunt--

HUNT: OK

GROENE: --all right? I, I didn't go on the Internet and type it and print that off.

HUNT: You should go on the Internet and see what these things are.

GROENE: Well, maybe what you found on the internet isn't true either.

HALLORAN: Senator Blood.

BLOOD: Thank you, Senator Halloran. I, I, I want to build on what Senator Hunt just said because we did a lot of research as well. And the one thing that I'd like you to help me with when this is over today is could you please find something that shows the National Institute of Justice under the department-- U.S. Department of Justice, verifies that this is a good and functional tool because I found a report that they did that-- they literally said it's no better than flipping a coin. And so I have no issue with the licensure--

GROENE: Um-hum.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BLOOD: --part of it. I have an issue with are we just opening the
doors because they want to come and make money--

GROENE: I think the expert mentioned that about flipping the coin. I
know one of them that did. I-- we'll check into that. That could be
a--

BLOOD: On this one specifically-- this type specifically, so-- I, I--
you know, the Department of Justice is a legit organization--

GROENE: Um-hum.

BLOOD: --in Washington, D.C., in the U.S. Government and so one that I
would tend to believe on something like this, so--

GROENE: Thank you.

BLOOD: --I'm, I'm happy to be disproved to be correct and I, I
challenge you with that, please.

GROENE: All right, no problem.

HALLORAN: Any further questions? Senator Lowe.

LOWE: Thank you, Senator Groene. So it's been stated that Nebraska is
the only state that has these requirements in, in our country. And I
believe-- I'm trying to remember that there were 45 states that, that
have this CVSA and so that means 44 other ones don't have this
requirement. Do you know-- are they having problems with their CVSA
investigators as far as anything? A majority of our country--

GROENE: No. Put it this way, when the-- when CVSA came out in the
'80s, the-- talk about corporations-- the lie-- the polygraph people
went around and said you get them here. We get them here. They come
from Florida, everywhere and they come and they say let's do this.
Let's-- would you present a bill here to stop this from happening?
They were doing professional protectionism, protecting themselves, and
they convinced 13 legislators-- legislatures to ban CVSA, all right?
Since then, nine of them have changed their mind. There are four left
that are still on the books. So it is growing. The truth-- the trust
of it-- the system is growing, not, not going away. And we could get
you those states if you wanted, but yeah, it was-- it's, it's not--
you think it would go the opposite direction, that if there was a lot

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

of situations where people were complaining that they were falsely
accused or didn't get hired. It's not happening. It's not happening
anywhere in the country.

LOWE: All right, thank you.

HALLORAN: Thank you, Senator Lowe. Any further questions? Seeing none,
thank you, Senator Groene, appreciate it. For the record, we have--
for written testimonies for LB50 we have a proponent-- Sean Kelley
with the Nebraska Fraternal Order of Police as a proponent and that
concludes LB50.

BREWER: Why do I have a hunch you want to hand that gavel over?

HALLORAN: Catch.

LOWE: I'm getting out of the way.

BLOOD: Going from one extreme to the other.

HUNT: I got the next bill.

BREWER: All right, we are now going to transition to LB250, so we can
have everybody swap out. And Senator Halloran, thank you for filling
in.

HALLORAN: You're welcome.

BREWER: Senator Hunt, welcome to your Committee on Government,
Military and Veterans Affairs. Whenever you're ready.

HUNT: Thank you so much, Chairman Brewer and members of the Government
Committee. I'm Senator Megan Hunt, M-e-g-a-n H-u-n-t, and I represent
District 8, which includes the neighborhoods of Dundee and Benson in
midtown Omaha. Today, I'm presenting LB250, which would create a
voluntary registration for qualified interior design professionals.
This bill is needed because under current law, interior designers must
have their design documents and plans stamped by an engineer or an
architect, adding unnecessary time, expenses, and hoops they must jump
through in order to do their work. This bill will allow those
designers who wish to, to register to use their own document stamp for
permitting projects without having to hire an architect or an engineer
to approve their plan. This is my second time bringing this bill. Last

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

year, I brought LB1068, which did not advance. There has been some compromising that needed to happen and lots of conversations between all the people who are stakeholders in this bill, particularly the interior designers and the Board of Engineers and Architects. And I'm really glad that we put in a whole bunch of work over the interim and we produced a compromise, which is AM43. I will have that to distribute to you at my close, but it's online and you can look at it. I filed it on the bill this morning, so it's just AM43, which was filed on this bill. With AM43, the Board of Architects and Engineers will be neutral on this bill. We appreciate their willingness to work with our office to find a solution that was acceptable to all the stakeholders involved. Both groups would like to see AM43 replace the introduced version of the bill. I would also like to thank Senator Geist for her cosponsorship and partnership on this bill. LB250 is a long overdue piece of legislation for the design and construction industry in Nebraska. I'm excited about this bill because it will bring more choice to consumers and more economic mobility and opportunity for the many small business interior design firms across our state, many of them women owned. There are 313 interior design establishments in Nebraska and 300 of them-- that's 96 percent of them-- are solo practitioners or they're firms of four or fewer employees and 90 percent of them are women. So these are entrepreneurs who are running small businesses and this is exactly the kind of bill we need to get rid of government red tape, to support innovators who build our economy, and to continue to grow Nebraska. To illustrate for the committee the bill that-- or the, the problem that this bill seeks to solve, say an interior designer is brought in to renovate a restroom in a large hotel here in Lincoln. No load-bearing elements will be altered in this renovation. To comply with Americans with Disabilities Act requirements, this designer must draft a design that relocates fixtures, move support handrails and handicap stalls, and perhaps expands the size of the bathroom to allow for wheelchair or walker access by pushing a non load-bearing, nonstructural wall back by a few feet. This is a very typical, common job for a commercial interior designer. These are activities that interior designers are trained to do. Several of these activities require a building permit before construction may begin once the design is complete. Under current law, an architect or engineer must use their stamp and seal and proceed to get a permit to start the-- for the client to start construction. An interior designer, on the other hand, has no stamp or seal by law. They must go to an architect or engineer, work under the

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

quote responsible control unquote of the architect or engineer, and then have that architect or engineer stamp their drawings and then proceed to complete the project. The designer pays for the architect or engineer service at a fee percentage depending on the size and complexity of the project. Interior design small businesses should not be required to hire or contract out an architect or engineer to compete-- to complete, to complete projects for which architects and engineers are not absolutely required. This needless and antiquated bureaucracy is a problem for interior designers and consumers who must pay higher fees for these extra, needless steps. LB250 will end this unnecessary bureaucratic process by allowing qualified interior designers to get their own stamp for their own work if they choose to do so. I emphasize that this bill creates a voluntary registration system. Those designers who prefer not to register and stamp their own documents can still use the old system and have an architect or an engineer do it for them. It does not create a mandatory license. It will not impact those engaged in strictly decorative services and it will not impact any commercial or residential interior designer who does not wish to obtain a construction document stamp. If designers don't want to get a stamp and they want to continue as they do now, nothing will prevent them from doing that under this bill. The language in AM43, which would replace the bill-- did that turn up? No? Is that amendment here?

_____ : She's printing it.

HUNT: OK, that's fine. The language in the amendment would replace the bill and it would explicitly design [SIC] what interior designers will and will not be able to stamp independent of an architect or engineer. There will be no confusion. There will be no threat to public safety. The practice of interior design described in the bill is specific and limited to nonstructural, non load-bearing interior design elements and explicitly excludes the engineering of complex building equipment like HVAC systems, among other things, which interior designers are not qualified to design. The scope of interior design practice described in LB250 and AM43 is well within the competencies of interior designers as determined by their education, training, and examination. We also clearly indicate in the language that interior design is a separate and distinct discipline and practice from engineering and architecture. When I talk about interior design, this is not the profession that you might see portrayed on TV, focused on paint, pillows, aesthetics, and decorations. These are tested,

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

qualified building scientists trained to independently design the work that this bill and the amendment describes. Though this bill allows the State Treasurer to select the qualification exam for these registrants that is best in keeping with the values and needs of the state of Nebraska, 26 out of the 27 U.S. states which currently regulate interior design choose the National Council for Interior Design Qualification or NCDI-- NCIDQ exam. Prior to sitting for the NCIDQ, the applicant must complete a rigorous combination of postsecondary schooling and supervised in-the-field training and then sit for an 11-hour nationally recognized comprehensive exam. In 12 states, interior designers have their own construction documents stamped to submit drawings for permit. In recent years, legislatures in more than-- in eight states have been considering legislation to grant interior designers a construction document stamp. In every state, this is an issue with broad bipartisan support. Passing LB250 with AM43 will allow Nebraska to join 12 other forward-looking states in providing a construction document stamp to allow interior designers to submit their own work for permit. These states have recognized that greater competition in the design and construction marketplace means greater choice for consumers, lower prices for design and construction projects, faster completion times, and greater opportunity for small businesses. In states that have implemented this change, there has been no impact on public safety. Once again, this has already been done in 12 other states. If there was any kind of public safety challenge with this, we would know because it's already been done in other places and there's no evidence that there's any danger to public safety under this bill. This bill will allow interior designers to work to the fullest extent of their capabilities without unnecessary red tape. I ask you to support this bill and listen to the needs of small and women-owned businesses across the state. Thank you. I'd be happy to answer any questions.

BREWER: Thank you for that opening and your, your timing is impeccable. You're-- hand these out right as you're finished. This is a pretty good-sized amendment.

HUNT: Yes.

BREWER: The, the bill has a little deja vu from, from last year. So if we take a snapshot of last year's and we take a snapshot of this year's, what are the biggest, major changes?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

HUNT: So the, the only change in the amendment-- and, and it is really thick and there's additional sections in this amendment due to the fact that the name of the act was changed and so the name had to be amended in all sections of the statute where the name of the act is, so that's why it's thick.

BREWER: Oh.

HUNT: It's not because there's actually a lot of changes. What this amendment does is, through a compromise between the interior designers and the architects and engineers, this adds interior designers to the Architects and Engineers Act and it gives them representation on the Architects and Engineers Regulatory Board. So it kind of puts interior designers under the purview of architects and engineers.

BREWER: Got it. Well, I must tell you that you have worked incredibly hard on this. Most people would have thrown up their arms and given up a long time ago, so--

HUNT: But look how important it is to so many people. You can't--

BREWER: We should be here for supper. All right, questions? Questions? Oh, yes. I'm sorry. Senator Blood.

BLOOD: Thank you, Chairman Brewer. Thank you, Senator Hunt. You have worked really hard on this and I was going through the amendment and wrote down some questions because I did hurry up and read it. So I'll just ask real brief questions, if that's OK, so I got this in my head. So can you explain to me what's a coordinating professional that's stated in the amendment and what's the, the responsibility? That's not clear to me in the amendment.

HUNT: Can you tell-- can you say that again to me?

BLOOD: I can.

HUNT: Coordinating professional?

BLOOD: Coordinating professional.

HUNT: What-- can you tell me the name and the, the line? I understand the top line said that--

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BLOOD: Of course I'm out of that screen now.

HUNT: The amendment is kind of new to me too.

BLOOD: I want to say it was, like, page 18, I want to say, maybe?

HUNT: OK.

BLOOD: And if I'm wrong, I apologize because I am out of there now.

HUNT: This is already in statute and so I would, I would ask you to
ask this question of an expert coming up behind me.

BLOOD: OK.

HUNT: Because this is something that's already in statute, so it's not
something that I'm touching.

BLOOD: So I may have given you the wrong page then. Tell me how you
think this is going to affect the nonregistered interior designer, if
at all.

HUNT: A nonregistered interior designer will just continue to practice
their profession as they already do.

BLOOD: So no benefits, no downside?

HUNT: Well, I think the downside is that you have to schlep to the
architect and engineer to have them stamp your plan, but if that's
working for somebody and they want to continue to do that, then that's
their business. It's OK with me.

BLOOD: And then the last question I have is more of a curiosity
question. So I, I see-- and again, I know you worked really hard on
this. And I'm not being critical, I'm trying to get clarification. So
I've received so much opposition from architects and engineers. Who
were the stakeholders on the amendment outside of just the board--

HUNT: So--

BLOOD: --and, and interior designers?

HUNT: It's very, very split, right? To me, this just seems like a pure
turf battle because we have so many letters of support from, from

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

architects and from engineers, including the dean of the college of architecture at the University of Nebraska-Lincoln. The Board of Architects and Engineers is in support. And every, every person who touches this world was in conversation with us and I can say a lot of people are working in good faith. A lot of people were working in bad faith. And I think that there's some folks who just do not want to give up any authority and that's always going to be the case in professional fields. Like, if somebody has authority to, to approve or deny something for somebody, they're not going to want to give that up. And so, you know, a, a frustrating point was, you know, I've been working on this for over a year. And I'd say well, tell us the compromise you want. What would you be able to live with? What makes you happy? Let's negotiate. Let's actually go through this and sit down and work together and that was not always possible. So this represents, I think, a, a really acceptable compromise. I think that you're seen as a swing vote and so you've probably been lobbied pretty hard from the opposition and I think it's a good bill.

BLOOD: So you feel confident that it-- and I don't know who's here because everybody has got masks on so who knows who's out there. So if someone come say that they are an architect or engineer that aren't on the board, you feel comfortable that if we talk to them, they're going to say, yes, we were invited to the table?

HUNT: Yeah.

BLOOD: OK.

HUNT: I do.

BLOOD: Good to hear. Thank you.

BREWER: Senator McCollister.

McCOLLISTER: Thank you, Chairman Brewer. Of course the pushback on new licenses is the fact that it's a restraint of trade and, and a barrier to entry. How would you answer that, that question?

HUNT: I think the real barrier is requiring these small business owners, most of whom are women, to go get permission from an architect or an engineer to do something they're already qualified to do, especially when you think about 90 percent of interior designers are women, but 90 percent of architects are men. And so--- you know,

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

something derogatory that I've heard said about these, these business owners is that they're pillow-fluffers and they are not pillow-fluffers. They have gone through postgraduate education. They have taken an exam that they've had to sit for, for a dozen hours. They're extremely qualified and what's really the barrier to business isn't the license. It's making them go ask permission from some man to do their work and that's what we want to stop.

BREWER: Whoops.

_____ : Crash.

BREWER: Crash. Oh, well. OK, additional--

HUNT: I'll also say this is, this is not to disparage architects and engineers. Architects and engineers want to do architecture and engineering. Interior designers want to do interior design. And the world's--

BREWER: Thank you.

HUNT: --you know, there's a little bit of a Venn diagram. Like, there's some overlap in the work that they both do, but interior designers have their own purview, they have their own training, and they should have their own authorities to do their work unencumbered.

BREWER: And Senator Hunt, help me remember. Last year, your bill with the amendment made it out of committee, but because it didn't have a priority, it, it died?

HUNT: Exactly.

BREWER: OK.

HUNT: We couldn't find a ride for it either, so--

BREWER: All right. Additional questions? All right. Oh, yes, Senator Halloran.

HALLORAN: Thank you, Mr. Chairman. Voluntary registration is, is an interesting concept. Do architects and engineers go through a process of voluntary registration?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

HUNT: I don't think it's voluntary for them, but someone behind me can answer that with certainty.

HALLORAN: OK. I guess you know for architects and engineers, there are some expectations of, of regulation and compliance. Would there be for interior designers?

HUNT: Well, for, for someone to claim to be an interior designer, they have to have that education. Someone who, you know, paints walls and picks out bed sheets cannot call themselves an interior designer. That's already something that's defined.

HALLORAN: Typically where there's compliance necessary, there's usually the-- you know, there's usually inspection or investigation of the work, right? Would, would there be for this group of people?

HUNT: Well, that's why they would be under the purview of the Board of Engineers, Architects, and Registered Interior Designers and that's what the board would then become.

HALLORAN: OK, thank you, Senator.

BREWER: All right. Any additional questions? All right, you'll be staying around for closing?

HUNT: Um-hum.

BREWER: Very good--

HUNT: Thank you.

BREWER: --thank you for your opening. All right, we will begin with proponents. Come on up after we get the cleanup done here. Welcome to the Government Committee.

JESSICA DOOLITTLE: Thank you very much. Good afternoon, Senator Brewer and committee members. My name is Jessica Doolittle, J-e-s-s-i-c-a D-o-o-l-i-t-t-l-e. I'm a professional interior designer working at HDR in Omaha, Nebraska. I'm not here representing HDR as a company, but I am representing myself and the other interior designers in the state of Nebraska and those communities. I'm here to ask you for your support for LB250 with the amendment as submitted. My entire professional career has been in commercial interior design, which

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

means that I work in public environments that-- environments that are affected by the public, people come in and out of. I've worked on a wide variety of projects, from education to corporate offices, from small coffee shops to 900-square foot hospitals. And they've ranged in square footage as well from very small to very large and I've worked in small firms and I've worked in large firms. And for a small time, I did have my own business, so I understand how this legislation can impact a small business owner and other interior designers in the state of Nebraska. Most people think of interior design as the creative side, but there is a technical side to interior design because everything we, we develop creativity-- creatively, we have to document on construction documents. I work on floor plans, reflected ceiling plans, elevations, details, sections, specifications, and material legends. And I coordinate and I work with my colleagues who are architects, mechanical engineers, electrical engineers, lighting designers, and the like. And for the work I do, I adhere to building codes, accessibility guidelines, flammability codes, and the majority of the work I do requires permits, which I cannot obtain on my own. My education, work experience, and examination have all qualified me to do this work. Some in this room today are going to question those capabilities, but I've been doing it for 20-plus years now and I don't always need an architect looking over my shoulder do-- to do the work on the interior spaces that are under my purview. So my qualifications and the qualifications that are outlined in this bill include the following. So I graduated from the University of Nebraska in 1994 with my bachelor's of science in interior design. I have taken and passed the NCIDQ, National Council for Interior Design Qualifications exam, which tested me on my qualifications as an interior designer. The NCIDQ is an internationally recognized three-part, 11-hour exam. It tests on building systems, regulation, building and safety codes, accessibility, accessibility standards, contract documents and administration, construction standards, design application, professionalism and practice, project coordination, and more. In 2020, the passage rate for this exam was only 64 percent and not just anyone can sit for the exam. You have to be educated. You have to have work experience before you can even pass the exam and sit to take the exam. And after passing the exam, we are required to take continuing education credits to maintain our knowledge of building codes or if anything changes, best practices and products. LB250 isn't radical legislation. It's not going to permit interior designers to practice architecture or engineering. As Senator Hunt said, there is overlap in

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

the work that we do when we work on the inside of the building with architects. And like Senator Hunt said, there are 27 U.S. states with some form of regulation, two federal jurisdictions, including Iowa, and they range from full mandatory licenses to voluntary state registrations and certifications. And 12 of those states do allow stamp and permitting privileges.

BREWER: OK, I'm going to have to hold you up right there. We're--

JESSICA DOOLITTLE: No problem.

BREWER: --kind of over on time.

JESSICA DOOLITTLE: And that's-- can be possible.

BREWER: All right, we'll see if we got questions for you.

JESSICA DOOLITTLE: Happy to answer any questions.

BREWER: Questions? All right, seeing none, thank you for your testimony.

JESSICA DOOLITTLE: Thank you.

BREWER: All right, quick cleanup. OK, next proponent, come on up.

MARILYN SCHOOLEY HANSEN: I might have to stand up.

BREWER: Yeah, the chair, the chair will put you down a little bit. Welcome to the Government Committee.

MARILYN SCHOOLEY HANSEN: Good afternoon, everyone. Senator Brewer and members of the committee, so glad that you're having us here again today. Thank you. My name is Marilyn Schooley Hansen, M-a-r-i-l-y-n, Schooley, S-c-h-o-o-l-e-y, Hansen, H-a-n-s-e-n. I am a designer from Omaha, Nebraska, and I'm here today to ask for your support for LB250 and the proposed amendment, which we worked so hard on. I've worked in the interior design field for 51 years in Nebraska and when I graduated from an accredited school, a very good school, people mistakenly thought that all I could do was decorate homes. They thought we did draperies and carpet and wallpaper and they had no idea what a four-year degree, \$50,000 a year cost, would create as an interior designer. Our television programs promote that and it's very

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

difficult to get past that stigma. If you fast-forward 51 years, interior design is recognized as a complex construction-science-backed profession with a serious role to play alongside architects, engineers, tradespeople, contractors for the public, and our residential clients. During 51 years, I've worked on many fantastic projects across the state. Some of these buildings were many years old. Some of them were five years old. Some of them are 100 years old. They're commercial, they're residential, and all of them LB250 would be so important for. Whether the buildings are historic or five years old, residential or commercial, it's important that the building codes be followed for safety reasons. All design decisions must follow the electrical, plumbing, construction, egress, and fire codes. For example, if I had selected carpet and designed a stairway railing or designed a restroom that didn't follow the codes, the project would not have passed and they would not have been able to go forward. One of the projects I worked on for many years was the design chair for the renovation of the Governor's Residence. The building was brought up to code in all facets. Lower-level egress exits were added and an accessible elevator and a public restroom was finally installed after it was 50 years old. The building received sprinklers in the concrete ceilings. Though I worked with a design team that included architects, engineers, fire, fire professionals, and others, the state found me to be a competent professional to lead and coordinate the project. Every inch of the residence was updated and refurbished and today, I serve on the advisory council as their interior designer. Over the years, I've worked on residential and commercial projects. My business, The Designers, is 40 years old. When I work on condos, churches, hotels, schools, restaurants, and multiunit commercial buildings, I must be proficient in all codes related to interiors. Oftentimes, these interior design projects impact code and therefore require a building permit to complete. A great example of an interior design work that would require a permit is bringing a commercial interior into conformity with American with Disabilities Act, building accessibility standards, and much of the other details that go into making these.

BREWER: Finish your sentence and we'll--

MARILYN SCHOOLEY HANSEN: All right. I can't do it fast.

BREWER: Oh, well--

MARILYN SCHOOLEY HANSEN: When I survey the future-- I'll do it quick.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: OK.

MARILYN SCHOOLEY HANSEN: When I survey the future in the built environment, I see all buildings becoming more complex and demanding safety as well as accessibility. The interior design profession has been challenged to meet these obligations and we have. Our profession requires us to design interiors that are functional and safe. And I know you have had letters that are saying this does not matter, but I assure you it does. We have 1,500 people who graduate from this program and right now in our state, we have 143 who have stayed. What does that tell you? It's very, very important. I thank you. Do you have questions for me?

BREWER: All right, questions? Senator Blood.

BLOOD: Just, just a quick question. Thank you for your testimony. So you talked about doing work. Was that under the purview of the state building division when you did your work for the--

MARILYN SCHOOLEY HANSEN: As a coordinating--

BLOOD: --Nebraska?

MARILYN SCHOOLEY HANSEN: --professional, yes.

BLOOD: And then so who would be responsible for the code stuff, like, the kitchens-- I'm sorry, these masks are not helpful.

MARILYN SCHOOLEY HANSEN: I'm so-- appreciate it.

BLOOD: No, that's all right. I'm just trying to be courteous to everybody. So who would oversee things that had to do with code then? The kitchen that-- you talked about the elevator, I believe. You did address the disability--

MARILYN SCHOOLEY HANSEN: We had a--

BLOOD: --part of it.

MARILYN SCHOOLEY HANSEN: We had an engineer, yeah.

BLOOD: So, so the engineer is responsible for the code stuff?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

MARILYN SCHOOLEY HANSEN: Sure, but let's talk about what he wants it
to look like.

BLOOD: No and I--

MARILYN SCHOOLEY HANSEN: So that's where we're--

BLOOD: --I'm not arguing with you in any way.

MARILYN SCHOOLEY HANSEN: Oh, I know you're not.

BLOOD: I'm trying to get this clear in my head--

MARILYN SCHOOLEY HANSEN: Right.

BLOOD: --so--

MARILYN SCHOOLEY HANSEN: So we work with them. And so on-- in an
elevator that I'm working on, whether it's a hotel, a church, or the
Governor's Residence, it's like, what do you think it's supposed to
look like? Do we want it to look like I just rode in here on a gurney
and it's a hospital?

BLOOD: And, and I'm-- that's clear in my head. What wasn't--

MARILYN SCHOOLEY HANSEN: Right.

BLOOD: --clear was the safety, the public safety aspect of it. So
you've told me that the public safety aspect of it is under the
purview of the engineer?

MARILYN SCHOOLEY HANSEN: We work with architects and engineers for the
things they do well. I cannot design HVAC. I can't design an elevator,
but I can work connected with that and all that really involved was
where in the building would it make sense? They tell us structurally
where to put it. We talk about how to access it and how we can get
more than one person in at a time. So we're talking about how people
live in the space and the accessibility of it and then we talk about
what's, what's on the floor before you get there? Is it going to burn
up if we had a fire in the kitchen, which is across from the elevator?
Are we going to have a problem with fumes? Because you die in five
seconds from fumes and you never feel the burning. Isn't that
interesting? You die of the fumes.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BLOOD: I don't know if it's interesting. It's certainly scary, but--

MARILYN SCHOOLEY HANSEN: It is.

BLOOD: --thank you very much.

MARILYN SCHOOLEY HANSEN: Think of the martyrs. My goodness, the
martyrs probably died of fumes.

BLOOD: Thank you--

MARILYN SCHOOLEY HANSEN: Anyway--

BLOOD: --for answering that question and clarifying that.

MARILYN SCHOOLEY HANSEN: Anything else?

BREWER: Any other questions? Yes, Senator Sanders.

SANDERS: Thank you, Chairman Brewer. Thank you for being here today.

MARILYN SCHOOLEY HANSEN: Thank you.

SANDERS: Can you tell me in your own words why it's important to have
volunteer registry?

MARILYN SCHOOLEY HANSEN: Oh, we have so many people that do a really
good job of what they do as-- they might be stagers who do-- they
don't design a space. They don't reinvent how that space is going to
work. We have people who might sell blinds and we-- they want to call
themselves interior designers. They like that and it doesn't really
bother us because we're, we're talking about is the people that really
have the ability to understand the built environment and how that's
going to work and how that keeps people safe. We aren't worried about
somebody selecting paint-- those are fun. That's great-- or what they
call pillow-fluffers, which we really don't like again, but that's all
right. It's-- if you go to school and you get a four-year degree and
you work under me, you have to work under an NCIDQ-certified designer
for two years, 40 hours a week, then you can spend the \$2,000 to take
the test. Oh, but if you don't pass the first time-- there's three
parts. All right. If you don't pass the first time, you go back and
take it again. How many times people will work at that and study for
two or three years just to take that test? It's the best equivalent we

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

have and it's nationally recognized and internationally recognized. We don't want to say to our friends who are interior designers selling furniture, you can't do this job. You go ahead, but we're registered. We want to say we're voluntarily registered. Does that make sense?

SANDERS: Thank you.

MARILYN SCHOOLEY HANSEN: Yes.

BREWER: All right. Senator McCollister.

McCOLLISTER: Yes, thank you, Chairman Brewer. This is a voluntary license, I understand that, but if someone were to obtain a license but turns out to be a bad actor, is there going to be some mechanism to take that license away from that bad actor?

MARILYN SCHOOLEY HANSEN: Exactly, so we already have a statute of ethics that we abide by in our association, so that's, that's one and it's, it's huge. I wrote a course on it. But in the meantime, where do we go if it's the state? So the state, just as an architect or an engineer would do something wrong, that A&E Board that we would be under would be listening to us and we would have two people on that board who would be listening to this doesn't sound right, that interior designer did do something wrong, and they should not be registered anymore.

McCOLLISTER: So the standard is you're judged against your code of ethics--

MARILYN SCHOOLEY HANSEN: Yes.

McCOLLISTER: --and competence.

MARILYN SCHOOLEY HANSEN: And competence and also under the A&E board, we would be listening to what they're telling us and analyzing and we have only two votes of I think eight in addition to them.

McCOLLISTER: Thank you. Well done.

BREWER: All right, Senator Halloran.

HALLORAN: Thank you, Chairman. Thank you for your testimony. So call me-- this sounds cynical and I don't mean it to be that way, but if--

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

once this passes and you're a registered interior designer, will your customers perceive that you have greater value and you can charge more for your services versus someone that's not registered?

MARILYN SCHOOLEY HANSEN: You know, it's not about that as much as it's the opportunity because right now I work on projects where the architects don't know I even existed. They are amazed to find out that there is somebody with my quality out there, my qual-- my training, my experience of 51 years I've worked. They're just amazed. I didn't know you even existed.

HALLORAN: Shame on them.

MARILYN SCHOOLEY HANSEN: Well, I like those guys. Once they hire me, it's wonderful. But there is this, this is-- like, an aha moment happens, OK? So will I charge more? I'm not sure that the-- that's the, the situation. I'm not sure I would say I'm going to charge more now. It's more like, hey, I've-- you have an opportunity to hire me and I'll work with your architect like we did at the Governor's Residence, which, by the way, I did free, two years, twice a week to Lincoln, free, from Omaha, OK? So we love this job. We love what we do and we want to be fair and we want to do honest work and we want to be recognized for the, for the ability and the training we've got. Let us do a good job. Let us help people do a good job.

HALLORAN: Thank you.

BREWER: All right, one more time around. Any other questions? Seeing none, thank you for your testimony.

MARILYN SCHOOLEY HANSEN: Thank you. Thank you, everyone. I've worked all the way to Ogallala. Isn't that amazing? Thank you.

BREWER: Yes.

HALLORAN: Best part of the state.

BREWER: All right, next proponent.

STACY SPALE: Good afternoon, Mr. Chair.

BREWER: Good afternoon. Welcome to the Government Committee.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

STACY SPALE: Thank you. Thank you for being here. My name is Stacey Spale. It's S-t-a-c-y S-p-a-l-e, and I'm a professional interior designer right here in Lincoln, Nebraska. Sometime in the early 2000s, I discovered something quite surprising to me. I was a student here at UNL sitting in my interior design studio trying to solve a problem. How do I make an accessible ramp not look like an afterthought? However, the discussion came to a screeching halt when I realized that if I wanted to someday replicate the academic exercise that I was doing as a student in the real world, I couldn't do it. I couldn't do it if I stayed here. I couldn't do it unless I got an additional degree and an additional license. Stacy, you will not get your own stamp and seal. And I couldn't believe that I was paying for my own education, that I was being taught and trained here in Nebraska to be an independent interior designer, but Nebraska's laws were prohibiting me from doing that. This makes zero sense. I'm hopeful that LB250 and AM43 will change that. Fast-forward to a few years ago, I tried to start my own commercial design business. Small, but the problem I just mentioned, not being able to stamp my own drawings without an architectural license reared its ugly head again. I did my research and determined that the fees to pay an architect to review, stamp, and seal every single one of my drawings every time I work and the investment to hire somebody full time to do that, coupled with the added time and the bureaucracy, it was too much. I could not afford it. My dreams for my small business were absolutely crushed. So I had two choices: I could leave Nebraska for a state like Colorado, where I know lots of independent interior designers practicing successfully or I could go back to a full-service firm and work under the supervision of architects and engineers. I had to choose the latter. Many of my peers, however, who are trying to do this are not so lucky. So currently, I do work at a multidisciplinary firm alongside architects, mechanical, electrical, structural engineers, civil engineers, site planners. And in my eyes, this is like being one part of a very complex mobile. When all of us are working in our strengths, we are doing very well. We're in balance, we're thriving, but I'm the only specialty that's not recognized. And let me be clear, my responsibilities are much more than aesthetics. In response to COVID, I'm currently working on an outpatient clinic located in an existing building. It's a large project. It will require a permit, coordination of mechanical and electrical engineers. It's nonstructural. The renovation does not require an architect, except it does to stamp my drawings. I'm doing so many things like specifying flooring that's

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

bleach resistant, upholstery-- like this one, this is going to degrade over time because we keep spraying it to keep us safe. The interior design-- it's true. The interior design of a space really does affect health, safety, and welfare. So in closing, we don't want to be architects. I don't. I don't want to design snow loads on a roof. I want the freedom to compete in the marketplace alongside my friends who are architects and engineers. I want the freedom to do what I'm capable of doing and LB250 and the amendment will allow us to fix this antiquated system. I trust that you will help us do that. Do you have any questions for me?

BREWER: All right, thank you for your testimony and thank you for staying on time. All right, questions? All right. Oh, yes, Senator Lowe.

LOWE: Thank you, Stacy, for being here today and testifying. When you were going to school and you realized that you weren't going to be able to afford what you wanted to do, was there a thought of going and saying, well, I could do interior design if I became an architect also?

STACY SPALE: There was, but as someone who was paying for her own education, I thought that might be something I would pursue years later. And actually, when I did try to start my own business a few years ago, I met with my financial adviser and we looked at the cost of graduate school and we looked at the cost of hiring an architect to stamp every single one of my drawings. At that point in my career, I'd already practiced ten years. If I'm going to take three years off of my career, quit paying into my retirement, have to find my own health insurance-- does school health insurance cover my kids? I don't know. It-- the investment in a master's degree would have never paid off if the scope of work I wanted to practice was still what I currently do, so it, it just didn't make sense. I don't want to be an architect. I don't want to have to go to graduate school just to do what I'm already doing. Does that answer your question?

LOWE: Yeah.

BREWER: All right, additional questions? Yes, Senator Halloran.

HALLORAN: Thank you, Mr. Chairman. Thank you, Stacy, for being here. I think it would be helpful to the committee to kind of learn more about

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

the cost of the stamps of approval if you could relate some of that to
us?

STACY SPALE: So for example, if I'm doing a small outpatient clinic,
you know, my fee might be \$5,000. If I reach out to an architect and
they're going to charge me \$1,000 to look over the drawings I've done
to put their stamp on it so the contractor can take it for a permit--

HALLORAN: Is that a common-- well, I don't know. It's not fair to ask
for an average because every project is a different size.

STACY SPALE: Every-- yeah and it depends on complexity and the amount
of renovation.

BREWER: Is there some percentage typically cost of, of the project
that goes to stamp?

STACY SPALE: You know, I'm not sure I can fully answer that. Someone
after me might be able to, but I will say that the small projects that
I'm really passionate about, if I'm working on a, a tenant-finished
project or a small retail store, they're oftentimes surprised that an
interior, completely nonstructural renovation would need a permit.
They don't want to pay for that, especially when I can go in and
educate them on things like does the drapery that's behind you meet
NFPA 701, which is vertical flame spread for hanging textiles. That's
not something that they would assume an architect would talk about
with them. That's definitely something that I would talk about with
them and that has nothing to do with beauty and aesthetics or how you
feel about the shade of salmon of the drapery. It has to do with is it
going to catch fire if someone's vaping in here?

BREWER: Could you give us some free advice on sanitizer that doesn't
diminish the value--

STACY SPALE: I can give you some free advice on fabrics, so--

HALLORAN: OK.

STACY SPALE: --yeah.

HALLORAN: Thank you, Stacy.

STACY SPALE: I'll send you some samples.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: All right, any additional questions? Seeing none, thank you
for your testimony.

STACY SPALE: Thank you.

BREWER: All right, before we move any farther forward, I need a head
count. How many are here that are proponents? Raise your hand. One,
two, three-- OK, how many here that are opponents? How many here in
neutral? All righty, next proponent. Welcome to the Government
Committee.

KENDRA ORDIA: Just going to take that off. Chairman Brewer and members
of the Government, Military and Veterans Affairs Committee, thank you
for your time this afternoon to express my support for LB250 and AM43.
My name is Kendra Ordia, K-e-n-d-r-a O-r-d-i-a, and I live in Lincoln,
Nebraska, and I'm an assistant professor of interior design at the
college of architecture at the University of Nebraska-Lincoln. I'm
also a registered interior designer in the state of Texas since 2008.
My testimony today represents my professional opinions as an educator
and I'm not here representing the interior design program, the
college, or university. I do, however, have firsthand accounts of what
interior designers are being taught and tested on here in Nebraska and
I have personally witnessed how needed and wanted this legislation is
to our design students. I hold a bachelor of science in interior
design degree from the University of Nebraska-Lincoln and a master of
interior design from the University of Texas at Austin. I practiced as
a registered interior designer in a range of firms in Texas from large
commercial architecture firms to specialized practices for 12 years
and have been involved as an interior design educator for about eight
years. During this time, I had the legal ability to sign and seal my
own construction document drawings to obtain building permits, which I
did for several commercial projects with nonstructural modifications.
For your reference, that same ability is being sought here today under
LB250 and the amendment. I returned to Nebraska in 2019 for my current
academic position. My role as an interior design educator is to
properly prepare students for entry-level positions in the
professional workforce, but also prepare them to be the next
generation of interior designers. Students, especially at UNL, choose
their interior design degree and the college of architecture for
various reasons, as you'll hear in testimony today. However, I wanted
to point out the collaborative nature of our student population who
start and end their undergraduate careers together in design studios

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

as allied professions of architecture, interior design, and landscape architecture. Yes, you heard that correctly. They do at times-- are taught together and share overlapping courses and studies. In the field, though, however, each discipline brings a unique perspective and technical skills to set up a project. For an interior designer, we build this technical knowledge by studying systems of ergonomics, building and life safety, codes, sector-specific regulations, fire safety, circulation patterns, and acoustics to name a few. Interior design students take courses in construction documents and are expected to understand how to communicate design intent of nonstructural interiors for those professionals that would eventually coordinate with the-- like architects and engineers. For those testifying in opposition today who think our education and examination don't prepare interior designers for a future in regulated design and construction like what is laid out in the legislation, you're wrong. For those testifying in opposition today who think that the NCIDQ-certified interior designers are capable of independently calculating occupancy, plotting internal paths of circulation, mapping paths of egress, acting as the coordinating professionals for a project, or any of your other activities outlined in the scopes of LB250 and the amendments, you're wrong. And I say this is a person teaching those concepts to design students on a daily basis. For those testifying in opposition who believe this will somehow harm public safety, my commercial clients in Texas who are currently enjoying their safely designed public interiors that I independently drafted and coordinated will tell you that's nonsense. And I would like to take any questions at this time.

BREWER: All right, thank you for your testimony. Questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. Just a really quick question and-- because you-- several of you have said this, what does it mean to stamp plans exactly? I, I, I don't think I've heard anybody actually describe what that means yet.

KENDRA ORDIA: So the stamp is referring to the older method of what is done now. It's a digital stamp, but you need that in order to take a set of construction drawings into a city or jurisdiction to receive a permit. And so that is you as a designer or an architect putting your stamp and seal on it, saying that you are liable and that you have reviewed and coordinated those drawings for compliance with codes and

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

occupancy and life safety and kind of all of the other components
related to that specific type of project.

BLOOD: So the stamp means that it's ready to go and, and be seen by--

KENDRA ORDIA: The stamp means--

BLOOD: --whoever the municipal level of the county--

KENDRA ORDIA: --it's submitted into the jurisdiction for a permit. And
there is a review process that happens with the permit and there might
be some modifications that need to be made based on code or
accessibility or things like that to make sure it's in compliance, but
then once it has received a permit, a contractor can go and pick it up
and then it's ready to start construction. There's some other details
in there, but--

BLOOD: So-- and I'm going to make this quick because there's so many
people that want to talk and I don't want to be here really late. So
going back to the, the woman who talked about doing the work for the
state and I talked about the public safety aspects of it, so it
doesn't sound like then you could turn it in if there was code issues,
right--

KENDRA ORDIA: Not at all.

BLOOD: --because they have to be looked at--

KENDRA ORDIA: Right, so--

BLOOD: --by the architect or a--

KENDRA ORDIA: That's correct. Each city or jurisdiction has a set of
codes that they are making sure all of the-- especially the public
spaces are in alignment with.

BLOOD: Right.

KENDRA ORDIA: And so, like, when I would submit my drawing packages in
Texas, I would always have a code sheet that talked about the
compliance issues that showed paths of egress. It talked about
sprinkler safety systems. It showed occupancy numbers and counts for
how many people could physically be in the space and physically exit

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

safely out of the space and so that's something that as an educated
and trained and licensed interior designer, you are able to do.

BLOOD: Was your program one of the programs cut from the university?

KENDRA ORDIA: No.

BLOOD: All right, thank you.

BREWER: All right, any additional questions? Yes, Senator Lowe.

LOWE: Thank you, Chairman Brewer, and thank you for being here today.
It's a four-year degree, is that correct--

KENDRA ORDIA: That's correct,

LOWE: --for interior design?

KENDRA ORDIA: Yes.

LOWE: What is-- how long does it take to get an architect's degree?

KENDRA ORDIA: So architecture is the same. It's a four-year undergrad
degree and if they want to go on to get a master's of architecture,
which they would need to then eventually sit for their own licensing,
it's a-- usually-- typically, it's a two-year graduate degree for
that.

LOWE: OK.

KENDRA ORDIA: So six years total.

LOWE: In, in either profession, is there continuing education that's
required?

KENDRA ORDIA: There's continuing education for all landscape,
architecture, and interiors, yes.

LOWE: So every year, every two years, you need to go back--

KENDRA ORDIA: Yep.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

LOWE: OK, what is happening in other states? Are other states requiring that or, or are they getting a stamp for interior designers? You have--- familiarity with Texas?

KENDRA ORDIA: Yes. Yeah, so there, there currently are 12 other states, I believe, that allow for interior designers to stamp and seal their own drawings within, again, certain parameters based on nonstructural, kind of non load-bearing modifications. And so there's jurisdiction-- or I'm sorry, there's advocacy efforts in every other state to allow for that as well. And so there's-- I'm sorry. Can you repeat the last part of the question?

LOWE: I was just wondering how many other states are doing it and you were down in Texas.

KENDRA ORDIA: Yes.

LOWE: Did they have a stamp in Texas?

KENDRA ORDIA: Yes, they did and we were a part of the Texas Board of Architectural Examiners, so we were with architects and landscape architects and they were our regulatory board and that's who I still submit my fee to every year. That's who I still submit my continuing education verification to every year as well.

LOWE: Thank you.

KENDRA ORDIA: Um-hum.

BREWER: All right, any other questions? Seeing none, thank you for your testimony. Next proponent. Welcome back to the Government Committee.

LAURA EBKE: Thank you. Chairman Brewer, members of the committee, to be quick, my name is Laura Ebke, L-a-u-r-a E-b-k-e. I'm the senior fellow at the Platte Institute and I'm pleased to be here today to testify, testify in favor of LB250 as introduced and in general support of the compromise that was forged in AM43. The Platte Institute has maintained a firm position of opposition to new licensing, absent clear and compelling public safety concerns, in the interest of reducing barriers to employment and encouraging the free market to work. We recognize, though, that we do not live in a vacuum. Occasionally, some government imprimatur is needed to prevent barriers

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

to employment and give customers full-service options. We thank the interior designers for reaching out to us almost two years ago to explore ways of achieving their goals short of creating a new practice act. LB250 as introduced satisfies both the goals of the interior designers and the desire that many of us have to, to limit unnecessary regulation. In this instance, interior designers sought the ability to stamp or sign their design plans to be recognized by local building inspectors, rather than needing to seek separate check-off by architects and engineers. What you see before you for consideration is a means for interior designers wishing to practice within the scope to voluntarily, voluntarily register with the state upon proving their certification by a national, national competency examination. AM43 achieves these goals by placing registration under a newly renamed Board of Engineers, Architects, and Registered Interior Designers. It also gives registered interior designers a voice on the board with two seats. Not all interior designers will choose to become registered and this bill does not seem to exclude them from using the term interior designer. It merely prevents the use of "registered." It will not allow them to stamp or sign their plans independently if they are not registered. LB250 is a fine example of an effort to use least-restrictive means by the proponents of this bill to accomplish the desired goals. We thank Senator Hunt for introducing this bill and urge your favorable consideration of LB250 and AM43. And if you have any questions, I would be happy to try to entertain them.

BREWER: Well done. Thank you for your testimony. Questions for Senator Ebke? All right, thank you.

LAURA EBKE: Thank you very much.

BREWER: Next proponent. Welcome to the Government Committee.

ASHLYNN ENGELHARD: Thank you. This is a really cool. Chairman Brewer and members of the Government, Military and Veterans Affairs Committee, thank you for your time this afternoon to express my support for LB250 and AM43. My name is Ashlynn Engelhard, A-s-h-l-y-n-n E-n-g-e-l-h-a-r-d, and I am from Cortland, Nebraska, and currently live here in Lincoln to go to school at the University of Nebraska-Lincoln. I'm a fourth-year interior design student in the college of architecture here and I'm representing the students in my program and ask for your support in this bill and its amendment. Research shows that Americans spend roughly 90 percent of their time

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

indoors, which is both super intimidating and very eye opening as to the importance of our profession's necessity. Knowing that interior design affects the health, safety, and welfare of its users, it's clear to see how important it is to acknowledge that interior design is much more than color schemes and carpet, as well as why interior designers should have the corresponding practice and business abilities. As a current student in the major, I can guarantee more of my time has been spent learning about ADA codes, occupancy calculations, and universal design standards than if green or orange paint would better suit a wall. As a current student and emerging professional, whether LB250 becomes law proves to be incredibly important to my peers and me as we search for what's next. Roughly 40 percent of my classmates are already registered to take the first portion of the NCIDQ in April, the absolute earliest option for CIDA-accredited graduates. Already, we hope to maximize our careers and improve our knowledge. Many, if not most of my peers will opt to leave Nebraska not because we feel disrespected, but because currently there is a lack of opportunity here for interior designers, which does exist in Texas, Utah, Colorado, and several other states. These other states have found the concepts in this bill to be safe, reasonable, and beneficial to their residents, as well as the designers practicing. Upon the passing of this bill, my peers and I would be encouraged to stay in the state knowing it leads to the ability to practice our passions to the fullest extent and knowing that opportunities are not limited in this state compared to others. Additionally, its approval would allow the state to retain, retain the incredible talent from the university that already comes from across the nation to participate in this highly regarded interior design program. My time in college has been spent learning research methods, ADA requirements, universal design, material finishes, construction drawing standards, lighting, life safety, fire protection systems, acoustics, architectural history, building codes, and much more. Design affects every one of us. My degree ensures that I can consider all of these details before making decisions, knowing they're the best for your health, safety, and welfare. After all of this education, it's frustrating to enter a workforce and become relegated to simply selecting materials and finishes or working with an architect or engineer over my shoulder. Imagine taking work that you've poured your heart and soul into and then having to hand it over to another professional to stamp. Throughout the last three years, I've worked at Cooper and Co., a small family-owned home decor business here in town.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

We specialize in selling home and gift products, as well as providing decoration services for our clients. Our bosses do not possess interior design degrees, nor do they claim to practice such. We make it clear to clients that our services are finishing touches, whether from art, furnishings, or rugs. Nonetheless, my time spent there has become invaluable, as I've been able to experience the full spectrum of design from complex commercial to residential decor. I can see the beauty and allure of decorating, but I've learned and mastered the skills to do sustainable, safe, and well thought out public building design. Thank you for your time and I'd be happy to answer any questions you have today.

BREWER: All right, thank you.

ASHLYNN ENGELHARD: Yeah.

BREWER: Questions? All right, no questions. Thank you for your testimony.

ASHLYNN ENGELHARD: Thank you.

BREWER: We're still on proponents.

KELEIGH KETELHUT: Hello.

BREWER: Welcome to the Government Committee.

KELEIGH KETELHUT: All right, good afternoon, Chairman Brewer and members of the committee. My name is Keleigh Ketelhut, K-e-l-e-i-g-h K-e-t-e-l-h-u-t. You might remember me from last year when I came up here with the heart rate of 150 beats per minute. I am a fifth-year master of architecture student at the University of Nebraska-Lincoln. I graduated in May of 2020 with my bachelor's in interior design. I am here today to ask you to vote in favor of LB250 and AM40-- AM43. I would like to start with some statistics from the interior design class of 2020 at UNL. Thirty-two percent of the students in my graduating class went out of state to seek employment. Another 16 (percent) chose to move on to the three-year master of architecture program at UNL, myself included. Why? Simply put, 27 U.S. states have greater practice rights and/or abilities for interior designers than Nebraska. Further, states like Utah, Colorado, and Georgia have implemented the concepts like those found in LB250 and the amendment with great success and design students are choosing to practice there

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

rather than here. I find a high value in cross-discipline education and I am passionate about my studies. But with that being said, if I were to stay in the state of Nebraska under current law and become a professional with full independent practice rights, my only option is to complete a master's degree in architecture. In order to obtain my 120-credit hour accredited undergraduate degree in interior design, I spent \$41,880 in, in tuition, plus an additional \$6,500 in fees, adding up to \$48,378. This number does not include housing, meal plans, online courses, my minor, extracurricular activities, as well as college of architecture fees. With all this considered, I spent around \$90,000 for my degree in interior design. And yet upon completing and passing my NCIDQ exam, which includes 3,520 work hours and \$1,335 in application exam fees, I would not be able to independently practice in Nebraska with my degree in interior design alone. In order to practice to the fullest extent of my abilities in the design world, I am now pursuing my master's in architecture and spending an additional \$41,584 in tuition alone, another three years in school, and an additional 92 credit hours to achieve this goal. For the interior, nonstructural scope of practice defined in LB250 and the amendment, these extra steps and cost are not necessary in order to be a licensed professional. I assure you the skills and knowledge I learned in the interior design program plus the passage of the NCIDQ are more than adequate to practice within that scope. While there is overlap in the professions of interior design and architecture, it is critical to recognize that interior design focuses on a human-centered design approach. My education has prepared me for a career in the world of interior design by giving me a quality of understanding, creativity, and empathy of how the interior built environment can positively influence people and their experiences. My undergrad education has taught me life safety, accessible design, building codes, construction documentation, construction standards, lighting, acoustics, systems integration, history, theory, and more. In closing, I ask you to please give future generations of interior design, design students options that I was deprived of. A master's in architecture should not have to be the key for me to become a licensed professional in the state of Nebraska given my undergraduate education. The statistics bear witness. Without the abilities granted in LB250 and the amendment, interior design students will continue to leave Nebraska after graduation. Without this law, it shows that Nebraska does not support these students, especially for someone like myself who was born, raised and educated here in Nebraska. We are young, we

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

are passionate, we are talented, and we want to make a positive impact on your lives, but right now we are not able to do so. I am asking you to please support these students as well as my future in Nebraska and vote in favor of LB250 and the negotiated amendment.

BREWER: All right--

KELEIGH KETELHUT: Thank you and sorry.

BREWER: --thank you for your testimony. Questions, questions? Seeing none, thank you. Evidently your heart rate is lower this time.

KELEIGH KETELHUT: Yes.

BREWER: Good. All right, we are still on proponents. Again, let me see how many hands of proponents are left in the audience. Looks like we got one. All right, come on up.

JAY DAVIS: Good afternoon, Senator Brewer.

BREWER: Welcome to the Government Committee.

JAY DAVIS: --see if I can fall down in the thing down here. My name is Jay, J-a-y, Davis, D-a-v-i-s, and I'm here today to testify in favor of LB250. I'm a retired assistant planning director and superintendent of permits and inspection division for the city of-- it's east of here. Building official, my real title, and for a large-- and over the course of my 22-year career with the city, I've dealt with architects, engineers, designers, contractors, developers, happy people and unhappy people, lots of unhappy people. I have to start by saying that I was dismayed by several posts on Facebook recently. While it's true that architects have more schooling, more classroom time, they are generally lacking the hands-on experience of working in the field, more specifically in the trades. Hammer in your hand, saw in your hand. Interior designers, on the other hand, have also had a degree, generally much more hands-on training in the field, and working on their projects. I know several interior designers that could hang cabinets with the best of them. In other words, they have less book time and more hands-on work. So does more education and less practical experience outrank a degree with hands-on experience? No. They both have a place in the world. And without that balance, well, let's just say the world would be a rather boring place. Excuse me, will it be any more or less safe? No because their work is reviewed by a code

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

official from the initial design to the final inspection. Even more ironic is the realization that the people who build the projects that registered architects and interior designers have drawn are built by tradesmen who have little or no college education. And by the way, they have to be licensed as a contractor in three jurisdictions around the Omaha metro area. So my point is that not all projects require a licensed architect. Interior design has started to fill a void, especially in the residential market where architects aren't required by law and many designers belong to national organizations that require them to have continuing education, same as architects do. Many interior design-- designers are obviously employed by architectural firms. So at the end of the day-- I'm sorry-- allowing them to have a voluntary registration with their own seal can boost their profession. LB250, in which I am glad to hear about the amendment today, lays out the ground rules that the-- what they can and cannot do while practicing. And a lot of those rules are the same as at-- the same as architects have. Architects can't design structure. Architects can't design mechanical systems. Architects can't design electrical systems. They're all separate traits. They're all separate engineering disciplines. So when a person goes to a, to a-- that does a residential project, say a kitchen remodel, bathroom remodel where there's no structure involved, they go into city hall and if they have a seal on their drawing, I can assure you the plans examiners and the building inspectors look at that in an entirely different light on a different professional level than if they come in on their own. It creates a level of confidence in their work and it also creates confidence for the building officials. So at the end of the day-- I'm sorry, I'm out of time here-- at the end of the day, while the size and scope of the projects may be different, architects and interior designers are artists who design safe and comfortable environments for their clients and still have to follow the guidance of the code officials. I'll be happy to answer any questions.

BREWER: All right, thank you for that testimony. Questions, questions? Seeing none, thank you.

JAY DAVIS: Thank you.

BREWER: All right. One more check. There are no additional proponents, correct? All right, so let's start with our first opponent.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

JUSTIN BRADY: Chairman Brewer and members of the committee, my name is Justin Brady, J-u-s-t-i-n B-r-a-d-y. I appear before you today as the registered lobbyist for the AIA Nebraska Chapter. The-- and I'm going to start with Senator Hunt has learned in her time here some great words to use. Compromise: there wasn't a compromise with the industry. There was a compromise with the regulator of the industry. She went to-- and I give her credit. She went to the Board of Architects and Engineers and said if we give you more regulatory power, would you take it? And they said, yes. Like all regulators or most regulators have learned, they like to have more power. So to say there was a compromise, the compromise was made between the regulator and the industry as far as the interior designers, not the compromise between the architects and engineers that came. The other thing I would say is that, you know, another thing Senator Hunt has learned that's great-- it's part of the process. Had this bill been introduced as the amendment, it would have went to the Health Committee. Every time this chapter has been opened up-- I look back to 2009-- that bill has always gone to the Health Committee. So in this case, you have a bill introduced to come to the Government Committee, offer an amendment the day before-- which I do appreciate Senator Hunt's emailing to us to review, but now you've got a bill or an amendment in front of you that undoubtedly, if you went and asked Bill Drafters, would go to the Health Committee. So to some of the points that have made-- and there are going to be some architects behind me that will come up and can talk more on their education and their experience. I look at volunteer registration as a marketing tool. If there truly is a need to protect the public, which would be the state's role, then license and regulate. If it is a voluntary, it is exactly-- Senator Halloran, I believe what you are at least asking--not saying that's what you believe, but what you're asking is it becomes a marketing tool to say I'm registered and therefore, I'm superior or better or charge more. Senator Blood, you had asked on codes. I will tell you on page-- of the amendment, page 23, line 11, 12, 13, what counts as practice of interior designing, "the assessment and analysis and all factors to comply with any building codes and design standards relating to--" So I mean they do-- I mean, they do get into whether or not the codes are being met. I think there was some-- a testifier that at least I thought testified that they work with those who would know the codes, but this seems to say they could-- they're responsible for the codes. I know I'm out of time, so I'll stop there and see if there are any

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

questions. Like I said, I know they are experts in the field coming
behind me, but I will certainly enter-- try to entertain them.

HALLORAN: Thank you, Mr. Brady. Are there questions from the
committee? Senator McCollister.

McCOLLISTER: Yeah, thank you, Mr. Brady. What is wrong for a person
wanting to enhance their reputation with a, with a license?

JUSTIN BRADY: I don't think there's anything wrong with enhancing your
reputation. I don't know that it is-- that-- I would argue that I
don't know that it's the state's job to all of the sudden pick winners
and losers and say because you do this, we're going to hold you out or
let you hold yourself out as being better or infringe on another
industry.

McCOLLISTER: But if a person goes-- takes additional education and
takes a test, right, why shouldn't they take advantage of that
enhancement to market their, their services?

JUSTIN BRADY: And this will be somewhat of my ignorance, Senator, but
I don't know that they're taking any additional education or test to
do this compared to what they would-- as you heard today, they are--
they go have their education and they take exams and they even
testified that they have continuing education. So I don't know that
this is given-- this gives the impression there is something more. And
I guess, you know, maybe someone behind me can lay that out whether--
what is different, but that-- I'd of-- and they're doing that today.

McCOLLISTER: OK, thank you.

HALLORAN: Any further questions from the committee? Senator Hansen.

M. HANSEN: Thank you, Senator Halloran. Mr. Brady, can you tell me the
significance of why you believe the referencing matters on this bill?

JUSTIN BRADY: Well, I think because-- I think historically is
committees have had their expertise.

M. HANSEN: Sure.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

JUSTIN BRADY: That historically, the Health Committee has looked at the practice acts and the public health and safety matters of the citizens of Nebraska.

M. HANSEN: Sure.

JUSTIN BRADY: That was a policy decision or a reference decision that you and your colleagues have made prior to this and so I'd just say-- I mean, I just know looking back, I mean, I've got the list of all the bills that have touched this, have always gone to Health. I'm not saying Senator Hunt did it intentionally. I'm just saying, ironically, it's-- would have went there.

M. HANSEN: OK, I just wanted to clarify because this is-- as introduced, it still appears to be a practice act and it's come here twice, so I just--

JUSTIN BRADY: As introduced, yes--

M. HANSEN: Yeah.

JUSTIN BRADY: --but it's not amended into-- the amendment in-- amends--

M. HANSEN: Sure.

JUSTIN BRADY: --the Architect and Engineer Act.

M. HANSEN: Sure. OK, thank you.

HALLORAN: Any, any further questions? Mr. Brady, the American Institute of Architects, were they, were they invited for input on AM43?

JUSTIN BRADY: To my knowledge, they were not, Senator. Now for full disclosure, I've been recently retained by them, so I can't say whether or not through the summer, fall, but when I've asked them-- I specifically asked that question again today sitting in here-- have you been invited to the table? The answer was no.

HALLORAN: OK, thank you. Any further questions? If not, thanks for your testimony. Any additional testifiers in opposition to LB250?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

JOE KOHOUT: Thank you. You know, you go a full week without appearing before this committee, then you're here twice in one day, so-- let me take my mask off. Vice Chairman Halloran and members of the Government, Military and Veterans Affairs Committee, my name is Joe Kohout, K-o-h-o-u-t, and I'm here today as a registered lobbyist on behalf of the Professional Engineers Coalition of Nebraska. By way of reminder, the Professional Engineers Coalition is comprised of the Nebraska Society of Professional Engineers, the American Society of Civil Engineers, Professional Surveyors Association, and the Structural Engineers of Nebraska. The American Society of Mechanical Engineers is an associate member of the coalition. We speak with one voice on issues affecting engineers individually. And let me, let me start by saying this: I appreciate what Mr. Brady said because I have, I have in some capacity represented the engineers for 12 years and I will tell you that over the last couple of years, we have worked hand in hand with the board on lots of issues. Specifically-- and I know it didn't come to this committee, but it was something that eventually passed because it took years to come to an agreement on, it was the decoupling issue that the Legislature passed last year sponsored by Senator Arch. And so we have had open dialog with the board over the last few years on those kinds of high-level issues. I will tell you, I was a little bit surprised when we first saw this amendment because, frankly, PEC did not take a position on the bill last year. We weren't here. We did-- we took a neutral position and, and we felt like we didn't need to be at the hearing. I was a little disturbed when I started to see some correspondence, which indicated that there had been discussions as recently as December on issues related to this, to this, to this amendment that had been discussed with the Board of Engineers and Architects, yet we had no knowledge of that. So to your point, Senator Halloran, the question you just asked Mr. Brady about the AIA, I would tell you for, for Professional Engineers Coalition, again, that list that I represent, all those individuals, the first time we saw this was, was in a draft form last week that went to the Board of Engineers and Architects. We saw it at that point. I would tell you, we are obviously open to discussion and, and talking about this issue, but I will tell you, there are two primary issues that our membership sees in the bill. And that is-- the first is the issue that was raised before about coordinating professionals. I think, Senator Blood, you asked a question about that. That issue is, is of paramount concern to our members that individuals who are registered, not licensed, are going to be coordinating professionals. That is of some

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

concern to us. The second is that we would like to see language included in the bill that clarifies that, that if there is going to be vote on an issuance of a license or discipline of a license of an engineer or architect, that those individuals who are representing the interior designers on the board do not partake in that, in that vote. Why? Again, they're not licensed engineers. They're not individuals who have gone through that level of training. So I know my yellow light is on. I'm happy to submit to the committee test-- the rest of my testimony, but I'm-- and let me just say this. One of the folks who testified before, Marilyn, actually did some work at my home and I'm-- we are extraordinarily pleased with it. But I just have to say my concern comes down to the health, safety, and welfare of individuals out there in the public relying on the structures that they're, they're partaking in. With that, I'll try to answer any questions you might have.

HALLORAN: Thanks, thanks for your testimony. Any questions from the committee? Senator Hansen.

M. HANSEN: Thank you, Senator Halloran, and thank you for being here, Mr. Kohout. So I guess just to clarify my mind-- first off, a clarifying question: did I understand you right that you are neutral on the bill as introduced, but now are opposed to the amendment that's been suggested?

JOE KOHOUT: Correct.

M. HANSEN: OK and it seemed like-- all right, so and then you provided two clear suggestions. If those are fixed, you can go back to--

JOE KOHOUT: From a Professional Engineers Coalition. I can't speak for ACEC.

M. HANSEN: Sure.

JOE KOHOUT: I cannot speak for AIA. I can tell you--

M. HANSEN: Sure.

JOE KOHOUT: --that in our discussions, those were the two primary issues I heard back from our membership.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

M. HANSEN: OK, and I, and I thank you for that. That's a question I
maybe I should have asked of Mr. Brady when he was up here, but
fundamentally, at the end of the day, interior diner-- designers
getting a stamp is not something you're opposed to?

JOE KOHOUT: I, I think that goes to the issue of-- a little bit more
on the issue of the coordinating-- again, I am not an engineer.

M. HANSEN: OK.

JOE KOHOUT: I do not even play one on TV.

M. HANSEN: OK.

JOE KOHOUT: But, but I will tell you that is something that has come
up in the correspondence is that issuing stamp.

M. HANSEN: Thank you.

HALLORAN: Thank you, Senator Hansen. Senator McCollister.

McCOLLISTER: Yeah, good to see you, Joe.

JOE KOHOUT: Good to see you.

McCOLLISTER: I'm not quite sure you answered Senator Hansen's
question. Why are you opposed to this bill exactly this year, whereas
last year you were not?

JOE KOHOUT: We're opposed to the proposed amendment, Senator, and
that's, and that's something--

McCOLLISTER: In what way?

JOE KOHOUT: --because-- what's that?

McCOLLISTER: Can you, can you be more specific?

JOE KOHOUT: Yeah, to those two issues that I just raised and that is
the-- one, the coordinating professional issue, that we're granting
essentially coordinating professional status to a registrant versus to
someone who's registering, rather than somebody who's going to be
licensed under the act. So in other words, we're concerned about
diversifying that definition of coordinating professional to include

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

registrants. And then secondly, we think if we're going to, if we're going to go to the direction of adding individuals to the Board of Engineers and Architects, they should not-- those individuals, when it comes to disciplinary or licensure actions against engineers and architects, we believe that they should-- those-- only those individuals who are part of the board who are not the design-- interior designer should vote on those disciplinary actions.

McCOLLISTER: Great. Thanks, Joe.

JOE KOHOUT: Um-hum.

HALLORAN: Thank you, Senator McCollister. Any additional questions? Seeing none, thanks for your testimony,

JOE KOHOUT: Thank you.

HALLORAN: Anyone else who wishes to testify in opposition to LB250? Good afternoon. Welcome to the Government Committee.

LIZABETH BAVITZ: Good afternoon. My name is Lizabeth Bavitz, L-i-z-a-b-e-t-h B-a-v-i-t-z. I live in Lincoln, Nebraska, and I've been a licensed architect for 22 years. I'm representing the Nebraska Chapter of the American Institute of Architects or the AIA today. I'm also a graduate of the UNO College of Architecture, where half of the students in architecture college right now are women, which is wonderful news for me being a graduate there. The root-- the fundamental reason why we at the AIA oppose LB250 is because its passage would endanger public safety. LB250 does not require adequate education, training, or expertise of interior designers to ensure the health, safety, safety, and welfare of the public through their design. LB250 would allow interior designers the ability to stamp or seal their drawings no matter the size or complexity. So, you know, the question was asked, what does it mean to stamp drawings? I'm going to give you my opinion on what that is. When an architect or an engineer stamps their drawings, they are signifying to government-permitting authorities and the public that the drawings meet current laws and building codes and the building will be safe. It is only through our licensure, which involves rigorous training and testing mandated by the state, that we have the knowledge and expertise to design and stamp our drawings. After licensure, architects are required to complete 24 hours of continuing education

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

biannually, of which at least 16 of those hours has to address the safeguarding of life, health, and property. And on January 1, 2022, that gets more stringent. They're going to require all 24 hours be technical in nature to address life, health, and property. Interior designers in Nebraska already enjoy the ability to obtain a building permit without a stamp because stamps are not even required for homes and residential projects that are less than 10,000 square feet. The limit for commercial buildings is 5,000 square feet. It will endanger the public if interior designers are granted authority to stamp drawings for designs that are larger than what is currently allowed. They are simply underqualified for the responsibility that stamping drawings entails. Let me briefly explain the difference between architects and interior designers. Architects design buildings, inside and out. They design structure of the building. They know and understand national, state, and local building codes to ensure the protection of the public. Interiors design the aesthetic of the building, but they don't have the training and education to anticipate structural issues and they are-- they have-- don't have proven-- they have not proven their competence in understanding building codes and structural systems through examination. The time and money spent for licensed architects and engineers to review and stamp interior designers' drawings is well spent to keep the public safe. The public did not ask for this bill. Please do not move this bill forward. I appreciate you listening to my testimony and I would ask you to, to refer to a letter. There was a packet in the information provided by AIA and includes a letter from Jeff Scott, facilities manager at Hudl, which is an international company, nine offices, 1,500 hundred employees, and he also opposes LB250.

HALLORAN: OK, thanks, Ms. Bavitz. Are there questions from the committee? Senator Blood.

BLOOD: Thank you, Senator Halloran. Just real briefly, I've been waiting for an architect to come to the chair so I could ask two questions. How many years does it take to be an architect as far as education?

LIZABETH BAVITZ: You have to have a professional degree here in Nebraska. At, at UNL, it's, it's six years of study. And then you have an intern program where you are required to work underneath a licensed architect and you receive training in all aspects of the profession and it's all recorded and you have to submit that. We have to have,

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

have to have a mentor who approves that as you're going through your
training and then you have to sit for the exam.

BLOOD: Wow.

LIZABETH BAVITZ: And the exam is six parts, many times takes a couple
of years for people to get through it, very intensive on all aspects
of building design.

BLOOD: It's kind of like going to school to be a doctor. I mean, I--

LIZABETH BAVITZ: It takes a long, it takes a long time.

BLOOD: --what I'm hearing is it's, like, eight years?

LIZABETH BAVITZ: There's, there's a lot to know, yeah.

BLOOD: And then the one thing that's not clear in my head yet, can you
give me, like, a more specific example of how, like, a nonstructural
interior work might pose, like, a safety risk or a safety hazard?

LIZABETH BAVITZ: So, so nonstructural-- so, you know, interior
designers do space planning. They do, they do a great job of, of
laying out spaces and, and I know that the, the bill addresses
nonstructural elements. Well, sometimes those aren't really apparent.
You may have, say, a large room and you want to divide a, an area of
workstations with a long wall that would, that would end and the wall
has to have some structure as part of it to hold it up. If it's just a
wall sitting or kind of like this, you see this has a little bit of
structure to hold it up. So it needs to be braced from the ceiling or
it has to have columns to help support it, anchor it to the, to the
floor. When, when you're, you're drawing a plan, it's just a line on
the, on the plan and there's really no-- there's, there's the
possibility that that wall could fall over. Another example would be
possibly a, a, a light fixture-- say a chandelier or something that
they've selected. If it has to adhere to the ceiling, well, it's going
to have to tie to the structure and they don't have a-- someone to, to
help them understand that, that, that that structure has got to be in
place. They've got to connect to it. Again, it's a-- it's sort of a
thing. Well, yeah, we'll just put a light fixture up there. What's the
big deal? We'll just, we'll just build this wall. What's the big deal?
Well, there are structural ramifications. File cabinets is another
one. The strength, you know, they weigh a lot. You put them all in a

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

room, you have to have a floor that's-- that has the right structural stability to hold that or the floor will fall in. So just different ways that you, you maybe don't think about some of the, some of the items that they-- that, that interior designers do in space planning that that can affect the structure.

BLOOD: Thank you for that clarification.

HALLORAN: OK, thank you. Any further questions from the committee? Seeing none, thank you, that was very interesting testimony, testimony. Any additional opponents for LB250? Good afternoon.

KJERSTEN TUCKER: Good afternoon. Thank you.

HALLORAN: Welcome to the Government Committee.

KJERSTEN TUCKER: My name is Kjersten Tucker, K-j-e-r-s-t-e-n T-u-c-k-e-r. I live in Lincoln, Nebraska, and I am representing the nearly 700 members of the Nebraska Chapter of the American Institute of Architects. I am the lead interior architect at my firm where I hire and supervise interior designers. They are an important part of the team and make our buildings better for everyone. That said, they do not have the same qualifications as architects. Architects are required to have more education, experience, and exams. Every state requires architects to have a professional degree. In Nebraska, that means a master's. Per the Council for Interior Design Qualifications, the minimum requirement is a diploma or a certificate. Many of our testifiers have talked about their four-year degree. The actual CIDQ minimum is, is two years. And I don't know that you could feel confident that anyone with two years would have learned enough to safely design the interior of an office or a hospital or a school. This bill does not limit the size of projects. Our experience hours: 3,740 in 96 specifically mandated categories from planning to the end of construction. Interior designers do 3,500 hours, but in any area of professional practice. They could spend that time selecting furniture or light fixtures and then they would not be qualified to draw the interior of a building. Finally, our examinations. Interiors candidates have three. We have six. Theirs are 11 hours, ours are 33; three times as much content. The average age of licensure for an architect is 32, 32 years old. Architects are better prepared and qualified to protect the interests of Nebraskans. The worst that could happen if interior designers are given stamps would be death or

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

injury, but those are not the only negative ramifications. Imagine a young couple wanting to start their own daycare. They find a perfect building, but the budget is tight so they ask their cousin, a newly registered interior designer. Well, along the way, they run across some mistakes. Errors are made in the documentation. She doesn't have the knowledge to do the right thing. Who pays for that? The young couple? They're already sinking their life savings into this project. The interior designer? She just got out of school and has a bunch of student loans. Allowing underqualified individuals to perform the role of architect with its rights and responsibilities is a lose-lose situation. The education, experience, and examination requirements of interior designers do not give us confidence that they can protect the health, safety, or welfare of Nebraskans. Many of the testifiers here are extremely qualified individuals who would do a wonderful job on the projects they described, but the specific requirements of the bill and of CIDQ do not give us that confidence. Thank you for your time and I would now be happy to answer questions.

HALLORAN: Thank you, Ms. Tucker. Are there questions from the committee? Seeing none, you did a fine job, thank you. Any additional testifiers in opposition of LB250? Good afternoon. Welcome to the Government Committee.

QUINN McFADDEN: Good afternoon or is it evening yet? My name is Quinn McFadden. That's Q-u-i-n-n M-c-F-a-d-d-e-n, and I graduated last spring with my bachelor's of science in design of architecture and I'm currently pursuing my master's of architecture here at the University of Nebraska-Lincoln. I also am the president of the American Institute of Architecture Students here at the university, although I'm not here to speak on their behalf. But I have discussed this issue with many students within the architectural program and I know my concerns are not unique to me. As a student pursuing my art-- my career in architecture, it can be daunting with the process that takes six years of time of intensive education, getting almost 4,000 of hours of experience under a licensed architect, and taking six exams that last over 30 hours. If I knew I could have become a doctor in less time, I would have done it, but my desire to change the world is what kept me here. And it's that same mindset that I understand why interior designers are here to be-- and want to be recognized for their earned credentials and education, but this is the bill that's not the way to do it. And NCARB currently does not regulate or allow interior designers to become licensed in any way, aside from the traditional

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

path to licensure of which I'm currently on. However, the NCIDQ allows those within the architectural background to become recognized interior designers through an examination process, with the exception that they are required to have additional years of experience under interior designer. Even with a NAAB-accredited degree, which is six years from the University of Nebraska-Lincoln, we would be required to go, go through two additional years of work experience under interior designer and this bill does not state that for an interior to go into architecture. This is what students like me are concerned about with this bill because it doesn't require any hour-- additional hours of experience. And even if modified to the NCIDQ, it would not mean that the experience relevant to the architectural components of a building's interior is what those individuals worked on. This is the perspective students that I share and it can be argued for students pursuing architecture that will graduate with their nonprofessional degree, which is the bachelor's, as their same time as the interior design classmates, both being a bachelor's of science and design, just in different jurisdictions. While architects go on to pursue their professional degree for two more years and begin a licensure of gaining hours and preparing for exams, interior designers would have the ability to be registered and allow them to share powers that an architect-- architecture students are still learning in the classroom, gaining experience on and testing. Architects will leave school with more education and more experience, performing architectural tasks under a professional, and tested to a high standard than our enter-- interior design colleagues. There's a stark difference here and it cannot be argued that these two, that these two are drastically different levels of knowledge and experience should hold the same powers. And that is why I rest my case in opposition of LB250 and I'm open to any questions.

HALLORAN: Any questions from the committee? Seeing none, thanks for your testimony.

QUINN McFADDEN: Thank you.

HALLORAN: Additional testifiers in opposition to LB250? Good afternoon. Welcome to the Government Committee.

JEANNE McCLURE: Hello, thanks for having me. I am Jeanne McClure, J-e-a-n-n-e M-c-C-l-u-r-e, and I'm the executive director of ACEC Nebraska. That's the American Council of Engineering Companies. ACEC

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

Nebraska is a business association representing about 50 engineering firms across the state and that's about 3,700 employees represented across the state. I'm here today to testify in opposition of LB250. I would address Senator Hunt's test-- or her language earlier saying that she had worked on a compromise with the industry. ACEC had never been approached about this and we were here last year testifying in opposition, opposition of this bill. So we have not been approached. Neither has AIA, we work very closely together. The Board of Engineers and Architects does not represent the industry. They regulate the industry, as was said before, and so when they are here testifying, they're not testifying on behalf of the industry. I want to make that clear. We believe that LB250 and the amendment are both unnecessary and they place the health, safety, and welfare of the public in jeopardy. Architects, engineers, and contractors and interior designers all work on projects together. They each have their unique roles and responsibilities. There are firms that employ all of these professions and there are firms that employ only one. There are professionals who choose to operate independently and that's their choice of how to do business. Architecture firms that do not employ engineers must contract with an engineer to perform the necessary functions of putting a building together and that can also be the case for engineering firms. They need, they need to cooperate, need to, need to work together. They have to contract and pay each other to do the things that need to be done. Architects aren't in-- at the Legislature asking to do what engineers do. Engineers aren't coming to the Legislature to ask to do what architects do. They need-- they work together and they're doing-- they're, they're working as a team to perform all the things that need to be done to get a project done. So it's confusing to us that interior designers want to, you know, practice in the scope of architects or engineers. Like medical professionals, we would expect these teams to work together. So we would ask that any professional or individual wanting to expand their scope of practice get the proper education and training and then they'll be able to practice architecture or engineering. It should be upon the individual to change, not the law. There's no public outcry for this change, nor does it benefit the health, safety, and welfare of the public.

HALLORAN: OK, thanks for your testimony. Any questions from the committee? Senator Hansen.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

M. HANSEN: Thank you, Senator Halloran. And I guess just a little bit of clarifying questions, so earlier-- so I-- for the record, I saw you shaking your head when I was asking Mr. Kohout some questions earlier about the position of engineers, which is neither here nor there, but I guess you said that the engineers were here opposing the bill last year, which seems to contradict what a previous testifier just said. Do you remember--

JEANNE McCLURE: OK, so I, I think you're confused as to the group, so--

M. HANSEN: And that might be what I'm--

JEANNE McCLURE: --and there are many, many associations out there, right? We even have an association of associations, so--

M. HANSEN: I'm aware of that.

JEANNE McCLURE: So what-- Mr. Kohout, he and-- he represents the engineering associations that represent the individual engineer--

M. HANSEN: OK.

JEANNE McCLURE: --so your particular license as an engineer. ACEC resent-- represents the companies, HDR, Olsson, Davis Design, the companies as a group. And then therefore all of their employees are members of ours, so it's the company that we represent, not the individual engineer--

M. HANSEN: That--

JEANNE McCLURE: --much like the Nurses Association versus the Hospitals Association.

M. HANSEN: That makes a lot more sense to me.

JEANNE McCLURE: Does that help you?

M. HANSEN: That does. OK.

JEANNE McCLURE: Yeah, it can be confusing.

M. HANSEN: No, no, that, that distinction is helpful and important. And I guess fundamentally-- and I'm not asking of all testifiers, but

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

since I'm asking you, is your opp-- is the opposition you're
presenting kind of fundamentally to interior designers having their
own stamp or--

JEANNE McCLURE: I, I just--

M. HANSEN: Go ahead.

JEANNE McCLURE: --applaud the earlier-- testifier that was up here
earlier and talked about, you know, how, how ease-- how she made it so
simple to, like, say what the, what the stamp means and what, what
they're doing with it--

M. HANSEN: OK.

JEANNE McCLURE: --because that's confusing to the general public. And
much like Mr. Kohout, I am not an engineer, nor do I play one on TV.
I, I represent the engineers. I'm also not an attorney. So I'm a
lobbyist and I've been in this-- in the lobbying world for the past 14
years and I am the executive director for the engineers, but if I need
to hire a professional, an attorney to do-- to write a bill, then
that's what I do. So that-- and I would pay them to do that. So if, if
I was an architect, I would hire an engineer to do that job. If I was
an interior designer, I would have to hire someone to sign and stamp
my plans. And I think I might have gotten off track from your question
there, but--

M. HANSEN: No, I, I think you got it in a roundabout way, so I thank
you.

JEANNE McCLURE: OK.

M. HANSEN: Thank you.

HALLORAN: Thank you, Senator Hansen. Any further questions? Seeing
none, thank you so much. Any additional testifiers in opposition of
LB250? Can I have a show of hands of how many more are here in
opposition? Are we rounding down? OK. Good afternoon.

RICHARD BURTON: Good afternoon, Senators. My name is Richard Burton,
spelled R-i-c-h-a-r-d B-u-r-t-o-n. I am the commercial plan review
engineer for the City of Lincoln Building and Safety Department. I'm
opposed to LB250 and my personal opinion does not necessarily

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

represent the official position of the City of Lincoln Building and Safety Department. Last year, Senator Megan Hunt claimed that a seal or stamp is always required to obtain a building permit. During the, the last year of 2020, I reviewed 839 commercial plans along with building permit applications. That does not include the 2,800 residential plans and permits that were issued last year. Very few of the residential plans involve seals and stamps of a design professional. Two-thirds of the commercial plans involve seals and stamps, so I would encourage the interior designers to focus their attention on the other 85 percent of the work that allows the interior designer to work on those projects without the help of any other professional. There is nothing in the current regulations that prohibit an interior designer from doing a commercial remodel located within a 2,800 square foot tenant space. An experienced interior designer can design an entire 900 square foot restaurant from foundation to shingle, no seals or stamps required. This nationwide effort among interior designers is a marketing ploy. They wish to convince the consumer that the building owner can save money. The thinking is that the interior designer will have a magic stamp that eliminates the need to include other team members of the design profession. However, protecting public safety and health and property is a group effort that includes the building official. Here in Nebraska, the typical building inspector has an average of 15 years of experience. If they determine that an individual is either careless or incompetent, then we forward their construction drawings to the Nebraska Board of Engineers and Architects in the form of a complaint. But I fear that this new legislation will only increase the number of compliance complaints forwarded to the Nebraska Board of Engineers and Architects. What can be done to improve the situation where incompetent construction drawings will soon be decorated with a new type of seal or stamp? The current curriculum of the interior designer now includes three credit hours of building code standards and federal regulations. This course is mandatory [SIC] and that is very good, but my concern stems from the fact that three of the plans that I reviewed last year, the only three plans that were prepared by interior designers, were lacking in many ways. Perhaps the education of the interior designer needs to incorporate six credit hours rather than only three. My daily judgment of any drafter or building designer or general contractor hinges on their knowledge of code compliance. Based on my experience with interior designers-- I'll go ahead and skip to the last page here-- I called my interior designer friends to survey

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

what type of work they do. One sells office furniture, one sells cubicle systems. A third interior designer spends her day using SketchUp to create beautiful interior design perspectives. Today, I ask the committee to kill this bill, but if it goes through, I ask that the seal of the interior designer look distinctly different from the engineer and architect, something that stands out-- more specifically, something that looks like the yellow caution sign. That's all I have. Any questions?

HALLORAN: Thank you, Mr. Burton. Are there questions from the committee? Senator Lowe.

LOWE: So for some of the jobs that are done, will a contractor have to get an architect stamp and a designer stamp if that designer is working there and it may need some architectural change?

RICHARD BURTON: Not for projects that don't require any seals. So I, I think Ms. Bavitz, you know, explained it very well, that there are thresholds. The one that she put out there was 5,000. So I would agree that, you know, it is an antiquated system, but I think it-- it's one that works, that when you design a building, you know, that is significantly large, let's say 6,000 square feet, and all of a sudden, you need the whole team of engineers-- and usually the coordinating professional is the architect because he understands, you know, a little bit about everyone's job. So does that answer your question?

LOWE: Kind of.

RICHARD BURTON: OK.

LOWE: I was, I was thinking if there would be an instance where you may have electrical stamp, a plumbing stamp, an engineer stamp, and then a design stamp on, on the plans.

RICHARD BURTON: That would be fine. So the proof is in the pudding. I mean, the stamp to me is just decoration on the corner of a page. So if-- and I have an example here of a plan that was produced by an interior designer. If you were to stamp this, I still can't approve it. I mean, I, I had ten code, code comments and she corrected five of the ten and so it goes through another second round of review. So, you know, I, I, I would like to see that, you know, the plans produced by interior designers were competent. I mean, thorough enough that I

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

could-- they were perfect and I can just approve it without any
additional stamps.

LOWE: Thank you.

***JEAN PETSCH:** Senator Brewer and Committee, I am Jean Petsch, Director of Advocacy and Lobbyist for the Associated General Contractors-Nebraska Building Chapter. My thanks and appreciation for hearing our testimony in opposition to LB250. The AGC Building Chapter is a leading association for the commercial construction industry. The Chapter represents 130 of Nebraska's top firms that build vertically in regional and national markets. The Chapter opposes LB250 as introduced for the following reasons. There is no need for the legislation. It does not regulate or protect the public from anything or anyone. Lastly, there are procedural and technical issues that concern us in this legislation. In our opinion, as the other half of the "design and construction" process, we question the need for the registry. This is not a reflection on the professional work of interior designers, but rather a look at reality. This is about the fifth attempt at this type of legislation in past 10 years. What has changed in the bill? Voluntary registration does not provide consistency or a standard in the profession; does not create a set expectation that can be regulated and inspected or investigated for compliance or quality control; or does it prove a level of formal educational achievement. The question remains, is there a need for this in the Interior Design industry? We would suggest it is an industry of meeting contractual agreements and exceeding client expectations to build your profession versus relying on government registration. Within the construction sector we have an array of voluntary certifications individuals might earn. All of them show a learned level of competency determined via a certification test. Once achieved, and assuming one keeps up Education Units and paying renewal fees, these designations are professional accomplishments to be used for career and business development advancements. However, they do not have a place in state statute or rules/regulations as they do not apply to all people in the given profession. Does this bill enhance the public's safety and well-being? Does it add anything that does not already exist? The answer is no to both questions. Anyone that might pass a designated competency exam prescribed in the bill will be registered as an interior designer. There is no guarantee of education, years of experience, type of experience or other qualifications of person other than passing exam and becoming

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

registered. It will not increase or enhance public safety. Problematic bill language we have issue with includes: Contradictory terms in what is included in scope of interior design (p.2 Sec. 3 (3)(a)(iii) A, B, C vs. Sec. 3 (3)(b) i, iv. State Treasurer determining ethical standards for the profession (p.4 Sec. 4 (1)(d)(ii). Provide proof of "professional liability insurance for practice of interior design. (p..4 line 29)(p,S line 9). What will be the limits? What will this cover? Will this be adequate error and omission type risk coverage? Is this coverage available? In all the requirements for registering there is no education requirement. No 4-year degree; no 2-year degree, no certificate from an accredited school of design. We all know that many bills are amended to make corrections, improvements, accommodations, etc. between introduction further advancement. With that in mind I am sharing one major concern if an amendment is filed to make changes and incorporate the Registry into the existing Engineers and Architects Regulation Act. The concern is regarding coordinating professional found in Sec. 81-3437.02(1) and (2). We oppose any changes to the sections in current Act just noted. Currently, a project involving more than one licensed architect or professional engineer will have a designated "coordinating professional" for the duration of the project. The coordinating professional is responsible for reviewing and coordinating the technical documents prepared by everyone else involved in the project for compatibility. On a commercial building project this is a mass number of documents. The coordination and flow of these documents is vital to the construction side of the project which is responsible for the construction budget, schedule, constructing and commissioning. As such we feel the coordinating professional should remain either a licensed architect or professional engineer. Our opposition to a registered interior designer being allowed to act as a coordinating professional is not a reflection on the worth of the interior design profession. Rather, we feel that the role of coordinating professional should be filled by a professional that has a broader scope and perspective of the entire structure, documents, and contractual requirement for entire project. This is most relevant to commercial projects and likely not applicable to residential projects. Thank you for your time to consider our opposition to LB250.

HALLORAN: Thank you, Senator Lowe. Any further questions? If not, thank you, sir, for your testimony. Any additional testifiers in

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

opposition to LB250? Seeing none, is there anyone in the neutral
capacity on LB250? Good afternoon.

JON WILBECK: Good afternoon. Good afternoon, members of the committee. My name is Jon Wilbeck, J-o-n W-i-l-b-e-c-k. I am the executive director of the Nebraska Board of Engineers and Architects. I'm here representing the board, which has taken a neutral position on LB250 as amended by LB43 [SIC]. The amendment is a product of a collaboration between the board, Senator Hunt and her staff, and the interior design community in Nebraska that occurred after the conclusion of the 2020 session when LB1068 was introduced. The board does believe that there is substantial overlap between the scope of practice of architecture and interior design. In the board's view, the original LB250 would complicate enforcement of the Engineers and Architects Regulation Act, which charges the board with regulating the practice of architecture in order to protect the health, safety, and welfare of the citizens. However, with AM43, which adds the interior design registry to the board, along with two registered interior designers as full and equal board members, enforcement of the act is simplified. If the amendment-- amended bill is enacted, determining whether a specific instance of practice constitutes architecture or interior design can now be determined by the board, with architects and interior designers sitting at the same table, which relates to another issue with the original bill. From the board's perspective, the registration of interior designers was proposed to be administered by another agency. Such an arrangement would again be difficult to, to have the board work out those practice issues and the first arrangement of that-- of its kind amongst the 27 other states that regulate either the practice or the title interior designer. The board's position is that if interior designers are to be registered, if that is the intent of the state, that would be best done by a board comprised of other design professionals, as shown on the amendment. Finally, I conclude by saying that the mission of the Board of Engineers and Architects is protecting health, safety, and welfare of the people of Nebraska. The board's position is that the interior design registry is more appropriately administered in the arrangement described in AM43. I also wanted to very briefly, since I'm not quite on red, talk about the rules. What-- the board has rules on what a coordinated professional is and what they do. There are three primary roles: one is to coordinate communication between all the design professionals involved on the project, to act as the project liaison with the, with

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

the governing building official in case they have questions about the design, and to verify that all design disciplines involved are working in conjunction with one another. So it's not that they have to know, you know-- a registered interior designer doesn't have to be qualified to practice architecture or engineering. They just have to know that that design discipline is involved potentially. And if there's a question on that aspect of the design, they can coordinate that and, and coordinate, and coordinate that communication among the team members. So I am available for questions.

HALLORAN: OK, any questions from the committee? OK, seeing none. You-- your board is a regulatory board, is that correct?

JON WILBECK: Yes, that's correct, Senator.

HALLORAN: OK. All right, thank you.

JON WILBECK: Thank you.

HALLORAN: Any additional neutral testimony? Seeing none, Senator Hunt, if you'd like to close. Welcome back.

HUNT: Thank you. Thank you all very much and thanks for your patience with this hearing. I must say, we heard some very insulting opposition testimony here. We heard some very condescending things said about qualified professionals who are interior designers. The idea that this is more about marketing than the free market or allowing people to practice their profession is really condescending and this dismisses the real problem, which is that interior designers can't practice their profession in Nebraska the way that they should be entitled to do. It could be-- could it be that the reason that we hear this opposition is because professions in opposition benefit from providing document stamps, from providing the construction stamps? They stand to gain monetarily from it. Interior designers are already independently qualified and they should be able to obtain their own building permits within the scope of interior design practice. A lot of the opposition we heard was confusing to me because I'm hearing people say, well, they're not as qualified as architects, they're not as qualified as engineers. They don't go and learn the same things in school. They don't have to take the same test. No one is saying that they do. Nothing in this bill is saying that interior designers are going to start, you know, stamping architecture plans or doing the same thing

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

architects do. They're not. They don't want to be architects. And the, the comparison to the scope of practice of, like, a doctor and a PA and a nurse was a really good one. A nurse does not do all the same things the doctor does, but that doesn't mean that the nurse is trying to be a doctor. The nurse knows it's a nurse, the doctor knows it's a doctor, and it's the same thing with this field. There's no confusion about what an interior designer would be licensed to do under this bill. An interior designer should not be forced to seek out an architect or an engineer with stamping authority or work under the responsible control of that design professional and in many instances, pay that professional up to 15 percent of their fee when it's something that they're qualified to do themselves. We heard one testifier, the professor at UNL, talk about, you know, she was licensed to do this in Texas. And there are many states that have done this for years and years with no threat to public health or safety or well-being. And it's very insulting and condescending to come up here and hold up a stamp that looks like a caution sign to suggest that these professionals are not qualified to do their work. I took offense to that personally. A few highlights that I also want to drive home for the committee is that this is not a license, it's not restrictive. But for those who choose to register, the board will hold them to requirements just like architects and engineers and the board will have oversight to ensure the safety of the public and the qualifications of the registrants. Another layer of safety is that building code officials and plan reviewers will still need to review plans before a permit is issued. Just like the professor from UNL said, yes, like, the, the plan does have to be up to code. That is reviewed and if there's any problem with it, it gets corrected. That's an added layer of public safety that this bill guarantees. Also, if a building official who testified in support of this bill thinks it's safe and common sense, that should be enough. Who would know more about building safety than a, than a building official? Another point I want to make is that-- we also heard that architecture students graduate with more experience than interior design students. That is false because both disciplines have to take 120 credit hours for a bachelor's degree and interior design students are required to have an internship before graduation, whereas architecture students don't for the-- until the last year of their master's. I also want to be clear that all of the testimony, obviously, including the letters of support from people from the university-- or the college of architecture doesn't reflect the views of the university. Today, we heard a lot of

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

opponents argue an often-repeated red herring that the qualifications of interior designers are different from those of architects and engineers and that is true. We never said they were equal. Nothing in this bill says that they're equal or doing the same thing or that they want to do the same thing. The hours are different. That's right. The length of the exams are different. That's right. But the proposed scope of practice reflects those differences. LB250 doesn't permit interior designers to practice architecture or engineering. It doesn't permit designers to design the shell of a building or draft roof trusses or calculate stress-load combinations or any of the other load-bearing, seismic, and so on practices that interior designers are not taught and tested on. But interior design education, training, and examination do prepare these professionals for the nonstructural, non load-bearing scope of practice presented in this bill. What we're hearing from the opposition is a pure turf war. That's all that's going on here. We know from other states that this can be done safely, that it is done safely, and that this is what we need to move small businesses in Nebraska forward. We also know that there is a public outcry for this bill. After I introduced this bill the first time, I got so much feedback from constituents in my district who-- so many of them are interior designers and a couple of them I've worked with in my own small business, actually, and they did an excellent job. But I'm not trying to tell you, like, little anecdotal stories about, like, how well somebody could do their job or decorate something. I'm here to help these small business owners and professionals actually get to do their job a little bit better. And as many of the testifiers said, maybe then we can retain more of those students here in Nebraska after they get their education. Thank you.

HALLORAN: Thank you, Senator Hunt. Questions from the committee? Seeing none, thank you, Senator. In conclusion, we have, for the record, 19 position letters-- proponents-- 19 proponents and 4 opponents, zero neutral. For written testimony for LB250, we have a-- one opponent, Jean Petsch, P-e-t-s-c-h, Associated General Contractors-Nebraska Building Chapter. While I've still got the chair, I'm going to recess while we change hearings until 5:00 p.m. sharp.

[BREAK]

BREWER: All right, we'll go ahead and get started here and wrap things up for the day. Our last bill of the day, LB263, and let's see, were you the one that started us off the day today, Tom?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BRIESE: I think that was me.

BREWER: Well, welcome back to the Government Committee.

BRIESE: That was a couple hours ago, wasn't it?

BREWER: Yeah.

BRIESE: Yeah, you bet. Well, thank, thank you and good afternoon, Chairman Brewer and members of the Government, Military and Veterans Affairs Committee. My name is Tom Briese, T-o-m B-r-i-e-s-e. I represent the 41st District in the Nebraska Legislature. I come before you today to introduce LB263, a bill which would establish a broad set of parameters for the recognition of a great deal of licensed, certified, or otherwise regulated professions in the state of Nebraska. So who are we talking about in this bill? We're talking about a professor in another state who's considering taking a job teaching at UNK, but her husband who is certified to do his job in their home state would have to spend months or even years jumping through hoops, retaking training, and getting certified all over again just to be able to do the exact same job in Nebraska and that family decides not to come here. We're talking about a high-income programmer for Google who's working from home and who decides he wants to live someplace with a little less traffic and a little lower cost of living than Mountain View, California. Now you can say that he can work from anywhere, but in reality, he can only work from a state where his wife is able to work. There's very few families who consider making a move if both people are not able to work in their new home state. And that's the intent of LB263. We're trying to grow Nebraska, to grow our workforce, to grow our population, to say, hey, Nebraska is open for business. We're a place where anyone can move and live and work almost any job without having to spend six months or a year or two years, whatever the case may be, jumping through hoops, earning no income, and rehashing training for a job they've been doing for years. LB263 would allow someone who is credentialed to do a job in another state to do that job in Nebraska if certain conditions are met. The occupational board will issue a license of certification to an applicant if that person holds a license or certification in another state or who holds a military occupational specialty permit, which has a similar scope of practice as determined by the occupational board for that occupation, if the person has held their license in the other state for at least a year, if the board in the other state or the MOS

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

required them to pass an examination or meet educational training or experience standards, if the applicant doesn't have a disqualifying criminal record, and if the applicant hasn't had adverse action taken against them like revocation of their credentials or voluntary surrender and as long as they don't have a pending investigation against them. And then not all states require licensure for all occupations, obviously, and Nebraska's licensing boards will now be able to license or grant certificates under this bill in Nebraska to those who come from a nonlicensing state if the applicant can demonstrate three years of experiencing-- of experience practicing in a scope of practice that would be comparable to Nebraska's licensed occupation. This bill does nothing to the requirements for those who receive their initial license to practice in their field in Nebraska. Rather, what it does is to acknowledge that if licensed professionals in two different states have similar scopes of practice, then it makes sense that an on-the-job experience after licensing in another state probably levels out any differences in hours or training or differences in testing. Now you may hear testimony from those who suggest that by accepting the licensing and experience from those who have trained and been licensed in other states, that we're somehow putting Nebraskans at risk because those new licenses just don't understand Nebraska conditions. That, that position really should concern all of us. If Kansas or Iowa have inferior standards for their electricians or architects or so on, perhaps we should never cross state lines, never stay in a building not designed and built by Nebraska professionals who never drive on a road not designed and built by Nebraska civil engineers. I would challenge those who oppose this bill to make a good case for why they would not be competent to practice their occupation across state lines. Yes, conditions, for instance, climate and geology, can differ from state to state, but professionals ought to be able to adapt. This bill merely allows Nebraska to recognize those people who are building roads, seeing patients, cutting hair, running electricity in other states, recognizes that they are qualified to do the same thing here. I also note that you should have AM72, which should have been passed out to you, which contains most of the guts of this bill. And what it does change is a couple of things. First, it amends Section 4, subsection (iii) with dealt-- which dealt with the requirement that an occupational board approve or deny a credential within 60 days. We discovered there are a number of boards that don't meet that often and many meet every 90 days. And additionally, we heard some-- that some

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

of these licenses and certifications can be held up when waiting on a background check or disciplinary history review. So the amendment allows for those potential delays and requires that those instances be documented in writing. Additionally, it adds a final subsection, 5(f), which simply clarifies that this bill would not require a board to issue a license or certification in a way that would violate federal law. And you'll-- I'm positive we'll be hearing some-- from some folks today who may have some concerns about the-- this bill and will probably have some suggestions on ways to improve the bill. And I'd like to say that I'm very open to working with the committee and these groups on tweaking this amendment so that, for instance, industries that already have robust reciprocal licensing agreements are able to continue that. And finally, I, I think this is legislation that can move our state forward, bring residents to our state, help us grow our state, and it can help as we strive to do everything we can to help our residents and businesses overcome the impact of the pandemic. So I, I will have some people following me, some-- at least some proponent testimony with-- very knowledgeable about some of these things. And again, we'll have some opponent testimony, I believe, coming that will want to bring up some issues. I think we should be amenable to working with all interested parties on those issues. I think it's a good bill, a bill that will move our state forward, and I'll try to answer any questions that I'm capable of, so thank you.

BREWER: All right, thank you, Senator Briese. Questions for Senator Briese on LB263? Senator Blood.

BLOOD: Thank you, Chairperson Brewer-- excuse me-- and thank you for bringing this forward. I like licensure bills, but I, I have a couple of concerns and I'm hoping-- I'm sorry, not COVID-- I'm hoping that you can help me. So we have OBRA, which is our-- the occupational board. We passed that bill several years-- where things are reviewed and I read those reports that we get back. How many licensures have been reviewed by that board so far? Do you know?

BRIESE: I don't know.

BLOOD: So I read the reports and in the reports, a lot of them seem to come to the same conclusion and that regulation is still appropriate and balanced and it doesn't need modification at this time. So are you saying that the board isn't doing their job accurately?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BRIESE: Oh, no, not at all. I wouldn't suggest that for one, for one moment. I'm just saying we need to clear the way for these people that are licensed and capable of doing their job well in another state and recognize that based on their years of experience there and their licensing there, they're, they're likely to do a good job here also. And the board, by reviewing that scope of practice, comparing the scope of practice of what they're doing there and what they would be doing here, if they can make that determination, if they're capable of doing, doing the job there, they're capable of doing here and that's, that's really the point.

BLOOD: So, so I only really have-- I have two questions left--

BRIESE: Sure.

BLOOD: --so don't worry. So-- and you just created another question for me, sorry.

BRIESE: Oh, my bad.

BLOOD: So I-- the thing that concerns me is this. I'm always a little bit concerned about blanket legislation when it comes to things like reciprocity because, as I'm sure you've heard from dentists and electricians and-- and some of them have valid points and some of them don't, so I don't want you to think that I agree with everybody, but, but why are we not doing this much like we do the interstate compacts? So reciprocity is great because they can come to Nebraska and they get to work. But you refer also to the military spouses and with military spouses, their issue isn't just reciprocity, it's that they want the ability to be able to move from state to state to state, which is why interstate compacts and reciprocity can cohabitate peacefully in state statute in all states. So I'm just going to express that concern and I'll talk to you more about it. That's one of my red flags. And then I looked at page 2, complaint application or investigation pending on AM72. That's again-- another issue that is different between the interstate compacts and reciprocity is that interstate compacts purposely put in that layer of protection because ne'er-do-wells have a tendency to try and go to other states when they've done something bad and often fall under the radar. And so that's going to be one of my concerns, too, that I'm hoping that-- if you can't address that today, but maybe we can talk about this another day.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BRIESE: Yeah, maybe there should be an additional safeguard in there, but my, my opinion would be that these occupational boards, they're going to be tasked with ensuring that these individuals don't have a criminal record, haven't had their license revoked, or haven't, haven't been bad actors. They're going to be tasked with finding that out and I'm, and I'm confident that they will perform that task well and check into that when they are issuing that. And your point earlier about the military spouse, you know, and that's precisely the point of the bill, to enable military spouses and other spouses to bring their, bring their credentials and their work experiences to Nebraska, help grow our state, and expand our, expand our workforce.

BLOOD: So we also want to help them when they move to other states and we can do that with the interstate-- but do you hear what I'm saying?

BRIESE: Sure.

BLOOD: I'm not saying that reciprocity is bad. I'm saying that we're under this-- I'm-- we're disillusioned to think that that's the end-all. The end-all is to be able to help them move from state to state to state.

BRIESE: And that's important.

BLOOD: And, and again, the reason that that layer of protection is in interstate compacts is because courts have missed ne'er-do-well-- I always say ne'er-do-well-- I mean--

BRIESE: Whatever.

BLOOD: --because they can be a pedophile. They can be-- you know, you never know what they're-- they've done--

BRIESE: Yeah.

BLOOD: --but--

BRIESE: I'm sure that can happen.

BLOOD: As it could anywhere, so I just-- these are things that I-- I'm kind of putting that-- those questions to you now because I know you don't necessarily have answers for them now. And hopefully we'll discuss them when it's not getting dark.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BRIESE: Very good, thank you.

BREWER: All right, additional questions for Senator Briese? All right,
you're going to stick around for close?

BRIESE: I will be here.

BREWER: All righty, thank you.

BRIESE: Thank you. Thank you.

BREWER: Senator Ebke, I'm confident this will be the last time we'll
see you today, right?

LAURA EBKE: It's the last time you'll see me today.

BREWER: Welcome back.

LAURA EBKE: Thank you. Chairman Brewer, members of the committee, my
name is Laura Ebke. That's L-a-u-r-a E-b-k-e. I'm a senior fellow at
the Platte Institute and I'm happy to be here today to testify in
favor of LB263 and I thank Senator Briese for introducing it. In 2018,
Nebraska was the first state to pass a comprehensive occupational
licensing bill, LB299, now known as the Occupational Board Reform
Act-- Senator Blood mentioned. The, the bill was recognized nationwide
as the one to beat, requiring the legislative committees to regularly
review all occupational licensing to determine whether the regulations
were still needed, whether they were achieving their goals, and
whether changes were, were needed in the licensing. Most of your
committees have finished their second round of reviews during this
past interim period. That means about 40 percent of them have been
done except for Health and Human Services. They did them all this past
year. The Occupational Board Reform Act built on the principle found
in the earlier Uniform Credentialing Act applied to health-related
occupations. It stated that the state of Nebraska's policy uses the
least-restrictive regulation of reg-- of occupations possible. Since
the passage of LB299, several states have introduced and passed
legislation similar to ours, including Ohio, whose legislation would
automatically sunset any license that was not reviewed as part of
their six-year rotation. More recently, states have been looking at
ways to ease licensure for those who are already working in
occupations in other jurisdictions, that the idea is that someone who
can give a good haircut in Nebraska can probably give a good haircut

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

in Arizona and vice versa. To that end, bills have been introduced nationwide to provide licensure, both broadly and specifically, to those in the military or their spouses. In 2019, Arizona became the first state to pass the so-called universal recognition, similar to what you find in the legislation before you in LB263. Arizona's Governor Ducey declared Arizona open for business as a result. And since then, the states of Pennsylvania, Montana, Utah, New Jersey, Idaho, and our neighboring states of Iowa and Missouri have passed broad universal recognition. As the Governor made note of last week, Nebraska has a workforce shortage challenge. LB263 is an economic development and jobs bill that can help alleviate that. It will send a powerful message to those considering a move that we not only want them, but we want their-- want members of their families who also hold job licenses. It will tell them-- it will let them know that we respect and honor the training and experience that they've had in other states in their chosen occupation and that they can continue their work here. Universal, universal recognition works. The evidence in Arizona demonstrates that it serves to bring people from license fields into the workforce with over 2-- 2,600 licenses added in Arizona in just over a year. I see the yellow light, so I will just note Nebraska is one of at least 15 states seeking to follow Arizona's lead this year, including our neighbors in Kansas and Wyoming. I encourage you to advance LB263 as amended to General File and I'm happy to entertain any of your questions.

BREWER: Perfect timing, nice. Well, Laura, you're kind of our in-house expert, so as you look at LB263--

LAURA EBKE: Yeah.

BREWER: --you don't have any open concerns that it's going in the right direction and that we're not, we're not skipping any steps in there to, to make it so that we can cross over state lines and not have issues?

LAURA EBKE: Yeah, no, I don't think so. The key to remember with LB263 is that it looks at scope of practice. It doesn't ask us to look at, at the number of hours and whether or not the number of training hours are adequate. What it says is were you a doctor or a-- not lawyers. Lawyers are, are through their--

BREWER: Through the--

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

LAURA EBKE: -- the judiciary-- but were you a, were you a cosmetologist in Kansas and did you have at least a year of experience and was your license what-- was your license in good standing? And if so, we don't care how many hours you had, you know, in terms of ed-- in terms of formal education. We think that if there's a difference between the number of hours that we require for initial licensing and the number of hours that Kansas requires for initial licensing, that that job experience makes up the difference.

BREWER: Very good. All right, questions for Senator Ebke? Yes, Senator Lowe.

LOWE: Thank you, Chairman Brewer, and welcome back.

LAURA EBKE: Thank you.

LOWE: Iowa and Missouri already have this passed, correct?

LAURA EBKE: Yes, they passed out this past interim.

LOWE: And Kansas and Wyoming are working on it?

LAURA EBKE: Yeah, I-- in fact, I testified in, in Wyoming the other day. They had a zoo-- they, they do, they do their committee hearings via Zoom right now, so I was able to zoom in and, and testify before one of their hearings the other day.

LOWE: Is Colorado contemplating this?

LAURA EBKE: Colorado has contemplated it off and on. And depending on how you count, they already have a version of it, but it's not, it's, it's not as comprehensive as ours-- as this proposal.

LOWE: OK, thank you.

LAURA EBKE: Um-hum.

BREWER: All right. Senator Blood.

BLOOD: Thank you, Senator Brewer. In your personal opinion-- and I know it's just an opinion-- why do you think Colorado isn't as comprehensive, especially since military is so important to that state?

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

LAURA EBKE: Yeah, they, they, they've moved to the universal recognition for military, for military spouses and, and members. And they have, they have a recognition of MOS, you know, for, for that as well. They just haven't moved to the across-the-board universal recognition.

BLOOD: Fair enough, thanks.

LAURA EBKE: And Wyoming has-- they've got a bill that is actually focused on all military spouses, but they're trying to amend the-- to the, to the full licensure.

BREWER: All right. Any additional-- yes, Senator Lowe.

LOWE: So it's, it's OK for military spouses. If a teacher wants to move from one state to another state and their spouse is also a teacher, the first teacher has Nebraska qualifications, their spouse cannot teach in Nebraska?

LAURA EBKE: If they don't have Nebraska credentials, yeah, I mean, currently. Now, now, now the, the-- I think it was your bill. Yeah, Senator Sanders' bill in education is designed to, to do this for military spouses. The problem with that, of course, is that, you know, the military spouses aren't the only people that would like to come to Nebraska, so--

BREWER: All right, additional questions? Thank you for your testimony.

LAURA EBKE: Thank you.

BREWER: All right, we are still on proponents. Next proponent of LB263. Nobody standing up, so we're going to go to opponents of LB263. Welcome to the Government Committee.

DEXTER SCHRODT: Thank you, Chairman Brewer, members of the committee. My name is Dexter Schrod, that's D-e-x-t-e-r S-c-h-r-o-d-t. I'm vice president of advocacy and regulation for the Nebraska Medical Association. Because we do not come before your committee very often, I'd like to share with you our mission statement, which is to advocate for physicians and the health of all Nebraskans. And I say this because although physicians do have an interstate compact in Nebraska, we are opposed to LB263 as introduced because we believe the health and safety of patients in Nebraska will be negatively impacted by this

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

proposal. The regulation of health professionals is very nuanced and it's something that varies widely state by state. As the leader of the healthcare team, our physicians take seriously the task of safeguarding patient safety by ensuring all members of the healthcare team have the adequate education and training necessary to practice in accordance with Nebraska laws. One example of this nuance is the profession of nurse midwife. Nebraska currently recognizes certified nurse midwives, which are licensed registered nurses who have completed master's-level courses to become specialized in the practice of midwifery as an advanced practice registered nurse or APRN as you may know it. All 50 states currently recognize certified nurse midwives and that is currently the only nurse midwife recognized by Nebraska. However, some states do recognize certified midwives, which are individuals who have gone through midwifery training, but are not registered nurses, meaning their education, training in healthcare is limited, yet in these states, certified midwives have nearly identical scope of practice as certified nurse midwives. Due to the broad language of LB263 regarding scope of practice and the lack of provisions requiring equivalent educational requirements, it's quite possible certified midwives will be recognized in Nebraska under this bill, even though they do not have near the education or training background of certified nurse midwives. Additionally, under subsection (c) on page 4, another type of midwife, the certified professional midwife, would be recognized in Nebraska, as they hold a private certification in midwifery. Again, this certification does not have near the training or education that Nebraska currently requires, but like I said previously, their scope of practice would be seen as similar under this bill. These examples I just gave prevent [SIC] a serious risk to mothers and infants to the state, as well as their liability risks for Nebraska physicians. Currently in Nebraska, certified nurse midwives are required by law to work under the supervision of a physician trained in obstetrics. I did not say that right. This type of supervisor relationship is not uncommon in Nebraska law and is in place to ensure patient safety. In practice, however, and an unfortunate outcome were to ever occur, the physician is provided that would face the brunt of the lawsuit as the contractual supervisor. Hence our desire to ensure that the entire healthcare team has the proper education to meet Nebraska's laws on patient safety. This testimony touches on one type of health professional and I know my light just changed, but I could give you many more, but I will leave it at that.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: Well, we'll take your, your first example here. While we got a second, what would be another quick example?

DEXTER SCHRODT: Another quick example-- for example-- I'm trying to think off the top of my head now, Senator Brewer, you put me on the spot. You know, the various level of nurses can vary greatly and then any assistance in the hospitals that have different licensure--

BREWER: Like a nurse practitioner or-- when you say different, different types of nurses--

DEXTER SCHRODT: Like LPNs, below nurse practitioners, yeah. Nurse practitioners are widely viewed across the country pretty much the same, but the lower-level nurses, the LPNs, those types of nurses and then support staff within the hospital-- HHS hears often about surgical techs, that type of thing. So those are just examples. So we would ask that the committee at least consider removing health professions from the scope of this bill.

BREWER: All right, questions for Dexter? Senator Lowe.

LOWE: Thank you very much and thanks for coming to testify today. So a midwife, a certified midwife, do they have problems in other states? I mean, are the-- is the death count higher from a certified midwife compared to a registered midwife or what kind of problems exist between the two?

DEXTER SCHRODT: That's a very good question, Senator. I don't have any data on top of my head, but given that certified nurse midwives have to be registered nurses first, their background in healthcare-- and again, I only represent physicians, so not to delve into nurses too much-- their background in healthcare inherently allows them to care for patients in a different manner than a certified midwife who is only trained just for-- to be present at deliveries. The nurse, nurse midwives do things beyond that, so that would be the main difference. As-- in terms of numbers, I'm not sure, but I could do some research for you.

LOWE: Thank you.

BREWER: All right, any additional questions? All right, thank you for your testimony.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

DEXTER SCHRODT: Thank you.

BREWER: All right, we are back on opponents. So when you were here,
were you ever on the Government Committee?

KENT ROGERT: Yeah.

BREWER: Welcome back to the Government Committee.

KENT ROGERT: Chairman Brewer, members of the Government, Military and
Veterans Affairs Committee, my name is Kent Rogert, K-e-n-t
R-o-g-e-r-t, and in the interest of time, I'm here to represent
several groups so you don't have to have nine of me come up here. You
just get me. I'm here for the American Massage Therapy Association,
Nebraska Chapter of the American Council of Engineering Companies in
Nebraska, the American Institute of Architects- Nebraska Chapter,
Nebraska Hospital Association, the Veteran-- Veterinary Medical
Association, the Society of Certified Public Accountants, the Athletic
Trainers Association, and the Academy of Nutrition and Dietetics of
Nebraska. LB263 today proposes to require almost all occupational
boards to recognize most all licenses from any state to engage in
regulated professions in Nebraska. The organizations being represented
by me today all have reciprocity provisions that are either written
into state statute or in their respective board, developed rules and
regulations in accordance with the Administrative Procedures Act.
LB263 would cause a conflict or a redundancy with those provisions.
This bill creates an incentive or could create an incentive for
someone to seek out, travel to, and gain a license somewhere else in
the country that might have far less stringent standards than-- and
education requirements than we have in Nebraska, then come back here
without the knowledge of local laws and codes, putting themselves and
the public in danger. The past several years have seen proposed
regulations and legislation that change the, the word "shall" to "may"
for actions by state agencies, boards, and commissions. This bill goes
in the opposite direction to that trend, as it use the words "shall
issue," which takes away the discretion of occupational boards and
make decisions that protect the public. We appreciate the efforts to
address workforce development and address the needs of families in the
military, but we cannot support the broad swipe this bill takes at the
carefully created occupational requirements in place for-- across
Nebraska and for these reasons, we oppose the bill.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: Thank you. You stayed in the green time, let alone going into the yellow.

KENT ROBERT: That yellow comes fast, so I was trying to get ahead.

BREWER: Well, first off, thank you for testifying for the other nine, appreciate that. Let's go ahead and see if we got some questions for you, though. Senator Lowe.

LOWE: Thank you, Senator Brewer, and, and thank you for being here today, Mr. Rogert. Since you're testifying for the 15 groups you're, you're with, are any of the 30 of them concerned with doctors from other states that may move here or the medical profession that may move here? Are, are they not performing in the states where they're at?

KENT ROBERT: They are and I believe everybody here would-- or most of these folks that I represent today would have sent you a separate letter that's probably part of your, your packet. So I'll just give you a, an example of one of my clients that's on this list and let's say the massage therapists. There are currently four states that have, for whatever reason, no regulation of massage therapy. And so while we believe, according to this bill, somebody could move to Kansas, get their license to be a massage therapist-- or actually they don't even have to get a license. They can just hang up a shingle and become one and under the work requirements that are in this bill, they could come back three years later and hang up a sign and be issued a license without any of the education requirements that the people who have lived here had to do. So it sets an unfair playing field for the folks that are already here. And I, I-- another example might be I know-- I believe the realtors were opposed to this, too, but I'm a realtor and if I move to Iowa and they gave me a license, I would have no idea what the real estate law was in that state, but yet I could sell homes for people and be their fiduciary manager and I don't think that would be safe at all.

BREWER: All right. Senator Blood.

BLOOD: Thank you, Chairman Brewer, but don't we already have a bill that addresses military spouses that are realtors?

KENT ROBERT: I don't know about that.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BLOOD: I believe it was Senator Blood's bill?

KENT ROGERT: OK. It's in now? I mean, exactly, yeah--

BLOOD: Yeah, we do it for military spouses. We do allow them a window
of time and we have visas. We don't make them pay and--

KENT ROGERT: I believe Director Lemon's in the back and he's going to
come talk to us. You might ask him about that as well.

BLOOD: And they supported it, so--

KENT ROGERT: Yeah, OK.

BLOOD: Thank you.

BREWER: Did you say it was a Flood bill or Blood bill? Blood bill.
That's probably why you're so familiar with it. All right, additional
questions? All right--

KENT ROGERT: Thank you.

BREWER: --thank you. All right, we're still on opposition to LB263.
Welcome to the Government Committee.

CRAIG THELEN: Thank you, Chairman and members of the committee. My
name is Craig Thelen, C-r-a-i-g T-h-e-l-e-n, the director for the
state of Nebraska Electrical Division, and I'm here on behalf of the
Electrical Board in opposition of the bill. Currently, we have 17
states that we have a reciprocity with that have licensing that's
equal to or greater than what we require in Nebraska. So in Nebraska,
we require verification of being able to test, which includes four
years as an apprentice and 8,000 hours now before you can apply to
take your journeyman test. Good example is in Kansas, they do not have
state program and so you can apply to take your international code
council test and if you pass the exam, you can get a license and there
is no verification of their qualification hours or their years,
whether it's educational or whether it's hands on. So the State
Electrical Board feels that we have a good process in place for
licensing and verification to apply for a license in the state of
Nebraska that confirms we have qualified electricians working in the
state, which includes electricians coming from other states to do work
in Nebraska through the reciprocity. With over 16,000 licenses,

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

licenses ranging from apprentices, journeymen, contractors, reciprocal licenses, we are well equipped to serve the needs of the citizens of Nebraska as it pertains to the electrical work. That's all I have.

BREWER: All right, thank you for your testimony. So I just built a metal building and I hired a guy from Council Bluffs to come wire it. How do I know if he has the right qualifications to come to Nebraska and, and do a wiring project?

CRAIG THELEN: First of all, he's worked-- doing work for you as a contractor, he has to apply for a permit. And so through that permit process, we can verify that he is licensed and has a reciprocity with-- because Iowa is one of the states we reciprocate with.

BREWER: All right, questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. Just a really quick question. We get so many reports and I try and read them all. Weren't your-- wasn't your licensure one of the ones that OBRA went ahead and, and looked over and they didn't recommend that there be any changes made or am I just not remembering that correctly?

CRAIG THELEN: I'm not sure about that. I'm six months into my role as the director--

BLOOD: Oh, OK.

CRAIG THELEN: --so I'm--

BLOOD: I was pretty sure that, that yours was one of the ones that they said regulation was appropriate. I'll go back to my notes on the-- but I-- I'm pretty--

CRAIG THELEN: OK.

BLOOD: --I'm pretty sure. I was hoping you would help me verify that.

CRAIG THELEN: Yeah, I'm sorry. I can't answer that one. I'd, I'd be interested to know because I probably wouldn't have had to testify if it's--

BLOOD: We'll just task Senator Briese's Office with that one. Thank you.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: All right, additional questions? Thank you for your testimony today. All right, we are still looking for opponents to LB263. Keep track of how many times we clean that chair today.

McCOLLISTER: We're going to wear it out.

SANDERS: I know, right? We'll start changing the colors.

BREWER: Welcome to the Government Committee.

JON NEBEL: Thank you and good evening, Senators and Chairman Brewer. Thank you for having me. My name is Jon Nebel, J-o-n N-e-b-e-l. I'm a business representative for the International Brotherhood of Electrical Workers Local 22 in Omaha. I represent 2,500 electricians in Nebraska and Iowa. My problem with this bill is the vagueness of it. We-- if we're trying to solve a problem, I'd like to see what problem we're trying to solve. In my occupation, if anyone wants to come be an electrician, you can come be an electrician. I can direct you to the state electrical division and get registered as an apprentice and you put the tools on that afternoon. That's from any state, wherever you had experience, it's, it's going to be that way because we're not, we're not trying to keep people from working. We're trying to keep unqualified people in positions of leadership. The scenario that comes up in my mind is that a lot of the work we do is based on-- for licensing is incentive based. If, if I'm Jon from Omaha and I want to take the test to become a journeyman, I contact the state and I say I have registered as an apprentice for four years. I'm ready to take the test. The state will then go and talk to the contractor that I've been working for to verify that I have been doing what I said I was doing. If any of this is falsified, the state also has that ability to revoke my and the contractor's license to vouch for me. If we open this up to people from other states, the same scenario could occur from Jon from Georgia, where he comes in and he, he says I, I got my buddy that I used to work for in Georgia. You can call and let him know that I'm trying to take this test and he'll tell you that I did the work that needed to be done. The state doesn't have the ability to revoke that person's license if something is falsified. We've created an incentive to falsify information. Basically, what I'm trying to figure out is why we need to get to a point where we're allowing lower standards for people from out of state than we are for standards-- people in the state. That's basically what I've got.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: All right, if I was to approach the gentleman who has indicated he wants to do the project for me and he said he was a member of the Brotherhood of Electrical Workers, is there a local union in Omaha? Is there one in Council Bluffs?

JON NEBEL: Yes, we would, we would be the same union--

BREWER: Oh.

JON NEBEL: --for that jurisdiction.

BREWER: OK. All right, well, I'll hit him up with that because if he's a member of your union, then he's met the requirements to be certified to be an electrician and work on your house and do those kind of things that we're--

JON NEBEL: Correct, yeah, yeah. I mean, even-- I, I just want to clarify that this person should be licensed, would be licensed to be out on your project all by themselves. The person that wouldn't be allowed would be the person who's not qualified in that manner.

BREWER: All right, questions? Senator Blood.

BLOOD: Thank you, Chairman Brewer. Quick question--

JON NEBEL: Sure.

BLOOD: First of all, thank you for answering my question that I've asked several people. So there's been 60 occupational licenses reviewed?

JON NEBEL: Yes.

BLOOD: So 55 of them were exactly what I said, which was regulations appropriate at this time, balance doesn't need modification. Do you know what the five were that they recommended modification to?

JON NEBEL: I think locksmiths. There was private detectives, a credential for office administration, I think, and boiler inspectors. Where am I at, four?

BLOOD: That's four.

JON NEBEL: OK.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: The fact that you're just snagging those off the top of your
head--

JON NEBEL: I've been looking into it a little bit to see where, where
the need is for this expansive of a law when we should probably just
address the deficiencies that we found.

BLOOD: Well, I think it's important that a bill was passed. With
something in place to check these licensures, it sounds like we've
only looked at 40 percent of them. Why aren't we responding to the
ones that were being recommended? That's my concern and so you've kind
of answered that. If you think of the fifth one, would email me,
please?

JON NEBEL: You bet you.

BLOOD: Do you have my email?

JON NEBEL: You bet you.

BLOOD: Thank you.

BREWER: OK. Here's a trivia question for you. Can an electrician take
items in exchange for his services in lieu of money?

JON NEBEL: No.

BREWER: Is that a no, a yes?

JON NEBEL: No, that is a no for me. I don't know how another person
would do business, but--

BREWER: Yeah, so I-- had an idea there, but now we're fine. Don't want
to do anything illegal here. OK, any other questions? Thank you for
your testimony.

JON NEBEL: Thank you.

BREWER: All right, any additional opponents? Oh, here we go. Have a
seat, sit down, relax--

GREG LEMON: Thank you.

BREWER: --make yourself at home. Welcome to the Government Committee.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

GREG LEMON: Chairperson Brewer and members of the Government, Military and Veterans Affairs Committee, for the record, my name is Greg Lemon, G-r-e-g L-e-m-o-n. I am the director of the Nebraska Real Estate Commission, appearing today in opposition of LB263. I'll make three points and I'll try to make them very quickly. First of all, as has already been pointed out, this is a one-size-fits-all sort of a bill regarding professional licensing. We just sat through what I think was about two hours discussing engineers, architects, and interior designers and, and while there were lots of differing opinions on, on the bill, I think everybody agreed that they had different training, education, and requirements and we feel that there should be different education-- or excuse me, different requirements and processes for licensing the different professions. Second, this bill puts procedures in place and actually, the procedures they put in place is what we call license recognition and we do it too. We recognize if somebody has the education, they pass the test in Illinois, in Iowa, in Colorado, that they can get a Nebraska license based on that. They do have a few hoops to jump through, but we recognize the, the core of the training and the testing. But the problem is in the details, we have different provisions in our law than they have-- than are in LB263. As a regulator, I'm often asked why you have to do something or why you don't have to do something. And the best answer is always I can point a sentence to them in statute and it says-- the statute says you have to do X or the statute says you can't do Y. If they're asking me about the procedures for professional licensing if this bill passes for out-of-state licenses, I got two sets of laws. I have uncertainty. I have interpretation. It's much better to have the clarity. It's much better to have one set of laws. Thirdly, and this, I think, ties together the other two points, we would be glad to work with the Legislature. LB299 was passed a couple of years ago with everybody with the, with the subject matter committee looking at the various licensing acts and seeing if they're appropriate and they're done in the least-restrictive manner. We feel like we're doing pretty well in that regard, but we would be glad to work with the Legislature on that and as has already been pointed out-- you sort of stole my thunder. I was going to say a couple of years ago, I had conversations with Senator Blood about military licensing and we passed a bill that streamlined procedures and waived fees through cooperation and specific views of the licensing procedures for the Nebraska Real Estate Commission. With that, thanks for staying this long to listen

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

to me and I would be glad to answer any questions you might have and I
beat the red light.

BREWER: You did and, and actually you did a nice job of helping to
clarify some things, so thank you for that. All right, questions? All
right, you did a good job then.

GREG LEMON: Thank you.

BREWER: Thank you for coming. All right, any additional opponents?
Think about it, it's thinning out in here, so you may see the light at
the end of the tunnel.

CONNIE BURLEIGH: And it may-- mine will be short because of going
after Director Lemon.

BREWER: Welcome to the Government Committee.

CONNIE BURLEIGH: Thank you. I'm Connie Burleigh, C-o-n-n-i-e
B-u-r-l-e-i-g-h. I am vice president of the Nebraska Realtors
Association and I'm speaking on behalf of the Realtors Association in
opposition to LB263. I'm not going to go into as-- a lot of detail
because we just heard it from Director Lemon, but our law, our license
law committee works very, very closely with Greg Lemon and the--
really the commission. And I think that we hold their feet to the fire
pretty strong about unnecessary regulations with about 20 people
around the table with them, but we also want to make sure that the
public is protected. So I don't think that we have a lot of really
hard rules, but I know that there are laws. But I know that they're
very different from other states because I travel to the Nebraska-- or
the national conventions, talk to other realtors, and I know their
advertising laws are way different. There's even some escrow positions
that are different, where in our case, the seller owns the property
clear up to closing. There's some states that no one owns the property
while it's in escrow. So there's things like that that if someone just
came into our state and practiced, they could be giving wrong advice
to their, to their clients. I know I've been in real estate since 1992
and if I had to move to another state, I would rather have a
streamlined class that I could take to learn those rules and get me
out working than trying to just be thrown out there and figure it out
myself. So I think the Real Estate Commission is very knowledgeable
about the other states' laws and really helps us to get what we need

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

to know and get working as quickly as possible. With that, I'll answer
any questions.

BREWER: All right. Thank you for your testimony. Questions? Senator
Lowe.

LOWE: I don't mean to drag this out further, but thank you for
appearing here today. We all have these electronic devices on our
desks that can give us great information. And our, our phones, I would
think there would be some sort of app for the realtors or, or somebody
like the realtors that say I move in from Kansas-- just using Kansas.
I don't know if there's a difference in education or, or anything
between the licensure of that and Nebraska, but you move in from
Kansas and you go what are the different laws relating to real estate
between Kansas and Nebraska? And Real Estate Commission could put it
out there between Kansas and Nebraska that you may have to know that,
OK? You can't do this and you can't do that and you can just look it
up on your phone as a reminder or in your-- at your desk to study to
get yourself going again.

CONNIE BURLEIGH: OK. If you got a client sitting in front of you that
wants to buy a house, the temptation to just go out and show them
houses is pretty strong and I don't know of any app like that that I
can just look up and see how title is taken, when it's taken, all of
that. It took me a long time to learn that even here in Nebraska, even
after I got my license, so-- and I just think it would be hard to go
to a board that knows nothing about the laws of real estate or not-- I
shouldn't say nothing about, but they aren't specializing in it, where
we can go to a board or to someone that does that every day. I think
it's just going to be more streamlined than-- the other way would be
more confusing.

LOWE: Are, are there realtors that hold multiple state licenses?

CONNIE BURLEIGH: Yes.

LOWE: OK.

CONNIE BURLEIGH: And they have to take the classes of the other state
to know those state laws and, and, you know, and it isn't just the
laws, it-- like I said, it's, you know, how escrow is handled and
things like that too.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

LOWE: Do they have to take classes or just a test?

CONNIE BURLEIGH: I think there's-- Greg could probably answer that question better than me, but I think there's actual classes that you-- like, a minimal class. I think it's probably about Nebraska law.

LOWE: OK.

CONNIE BURLEIGH: I know they've got it streamlined as easy as they can make it and there's some states that they don't have to do any-- possibly any additional classes, but you have to know state law.

LOWE: Continuing education classes and things like that?

CONNIE BURLEIGH: Right.

LOWE: Thank you.

BREWER: Additional questions? You must be able to have multiple jobs at the same time if you're a realtor. You can be a realtor and you could say be a bookkeeper or-- you could wear multiple hats--

CONNIE BURLEIGH: Yeah.

BREWER: --because my, my dog trainer is also a realtor. She's kind of a, she's kind of a dog whisperer. I assume she must be as good at selling houses as she is at trained dogs. But anyway, she seems to wear two hats and does a very good job of one I know for sure. Thank you.

CONNIE BURLEIGH: Thank you.

***MATT SCHAEFER:** Chairman Brewer and members of the committee, my name is Matt Schaefer and I am testifying in opposition to LB263 on behalf of the Nebraska Dental Association. LB263 usurps the authority of the Board of Dentistry in licensing by reciprocity in two ways. First the bill changes the time required to have been licensed in another state from three years to one year. Secondly, it would require the Board of Dentistry to recognize licenses that are not recognized at present by the Board. The Dental Association believes the Board already addresses these licensing matters with appropriate diligence when they are presented to the Board and these practices have served Nebraska

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

patients and dental providers well to date. Thus the Nebraska Dental Association opposes LB263.

***JOSEPH D. KOHOUT:** Good afternoon. My name is Joseph D. Kohout and I am testifying on behalf of the Professional Engineers Coalition in opposition to LB263, a bill to require occupational board to issue certain credentials based on credentials or work experience in another jurisdiction. I ask that this testimony be made part of the record. By way of reminder, the Professional Engineers Coalition - or PEC - is comprised of the Nebraska Society of Professional Engineers, the American Society of Civil Engineers, the Professional Surveyors Association of Nebraska and the Structural Engineers Association of Nebraska. The American Society of Mechanical Engineers is an associate member of the coalition. Through PEC, our constituent organizations speak with one voice on issues affecting engineers. To echo the comments made by the Board of Engineers and Architects in their letter to the committee, our members - professional engineers - are responsible for the physical integrity of buildings; whether used and operated by public or private institutions. Quoting from the Board's letter; "[Engineers] are responsible for making sure the large multi-story structures, high-rise buildings, and complex, multimillion dollar engineering public works projects are designed with the health, safety, and welfare of the public in mind. They are granted a high level of public trust and have an enormous impact on public safety." Our membership has worked within the confines of the system that already works for engineers seeking reciprocal recognition by other jurisdictions. Yet, the provisions of LB263 would supersede that system of reciprocity for engineers and architects that has worked well for generations. We view ourselves as partners with the Legislature, with the Board of Engineers and Architects to protect the health, safety and welfare of the public when it comes to the buildings they use. We ask you take careful consideration of this legislation. For the reasons stated by the board and noted by my clients membership above, we would ask the committee to indefinitely postpone LB263.

BREWER: All right, any additional opponents to LB263? Is there anyone here in the neutral capacity? Seeing none, Senator Briese, come on up. We started with you. We're going to finish with you.

BRIESE: That's right. All right, well, thank you, Chairman Brewer and members again.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: Yeah, you, you drew some fire.

BRIESE: Yeah, had a good discussion and that's what we're here for. That's what the hearing process is about, flesh some of this stuff out, and so I welcome all the testifiers, proponents, opponents, whatever the case may be. Just a few comments and I'll take any questions. We'll get out of here. But it seems like all I hear about is a shortage of healthcare professionals in our state, but then I hear somebody from the AMA suggests that we need to remove the health professions from a mechanism here that can encourage people from out of state in the healthcare profession to come here. I thought that was a little odd, but anyway, you know-- and kind of an overarching theme of the opponents, they claim to be suspicious of the training and licensing required elsewhere in other states and concerned about those folks coming into our state, but I would submit that the scope of practice provisions here take care of that issue. You know, the folks here that are going to be charged with licensing or-- yes, licensing these people coming in from out of state, they're going to be charged with determining or comparing scope of practice, scope of practice, what they've been doing there to what they're doing here, and they're, they're capable of doing that. Folks were concerned about the reciprocity issue and the compacts. Well, Section 4, paragraph 1, you know, it provides except as provided in an occupational licensing compact, Section 4, might be 5(b), nothing in this section is to be construed to prevent this state from entering into a licensing compact or reciprocity agreement with another state, etcetera, (c) this section provides a method of obtaining an occupational license, etcetera, etcetera, etcetera, and it is in addition to and not in conflict with any other methods under any other provisions of law and so I, I, I'm not concerned about implicating those issues. I think I heard a realtor mention well, what if we-- somebody comes into our state not familiar with our laws? Well, this provides that our board may require a juris prudential exam, as Section 4, (5)(b). And, and again, you now, folks are calling into question the standards utilized by other states. Does this suggest that some of our requirements are overly burdensome? I think in some situations they are. And then I also asked myself sitting over there, is this simply about trying to discourage competition? Don't know. We have a workforce shortage in Nebraska in many areas and this bill can help address that and I, I do believe that our scope of practice provisions in here will help ensure that our licensing is done appropriately. Thank you.

*Indicates written testimony submitted prior to the public hearing per
our COVID-19 response protocol

BREWER: Thank you for your, your testimony, your closing. Let's go ahead and see if we got questions for you. Question for Senator Briese? All right, guess you either wore them down or you answered their, their issues.

BRIESE: I think we're all worn down. It's been a long day.

BREWER: To wrap things up here, we do have some letters in support. We have 9 proponents, 6 opponents, and we have none in the neutral capacity for LB263. So with that-- oh, hold it-- we have, under written testimony, two opponents: Matt Schaefer, Nebraska Dental Association, and Joe Kohout, Professional Engineers. So that will wrap up our hearing on LB263. We will take a break until 6:00 p.m., come back, and we have an Exec here, so we'll get the camera shut off and we'll get everybody out of the room and kick on our Exec.

BRIESE: Thanks, everybody.