

Kissel/E&S Associates  
2005 Legislature  
Committee Hearing Reports

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**Date:** February 4, 2005  
**Committee:** Heath & Human Service  
**Attending:** Senators Jensen, Byars, Cunningham, Erdman, Johnson, Maxwell and Stuthman  
**Bills:** 453, 547, 319  
**Reported by:** Joseph Young for Kissel/E&S Associates

**LB 453 (Cunningham, Baker, Stuthman) Create the Medical Radiographer Advisory Committee**

Sen. Cunningham began by stating that would amend the Radiation Control Act. He stated that the Director of the Health and Human Services Licensure department would chair the board. He stated that the board would not be compensated but would be reimbursed for any expenses they incurred for the board. He stated that one of the concerns is that their profession has no way of communicating with HHS and this would fix that problem.

**Proponent Testimony**

- Dan Gilbert, President, Nebraska Radiological Association. Mr. Gilbert began by stating that they wanted a 50-person board that could communicate with HHS. He also stated that they have requested twice to have an informal board but have been denied both times. He said that they are most concerned with the safety of the patients.

**No Opponent Testimony**

**No Neutral Testimony**

**LB 547 (Johnson, Jensen) Provide additional members of the Board of Engineers and Architects as prescribed.**

Sen. Johnson began by stating that this bill was brought by a group that feels disenfranchised. He said that this bill would add five people to the Engineers and Architects Board. Those five would be a local Code Enforcer, a Building Contractor, Homebuilder, Real-estate Agent and a City Administrator. He also said that in the bill, there is a line that states that if someone violates law “knowingly or intentionally,” they will be prosecuted. He stated that this should apply to all laws in the bill.

**Proponent Testimony**

- Gary Krumland, Registered Lobbyist for League of Nebraska Municipalities. Mr. Krumland stated that the Engineer and Architects Board makes decisions on private and public structures construction. He said that LB 599, passed last year, put in plans to have a negotiate nature that hasn’t worked out.
- Walt Broer, Executive Director of the Association of General Contractors. Mr. Broer stated that he represents some of the biggest builders in the world and Mom and Pop organizations. He stated that they have had a good relationship with the board, but feel like their impute would be very important. He stated that during construction, everybody works as a team. He wondered why they couldn’t be a team in the boardroom.
- Justin Brady, Registered Lobbyist for the Nebraska Realtors Association. Mr. Brady stated that the Board makes decisions that effect realtors everyday and consequently, they should have a seat on the board. He stated that the more stamps you need from an architect, the more it drives up prices.
- Jeff Sinnett, Chief Building Official, LaVista. Mr. Sinnett stated that many different entities involved in constructing a building, but only two have the say of how things are run. He stated that he was in favor of the bill.

**Opponent Testimony**

- Dale Sall, Chair, Board of Engineers and Architects. Mr. Sall stated that they are very dedicated to public welfare. He stated that they take pride in what they do. He stated that they have made some of the best laws in the country. He stated that this bill does not make the public safer. He stated that they are fair to everyone who we make decisions for.
- Ron Hugbanks, Chair, American Institute of Architects. Mr. Hugbanks stated that he believed that the function of the board was for the health, safety and general well being of the public. He also said that many insurance companies would not be able to cover Architects with errors and omissions insurance. This translates into costs for the state because if firms don’t have insurance, it would raise the cost considerably.
- Wayne Drummond, Dean of Architecture, UNL. Mr. Drummond stated that to be an architect, you have to invest an incredible amount of time, money and energy into school and experience before you can even be licensed. He stated it takes six years of school, two of experience and continuing education. He stated that it isn’t about prohibiting business, it’s about the safety of the public.

- Gretchen Livingston, Registered Professional Engineer. Ms. Livingston stated that she is very passionate about what she does. She is in opposition of the bill.
- Steve Goans, Registered Professional Lobbyist. Mr. Goans stated that they use a voluntary system of discipline. He said it wasn't necessary to change the system.
- David Jesse, Insurance Broker. Mr. Jesse stated that there was a limited number of carriers who offer error and omission insurance. He said that participation would go down if non-licensed people were on the board.

**No Opponent Testimony**

**No Neutral Testimony**

**LB 319 (Jensen) Change civil penalties relating to Nebraska Uniform Standards for Modular Housing Units Act and the Uniform Standard Code for Manufactured Homes and Recreational Vehicles**

John Edwards introduced the bill for Sen. Jensen. Mr. Edwards stated that commission does not currently give out fines when it is learned that certain houses are in violation of codes. This bill would give the commission the authority to assess fines.

**Proponent Testimony**

- Andy Pollock, Executive Director, of Nebraska Public Service Commission. Mr. Pollock stated that this bill would indeed give the commission authority to hand out fines. He stated that the commission regulates the selling of mobile homes and recreational videos. He also stated that this would make the system much more efficient. Mr. Pollock stated that they don't have the intention of giving out fines haphazardly.

**No Opponent Testimony**

**No Neutral Testimony**