

LEGISLATURE OF NEBRASKA
 ONE HUNDRED SECOND LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 45

Final Reading

Introduced by Fulton, 29.

Read first time January 06, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Engineers and Architects Regulation Act;
 2 to amend sections 2-3256, 81-3403, 81-3429, 81-3441,
 3 81-3442, 81-3443, 81-3444, 81-3445, 81-3446, 81-3448,
 4 81-3449, 81-3451, 81-3452, and 81-3453, Reissue Revised
 5 Statutes of Nebraska, and section 81-3401, Revised
 6 Statutes Cumulative Supplement, 2010; to change
 7 provisions relating to members of the Board of Engineers
 8 and Architects, enforcement procedures, disciplinary
 9 actions, exempted activities, licenses, and engineering
 10 examinations; to redefine terms; to harmonize provisions;
 11 and to repeal the original sections.

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

1 Section 1. Section 2-3256, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-3256 All design or construction by a district of
4 structural works costing more than ~~eighty-six~~ one hundred thousand
5 dollars shall be under the supervision of a licensed engineer except
6 as otherwise provided in the Engineers and Architects Regulation Act.
7 The Board of Engineers and Architects shall adjust the dollar amount
8 in this section every fifth year. The first such adjustment after the
9 effective date of this act shall be effective on July 1, 2014.
10 ~~commencing July 1, 2009.~~ The adjusted amount shall be equal to the
11 then current amount adjusted by the cumulative percentage change in
12 the Consumer Price Index for All Urban Consumers published by the
13 Federal Bureau of Labor Statistics for the five-year period preceding
14 the adjustment date. The amount shall be rounded to the next highest
15 one-thousand-dollar amount.

16 Sec. 2. Section 81-3401, Revised Statutes Cumulative
17 Supplement, 2010, is amended to read:

18 81-3401 Sections 81-3401 to 81-3455 and sections 4 and 5
19 of this act shall be known and may be cited as the Engineers and
20 Architects Regulation Act.

21 Sec. 3. Section 81-3403, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-3403 For purposes of the Engineers and Architects
24 Regulation Act, the definitions found in sections 81-3404 to 81-3427
25 and sections 4 and 5 of this act shall be used.

1 Sec. 4. Building official means the person appointed by
2 the state or political subdivision having jurisdiction over the
3 project to have principal responsibility for the safety of the
4 project as completed.

5 Sec. 5. Project means the construction, enlargement, or
6 alteration of works involving the practice of architecture or
7 engineering other than those exempted by sections 81-3449 and
8 81-3453.

9 Sec. 6. Section 81-3429, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-3429 Each member of the board shall be a citizen of
12 the United States and a resident of the State of Nebraska for at
13 least one year immediately preceding appointment. Each professional
14 member shall have been engaged in the active practice of the design
15 profession for at least ten years, shall have had responsible charge
16 of work for at least five years at the time of his or her
17 appointment, and shall be licensed in the appropriate profession.
18 Each member of the board shall receive as compensation not more than
19 sixty dollars per day for each day or substantial portion of a day
20 actually spent in traveling to and from and while attending sessions
21 of the board and its committees, ~~or~~ authorized meetings of the
22 National Council of Architectural Registration Boards, the National
23 Council of Examiners for Engineering and Surveying, or their
24 subdivisions or committees, or other business as authorized by the
25 board and all necessary expenses incident to the performance of his

1 or her duties under the Engineers and Architects Regulation Act as
2 provided in sections 81-1174 to 81-1177.

3 Sec. 7. Section 81-3441, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-3441 Except as provided in sections 81-3413 to
6 81-3415, 81-3449, and ~~81-3448 to~~ 81-3453, an individual shall not
7 directly or indirectly engage in the practice of architecture or
8 engineering in the state or use the title architect or professional
9 engineer or display or use any words, letters, figures, titles, sign,
10 card, advertisement, or other symbol or device indicating or tending
11 to indicate that he or she is an architect or professional engineer
12 or is practicing architecture or engineering unless he or she is
13 licensed under the Engineers and Architects Regulation Act. A
14 licensee shall not aid or abet any person not licensed under the act
15 in the practice of architecture or engineering.

16 Sec. 8. Section 81-3442, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-3442 Any person who performs any of the following
19 actions is guilty of a Class I misdemeanor for the first offense and
20 a Class IV felony for the second or any subsequent offense:

21 (1) Practices or offers to practice architecture or
22 engineering in this state without being licensed in accordance with
23 the Engineers and Architects Regulation Act unless such practice or
24 offer to practice is otherwise exempt under the act;

25 (2) Knowingly and intentionally employs or retains a

1 person to practice architecture or engineering in this state who is
2 not licensed in accordance with the act except as provided in
3 sections 81-3413 to 81-3415 and who is not exempted by sections
4 ~~81-3448 to 81-3449~~ and 81-3453;

5 (3) Uses the words architect, engineer, or any
6 modification or derivative of such words in its name or form of
7 business activity except as authorized in the act or in the
8 Professional Landscape Architects Act;

9 (4) Presents or attempts to use the certificate of
10 licensure or the seal of another person;

11 (5) Gives any false or forged evidence of any kind to the
12 board or to any member of the board in obtaining or attempting to
13 obtain a certificate;

14 (6) Falsely impersonates any other licensee of like or
15 different name;

16 (7) Attempts to use an expired, suspended, revoked, or
17 nonexistent certificate of licensure or who practices or offers to
18 practice when not qualified;

19 (8) Falsely claims that he or she is licensed or
20 authorized under the act; or

21 (9) Violates the act.

22 Sec. 9. Section 81-3443, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-3443 ~~Charges~~ A complaint against any person or
25 organization involving any matter coming within the jurisdiction of

1 the board shall be in writing and shall be filed with the board. The
2 ~~charges, complaint,~~ at the discretion of the board, shall be heard
3 within a reasonable time in accordance with the rules and regulations
4 and may be heard through the use of a hearing officer. The accused
5 shall have the right to appear personally with or without counsel, to
6 cross-examine adverse witnesses, and to produce evidence and
7 witnesses in his, her, or its ~~or her~~ defense. The board shall set the
8 time and place for the hearing and shall cause a copy of the ~~charges,~~
9 complaint, together with a notice of the time and place fixed for the
10 hearing, to be sent by registered mail to the accused, at his, her,
11 or its ~~or her~~ last-known business or residence address known to the
12 board, at least thirty days before the hearing. If after the hearing
13 the board finds the accused has violated the Engineers and Architects
14 Regulation Act or any rules or regulations, it may issue any order or
15 take any action described in section 81-3444. If the board finds no
16 violation, it shall enter an order dismissing the ~~charges. complaint.~~
17 If the order revokes, suspends, or cancels a license, the board shall
18 notify, in writing, the Secretary of State and the clerk of the city
19 or village in the state where the person or organization has a place
20 of business, if any. The board may reissue a license ~~to any person~~
21 ~~whose license that has been revoked.~~ Application for the reissuance
22 of a license shall be made in such a manner as the board directs and
23 shall be accompanied by a fee established by the board.

24 Sec. 10. Section 81-3444, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 81-3444 (1) The board may after hearing, by majority
2 vote, take any or all of the following actions, upon proof
3 satisfactory to the board that any person or organization has
4 violated the Engineers and Architects Regulation Act or any rules or
5 regulations. ~~The~~ Upon a finding that a person or organization has
6 committed a violation, the following actions may be taken against a
7 holder of a license such person or organization upon a two-thirds
8 majority vote of the board:

9 (a) Issuance of censure or reprimand;

10 (b) Suspension of judgment;

11 (c) Placement of the offender on probation;

12 (d) Placement of a limitation or limitations on the
13 holder of a license and upon the right of the holder of a license to
14 practice the profession to such extent, scope, or type of practice
15 for such time and under such conditions as are found necessary and
16 proper;

17 (e) Imposition of a civil penalty not to exceed ten
18 thousand dollars for each offense. The amount of the penalty shall be
19 based on the severity of the violation;

20 (f) Entrance of an order of revocation, suspension, or
21 cancellation of the certificate of licensure;

22 (g) Issuance of a cease and desist order;

23 (h) Imposition of costs as in an ordinary civil action in
24 the district court, which may include reasonable attorney's fees and
25 hearing officer fees incurred by the board and the expenses of any

1 investigation undertaken by the board; or

2 (i) Dismissal of the action.

3 (2) In hearings under this section, the board may take
4 into account suitable evidence of reform.

5 (3) Civil penalties collected under subdivision (1)(e) of
6 this section shall be remitted to the State Treasurer for ~~credit to~~
7 ~~the permanent school fund.~~ distribution in accordance with Article
8 VII, section 5, of the Constitution of Nebraska. All costs collected
9 under subdivision (1)(h) of this section shall be remitted to the
10 State Treasurer for credit to the Engineers and Architects Regulation
11 Fund.

12 Sec. 11. Section 81-3445, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-3445 Except as otherwise provided in this section and
15 sections 81-3449 ~~to~~ and 81-3453, the state and its political
16 subdivisions shall not engage in the construction of any public works
17 involving architecture or engineering unless the plans,
18 specifications, and estimates have been prepared and the construction
19 has been observed by an architect, a professional engineer, or a
20 person under the direct supervision of an architect, professional
21 engineer, or those under the direct supervision of an architect or
22 professional engineer. This section shall not apply to any public
23 work in which the contemplated expenditure for the complete project
24 does not exceed ~~eighty six~~ one hundred thousand dollars. The board
25 shall adjust the dollar amount in this section every fifth year. The

1 first such adjustment after the effective date of this act shall be
2 effective on July 1, 2014. ~~commencing July 1, 2009.~~ The adjusted
3 amount shall be equal to the then current amount adjusted by the
4 cumulative percentage change in the Consumer Price Index for All
5 Urban Consumers published by the Federal Bureau of Labor Statistics
6 for the five-year period preceding the adjustment date. The amount
7 shall be rounded to the next highest one-thousand-dollar amount.

8 Sec. 12. Section 81-3446, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-3446 (1) The owner of any real property who allows a
11 project to be constructed on his or her real property is engaged in
12 the practice of architecture or engineering unless he or she employs
13 or causes others to employ licensed professionals or persons under
14 the direct supervision of licensed professionals to furnish at least
15 minimum construction phase services with respect to the project or is
16 exempt from the Engineers and Architects Regulation Act under
17 sections 81-3449 and 81-3453.

18 (2) For purposes of this section:

19 ~~(a) Building official means the person appointed by the~~
20 ~~state or political subdivision having jurisdiction over the project~~
21 ~~to have principal responsibility for the safety of the project as~~
22 ~~completed;~~

23 ~~(b)~~ (a) Construction phase service includes at least the
24 following services: (i) Visiting the project site on a regular basis
25 as is necessary to determine that the work is proceeding generally in

1 accordance with the technical submissions submitted to the building
2 official at the time the project permit was issued; and (ii)
3 processing technical submissions required of the contractor by the
4 terms of contract documents. The term does not include supervision of
5 construction, review of payment applications, resolution of disputes
6 between the owner and contractor, and other such items which are
7 considered additional construction administration services which the
8 owner may or may not elect to include in the architect's or
9 engineer's scope of work; and

10 ~~(c)~~ (b) Owner means with respect to any real property the
11 following persons: (i) The record owner of such real property; (ii)
12 the lessee of all or any portion of the real property when the lease
13 covers all of that portion of the real property upon which the
14 project is being constructed, the lessee has significant approval
15 rights with respect to the project, and the lease, at the time the
16 project begins, has a remaining term of not less than ten years; or
17 (iii) the grantee of an easement granting right-of-way to construct
18 the project. ~~;~~ and

19 ~~(d) Project means the construction, enlargement, or~~
20 ~~alteration of works involving the practice of architecture or~~
21 ~~engineering other than those exempted by sections 81-3449 to 81-3453.~~

22 Sec. 13. Section 81-3448, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-3448 (1) A person applying to the Board of Engineers
25 and Architects for initial licensure as an architect shall submit an

1 application accompanied by the fee established by the board and
2 satisfactory evidence that he or she holds a degree in architecture
3 accredited by the National Architectural ~~Accreditation~~ Accrediting
4 Board and that he or she has completed practical training in
5 architectural work as required by the Board of Engineers and
6 Architects. If an applicant is qualified, the Board of Engineers and
7 Architects shall, by means of a written or electronic examination,
8 examine the applicant on technical and professional subjects as
9 prescribed by the board. None of the examination materials shall be
10 considered public records. The board may exempt from the written
11 examination an applicant who holds a certification issued by the
12 National Council of Architectural Registration Boards. The Board of
13 Engineers and Architects may adopt guidelines published from time to
14 time by the National Council of Architectural Registration Boards.
15 The Board of Engineers and Architects may also adopt the examinations
16 and grading procedures of the National Council of Architectural
17 Registration Boards and the accreditation decisions of the National
18 Architectural ~~Accreditation~~ Accrediting Board. The Board of Engineers
19 and Architects shall issue a certificate of licensure to each
20 applicant who is found to be of good moral character and who
21 satisfies the requirements set forth in this section. Licensure shall
22 be effective upon issuance.

23 (2) ~~Persons~~ A person applying for initial licensure who
24 ~~do~~ does not hold a degree in architecture accredited by the National
25 Architectural ~~Accreditation~~ Accrediting Board shall submit an

1 application accompanied by the fee established by the Board of
2 Engineers and Architects. The application shall demonstrate
3 satisfactory evidence of twelve years' combined architectural
4 education and architectural work experience, including the equivalent
5 of the Intern Development Program promulgated by the National Council
6 of Architectural Registration Boards. If an applicant is determined
7 by the Board of Engineers and Architects to meet this requirement,
8 the board shall, by means of a written or electronic examination,
9 examine the applicant on technical and professional subjects as
10 prescribed by the board. ~~Starting January 1, 2000, only individuals~~
11 ~~who have~~ Only an individual who has earned a bachelor of science in
12 architectural studies degree with an architecture emphasis prior to
13 December 31, 1999, ~~can~~ may be considered under this subsection.

14 Sec. 14. Section 81-3449, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 81-3449 The provisions of the Engineers and Architects
17 Regulation Act regulating the practice of architecture do not apply
18 to the following activities:

19 (1) The construction, remodeling, alteration, or
20 renovation of a detached single-family through four-family dwelling
21 of less than five thousand square feet of above grade finished space.
22 Any detached or attached sheds, storage buildings, and garages
23 incidental to the dwelling are not included in the tabulation of
24 finished space. Such exemption may be increased by rule and
25 regulation of the board adopted pursuant to the Negotiated Rulemaking

1 Act but shall not exceed the Type V, column B, limitations set forth
2 by the allowable height and building areas table in the state
3 building code adopted in section 71-6403;

4 (2) The construction, remodeling, alteration, or
5 renovation of a one-story commercial or industrial building or
6 structure of less than five thousand square feet of above grade
7 finished space which does not exceed thirty feet in height unless
8 such building or structure, or the remodeling or repairing thereof,
9 provides for the employment, housing, or assembly of twenty or more
10 persons. Any detached or attached sheds, storage buildings, and
11 garages incidental to the building or structure are not included in
12 the tabulation of finished space. Such ~~exemptions~~exemption may be
13 increased by rule and regulation of the board adopted pursuant to the
14 Negotiated Rulemaking Act but shall not exceed the Type V, column B,
15 limitations set forth by the allowable height and building areas
16 table in the state building code adopted in section 71-6403;

17 (3) The construction, remodeling, alteration, or
18 renovation of farm buildings, including barns, silos, sheds, or
19 housing for farm equipment and machinery, livestock, poultry, or
20 storage, if the structures are designed to be occupied by no more
21 than twenty persons. Such exemption may be increased by rule and
22 regulation of the board adopted pursuant to the Negotiated Rulemaking
23 Act but shall not exceed the Type V, column B, limitations set forth
24 by the allowable height and building areas table in the state
25 building code adopted in section 71-6403;

1 (4) Any public works project with contemplated
2 expenditures for a completed project that do not exceed ~~eighty-six~~
3 one hundred thousand dollars. The board shall adjust the dollar
4 amount in this subdivision every fifth year. The first such
5 adjustment after the effective date of this act shall be effective on
6 July 1, 2014. ~~commencing July 1, 2009.~~ The adjusted amount shall be
7 equal to the then current amount adjusted by the cumulative
8 percentage change in the Consumer Price Index for All Urban Consumers
9 published by the Federal Bureau of Labor Statistics for the five-year
10 period preceding the adjustment date. The amount shall be rounded to
11 the next highest one-thousand-dollar amount;

12 (5) Any alteration, renovation, or remodeling of a
13 building if the alteration, renovation, or remodeling does not affect
14 architectural or engineering safety features of the building;

15 (6) The teaching, including research and service, of
16 architectural subjects in a college or university offering a degree
17 in architecture accredited by the National Architectural
18 ~~Accreditation~~ Accrediting Board;

19 (7) The preparation of submissions to architects,
20 building officials, or other regulating authorities by the
21 manufacturer, supplier, or installer of any materials, assemblies,
22 components, or equipment that describe or illustrate the use of such
23 items, the preparation of any details or shop drawings required of
24 the contractor by the terms of the construction documents, or the
25 management of construction contracts by persons customarily engaged

1 in contracting work;

2 (8) The preparation of technical submissions or the
3 administration of construction contracts by employees of a person or
4 organization lawfully engaged in the practice of architecture if such
5 employees are acting under the direct supervision of an architect;

6 (9) The offering by an organization of a combination of
7 services involved in the practice of architecture and construction
8 services if:

9 (a) An architect or person otherwise permitted under
10 subdivision (11) of this section to offer architectural services
11 participates substantially in all material aspects of the offering;

12 (b) There is written disclosure at the time of the
13 offering that an architect is engaged by and contractually
14 responsible to such organization;

15 (c) Such organization agrees that the architect will have
16 direct supervision of the work and that such architect's services
17 will not be terminated without the consent of the person engaging the
18 organization; and

19 (d) The rendering of architectural services by such
20 architect will conform to the Engineers and Architects Regulation Act
21 and the rules and regulations;

22 (10) A public service provider or an organization who
23 employs a design professional ~~from~~ performing professional services
24 for itself;

25 (11) A nonresident who holds the certification issued by

1 the National Council of Architectural Registration Boards from
2 offering to render the professional services involved in the practice
3 of architecture. The nonresident shall not perform any of the
4 professional services involved in the practice of architecture until
5 licensed as provided in the act. The nonresident shall notify the
6 board in writing that (a) he or she holds a National Council of
7 Architectural Registration Boards certificate and is not currently
8 licensed in Nebraska but will be present in Nebraska for the purpose
9 of offering to render architectural services, (b) he or she will
10 deliver a copy of the notice to every potential client to whom the
11 applicant offers to render architectural services, and (c) he or she
12 promises to apply immediately to the board for licensure if selected
13 as the architect for the project;

14 (12) ~~The practice of any other certified trade or legally~~
15 ~~recognized profession;~~ by a qualified member of another legally
16 recognized profession who is otherwise licensed or certified by this
17 state or any political subdivision to perform services consistent
18 with the laws of this state, the training, and the code of ethics of
19 the respective profession, if such qualified member does not
20 represent himself or herself to be practicing architecture and does
21 not represent himself or herself to be an architect;

22 (13) Financial institutions making disbursements of funds
23 in connection with construction projects;

24 (14) Earthmoving and related work associated with soil
25 and water conservation practices performed on farmland or any land

1 owned by a political subdivision that is not subject to a permit from
2 the Department of Natural Resources or for work related to livestock
3 waste facilities that are not subject to a permit by the Department
4 of Environmental Quality; and

5 (15) The work of employees and agents of a political
6 subdivision or a nonprofit entity organized for the purpose of
7 furnishing electrical service performing, in accordance with other
8 requirements of law, their customary duties in the administration and
9 enforcement of codes, permit programs, and land-use regulations and
10 their customary duties in utility and public works construction,
11 operation, and maintenance.

12 Sec. 15. Section 81-3451, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-3451 (1) To be eligible for admission to examination
15 to be a professional engineer or engineer-intern, an applicant must
16 be of good moral character and reputation and shall submit five
17 references with his or her application for licensure as a
18 professional engineer or enrollment as an engineer-intern. Three of
19 the references shall be professional engineers having personal
20 knowledge of the applicant's engineering experience or, in the case
21 of an application for enrollment as an engineer-intern, character
22 references.

23 (2)(a) A person holding a certificate of licensure to
24 engage in the practice of engineering, issued by the proper authority
25 of a state, territory, or possession of the United States, the

1 District of Columbia, or any foreign country, based on requirements
2 that do not conflict with the Engineers and Architects Regulation Act
3 and were of a standard not lower than that specified in the
4 applicable licensure law in effect in this state at the time such
5 certificate was issued may, upon application, be licensed as a
6 professional engineer without further examination.

7 (b) A person holding an active Council Record with the
8 National Council of Examiners for Engineering and Surveying whose
9 qualifications as evidenced by the Council Record meet the
10 requirements of the act may, upon application, be licensed as a
11 professional engineer ~~without further examination.~~ after passing an
12 examination testing the applicant's knowledge of the applicable
13 statutes and rules and regulations unique to the State of Nebraska.

14 (c) A graduate of an ~~Accrediting Board for Engineering~~
15 ~~and Technology accredited~~ ABET-accredited engineering curriculum,
16 enrolled as an engineer-intern, and having a specific record of an
17 additional four years or more of progressive ~~post-baccalaureate-~~
18 ~~degree post-accredited-degree~~ experience on engineering projects of a
19 grade and a character which indicates to the Board of Engineers and
20 Architects that the applicant may be competent to practice
21 engineering shall be admitted to an ~~eight-hour~~ examination of at
22 least eight hours in length, administered by the board, on the
23 principles and practice of engineering. Upon passing the examination,
24 the applicant shall be granted a certificate of licensure to practice
25 engineering in this state if the applicant is otherwise qualified.

1 Engineering teaching of advanced subjects and the design of
2 engineering research and projects in a college or university offering
3 an ~~Accrediting Board for Engineering and Technology~~ accredited ~~ABET-~~
4 accredited engineering curriculum of four years or more may be
5 considered as engineering experience. An applicant who does not hold
6 an ~~Accrediting Board for Engineering and Technology~~ accredited ~~ABET-~~
7 accredited engineering degree but who is enrolled as an engineer-
8 intern in this state and has a specific record of an additional six
9 years or more of progressive experience on engineering projects of a
10 grade and a character which indicates to the Board of Engineers and
11 Architects that the applicant may be competent to practice
12 engineering shall be admitted to an ~~eight-hour~~ examination of at
13 least eight hours in length, administered by the board, in the
14 principles and practice of engineering. Upon passing the examination,
15 the applicant shall be granted a certificate of licensure to practice
16 engineering in this state if otherwise qualified.

17 (3)(a) A graduate of or senior in an ~~Accrediting Board~~
18 ~~for Engineering and Technology~~ accredited ~~ABET-accredited~~ engineering
19 curriculum, or the substantial equivalent as determined by the board,
20 shall be admitted to an eight-hour examination on the fundamentals of
21 engineering. Upon passing the examination and verification of
22 graduation, the applicant shall be enrolled as an engineer-intern.

23 ~~(b) An applicant who does not hold an Accrediting Board~~
24 ~~for Engineering and Technology~~ accredited engineering degree may be
25 admitted to the fundamentals of engineering examination if he or she

1 ~~has six years of engineering work experience or engineering-related~~
2 ~~education. Upon passing the examination, the applicant shall be~~
3 ~~enrolled as an engineer intern. This subdivision terminates on~~
4 ~~January 1, 2005.~~

5 (b) A person enrolled as an engineer-intern in a state,
6 territory, or possession of the United States, the District of
7 Columbia, or any foreign country, based on requirements that do not
8 conflict with the Engineers and Architects Regulation Act and were of
9 a standard not lower than that specified in the applicable law in
10 effect in this state at the time such person was enrolled and who is
11 a resident of this state may, upon application, be enrolled in this
12 state as an engineer-intern.

13 Sec. 16. Section 81-3452, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-3452 (1) The board or its agent shall direct the time
16 and place of engineering examinations. The board shall determine the
17 acceptable grade on examinations.

18 (2) The examination will be given in at least two
19 sections and may be taken only after the applicant has met the other
20 minimum requirements as described in section 81-3451 and has been
21 approved by the board for admission to the examination as follows:

22 (a) The fundamentals of engineering examination consists
23 of an eight-hour test period on the fundamentals of engineering.
24 Passing this examination qualifies the examinee for an engineer-
25 intern enrollment card if all other requirements for certification

1 are met; and

2 (b) The principles and practice of engineering
3 examination consists of at least an eight-hour test period on applied
4 engineering. Passing this examination qualifies the examinee for
5 licensure as a professional engineer if all other requirements for
6 certification are met.

7 (3) A candidate failing one examination may apply for
8 reexamination, which may be granted upon payment of a fee established
9 by the board. In the event of a second failure, the examinee may, at
10 the discretion of the board, be required to appear before the board
11 with evidence of having acquired the necessary additional knowledge
12 to qualify before admission to the examination.

13 (4) The board may prepare and adopt specifications for
14 the examinations. They shall be published in brochure form and be
15 available to any person interested in being licensed or certified.

16 Sec. 17. Section 81-3453, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-3453 The provisions of the Engineers and Architects
19 Regulation Act regulating the practice of engineering do not apply to
20 the following activities:

21 (1) The construction, remodeling, alteration, or
22 renovation of a detached single-family through four-family dwelling
23 of less than five thousand square feet above grade finished space.
24 Any detached or attached sheds, storage buildings, and garages
25 incidental to the dwelling are not included in the tabulation of

1 finished space. Such exemption may be increased by rule and
2 regulation of the board adopted pursuant to the Negotiated Rulemaking
3 Act but shall not exceed the Type V, column B, limitations set forth
4 by the allowable height and building areas table in the state
5 building code adopted in section 71-6403;

6 (2) The construction, remodeling, alteration, or
7 renovation of a one-story commercial or industrial building or
8 structure of less than five thousand square feet above grade finished
9 space which does not exceed thirty feet in height unless such
10 building or structure, or the remodeling or repairing thereof,
11 provides for the employment, housing, or assembly of twenty or more
12 persons. Any detached or attached sheds, storage buildings, and
13 garages incidental to the building or structure are not included in
14 the tabulation of finished space. Such ~~exemptions~~exemption may be
15 increased by rule and regulation of the board adopted pursuant to the
16 Negotiated Rulemaking Act but shall not exceed the Type V, column B,
17 limitations set forth by the allowable height and building areas
18 table in the state building code adopted in section 71-6403;

19 (3) The construction, remodeling, alteration, or
20 renovation of farm buildings, including barns, silos, sheds, or
21 housing for farm equipment and machinery, livestock, poultry, or
22 storage and if the structures are designed to be occupied by no more
23 than twenty persons. Such exemption may be increased by rule and
24 regulation of the board adopted pursuant to the Negotiated Rulemaking
25 Act but shall not exceed the Type V, column B, limitations set forth

1 by the allowable height and building areas table in the state
2 building code adopted in section 71-6403;

3 (4) Any public works project with contemplated
4 expenditures for the completed project that do not exceed ~~eighty-six~~
5 one hundred thousand dollars. The board shall adjust the dollar
6 amount in this subdivision every fifth year. The first such
7 adjustment after the effective date of this act shall be effective on
8 July 1, 2014. ~~commencing July 1, 2009.~~ The adjusted amount shall be
9 equal to the then current amount adjusted by the cumulative
10 percentage change in the Consumer Price Index for All Urban Consumers
11 published by the Federal Bureau of Labor Statistics for the five-year
12 period preceding the adjustment date. The amount shall be rounded to
13 the next highest one-thousand-dollar amount;

14 (5) Any alteration, renovation, or remodeling of a
15 building if the alteration, renovation, or remodeling does not affect
16 architectural or engineering safety features of the building;

17 (6) The teaching, including research and service, of
18 engineering subjects in a college or university offering an
19 ~~Accrediting Board for Engineering and Technology accredited~~ ABET-
20 accredited engineering curriculum of four years or more;

21 (7) ~~The Engineers and Architects Regulation Act does not~~
22 ~~prevent a~~ A public service provider or an organization who employs a
23 design professional ~~from~~ performing professional services for itself;

24 (8) ~~The practice of any other certified trade or legally~~
25 ~~recognized profession;~~

1 (8) The practice by a qualified member of another legally
2 recognized profession who is otherwise licensed or certified by this
3 state or any political subdivision to perform services consistent
4 with the laws of this state, the training, and the code of ethics of
5 such profession, if such qualified member does not represent himself
6 or herself to be practicing engineering and does not represent
7 himself or herself to be a professional engineer;

8 (9) The offer to practice engineering by a person not a
9 resident of and having no established place of business in this state
10 if the person is legally qualified by licensure to practice
11 engineering in his or her own state or country. The person shall make
12 application to the board in writing and after payment of a fee
13 established by the board may be granted a temporary permit for a
14 definite period of time not to exceed one year to do a specific job.
15 No right to practice engineering accrues to such applicant with
16 respect to any other work not set forth in the permit;

17 (10) The work of an employee or a subordinate of a person
18 holding a certificate of licensure under the act or an employee of a
19 person practicing lawfully under subdivision (9) of this section if
20 the work is done under the direct supervision of a person holding a
21 certificate of licensure or a person practicing lawfully under such
22 subdivision;

23 (11) Those services ordinarily performed by subordinates
24 under direct supervision of a professional engineer or those commonly
25 designated as locomotive, stationary, marine operating engineers,

1 power plant operating engineers, or manufacturers who supervise the
2 operation of or operate machinery or equipment or who supervise
3 construction within their own plant;

4 (12) Financial institutions making disbursements of funds
5 in connection with construction projects;

6 (13) Earthmoving and related work associated with soil
7 and water conservation practices performed on farmland or any land
8 owned by a political subdivision that is not subject to a permit from
9 the Department of Natural Resources or for work related to livestock
10 waste facilities that are not subject to a permit by the Department
11 of Environmental Quality;

12 (14) The work of employees and agents of a political
13 subdivision or a nonprofit entity organized for the purpose of
14 furnishing electrical service performing, in accordance with other
15 requirements of law, their customary duties in the administration and
16 enforcement of codes, permit programs, and land-use regulations and
17 their customary duties in utility and public works construction,
18 operation, and maintenance;

19 (15) Work performed exclusively in the exploration for
20 and development of energy resources and base, precious, and
21 nonprecious minerals, including sand, gravel, and aggregate, which
22 does not have a substantial impact upon public health, safety, and
23 welfare, as determined by the board, or require the submission of
24 reports or documents to public agencies;

25 (16) The construction of water wells as defined in

1 section 46-1212, the installation of pumps and pumping equipment into
2 water wells, and the decommissioning of water wells, unless such
3 construction, installation, or decommissioning is required by the
4 owner thereof to be designed or supervised by an engineer or unless
5 legal requirements are imposed upon the owner of a water well as a
6 part of a public water supply;

7 (17) Work performed in the exploration, development, and
8 production of oil and gas or before the Nebraska Oil and Gas
9 Conservation Commission; and

10 (18) Siting, layout, construction, and reconstruction of
11 a private onsite wastewater treatment system with a maximum flow from
12 the facility of one thousand gallons of domestic wastewater per day
13 if such system meets all of the conditions required pursuant to the
14 Private Onsite Wastewater Treatment System Contractors Certification
15 and System Registration Act unless the siting, layout, construction,
16 or reconstruction by an engineer is required by the Department of
17 Environmental Quality, mandated by law or rules and regulations
18 imposed upon the owner of the system, or required by the owner.

19 Sec. 18. Original sections 2-3256, 81-3403, 81-3429,
20 81-3441, 81-3442, 81-3443, 81-3444, 81-3445, 81-3446, 81-3448,
21 81-3449, 81-3451, 81-3452, and 81-3453, Reissue Revised Statutes of
22 Nebraska, and section 81-3401, Revised Statutes Cumulative
23 Supplement, 2010, are repealed.